



**PUBLIC LANDS ACT**

BEING CHAPTER P-40, RSA 2000 ("the Act")

**ENFORCEMENT ORDER No. PLA-EO-2015/04-PR**

Darrin Dunphy  
9033 Lakeshore Drive  
County of Grande Prairie, Alberta  
T8X 8C8

WHEREAS on May 22, 2013, a Public Lands officer ("the officer") with the Department of Alberta Environment and Parks ("AEP") discovered the presence of various personal effects and structures belonging to Darrin Dunphy located on lands legally described as 15-31-70-24-W5, adjacent to Lot 3 in the Eagle Bay Subdivision abutting Sturgeon Lake, in the Municipal District of Greenview No. 16, in the Province of Alberta;

WHEREAS the lands described above are owned by Her Majesty the Queen in right of Alberta, and are "public lands" within the meaning of section 1(p) of the *Public Lands Act* (the "Crown Lands");

WHEREAS on May 22, 2013, an officer of AEP inspected the Crown Lands, and noted the presence of the following, including but not limited to:

- An elevated board walk
- A floating dock
- A mulched trail leading to the elevated boardwalk

(collectively, the "Unauthorized Structures and Property")

WHEREAS on May 22, 2013, the officer met with Darrin Dunphy who confirmed that he had constructed and placed the Unauthorized Structures and Property on the Crown Lands;

WHEREAS the officer advised Darrin Dunphy that the Crown Lands adjacent to Sturgeon Lake are public land and that the presence of the Unauthorized Structures and Property constituted a contravention of the *Public Lands Act* ("The Act"), and Darrin Dunphy indicated he would remove them;

WHEREAS on May 28, 2013, the officer contacted Darrin Dunphy by phone and requested a timeline for the removal of the Unauthorized Structures and Property. Darrin Dunphy indicated that removal of the Unauthorized Structures and Property could begin by June 8, 2013 and would be completed by the end of July, 2013.

WHEREAS on May 29, 2013, the officer sent a letter via registered mail to Darrin Dunphy confirming his understanding of the May 28<sup>th</sup>, 2013 discussion regarding the removal of the Unauthorized Structures and Property from the Crown Lands.

WHEREAS on September 4, 2013 Darrin Dunphy informed the officer that the Unauthorized Structures and Property had not been removed from the Crown Lands and that he did not intend to remove them;

WHEREAS on November 19, 2014, AEP sent a letter to Darrin Dunphy notifying him of an investigation under sections 20 and 56 of the Act for the unauthorized occupation of the Crown Lands, and advising Darrin Dunphy to immediately remove the Unauthorized Structures and Property from the Crown Lands;

WHEREAS the Unauthorized Structures and Property were still located on the Crown Lands on the date of this order;

WHEREAS AEP has no records of having issued any authorization to Darrin Dunphy to occupy the Crown Lands for any purposes;

### **The Legislation**

WHEREAS section 20 of the Act states that no person shall enter on and occupy any public land for any purpose unless authorized;

WHEREAS section 56 (1) (d) of the Act states that it is an offence to occupy public land if the person is not the holder of a disposition or an authorization under s.20 of the Act and is not otherwise authorized to do so under the Act or regulations;

WHEREAS section 59.1 of the Act states where a director is of the opinion that a person has contravened a section of the Act or regulations, they may issue an enforcement order to that person;

WHEREAS section 59.1(3) of the Act states that in the enforcement order, a director may require the person to whom the order is directed to carry out any of the measures contained in that section, including but not limited to remedying the effects of the contravention and suspending activities on, or the use of, the land;

WHEREAS section 59.1(6) of the Act states that costs incurred by a director under this section are recoverable by the Crown as a debt owing to the Crown against the person to whom the enforcement order was directed;

WHEREAS section 59.1(7) of the Act states that the cost referred to in section 59.1(6) of the Act include any costs incurred in investigating and responding to the any matter to which the enforcement order relates, or the failure to comply with the enforcement order;

**WHEREAS section 59.21(1) of the Act states that if a person fails or refuses to comply with an order directed to the person under section 59.1, the director may enter on the public land and take any action necessary to carry out the order;**

**WHEREAS section 59.21(2) of the Act states that any costs incurred by a director under section 59.21 of the Act are recoverable by the Crown as a debt owing to the Crown against the person to whom the order was directed;**

**WHEREAS under section 1 (o.1) of the Act, Mr. Dunphy is a person responsible;**

**WHEREAS Lorie Paulovich, Regional Compliance Manager, Peace Region, has been designated as a Director under the Act for the purposes of issuing enforcement orders (the "Director"); and**

**WHEREAS the Director is of the opinion that Darrin Dunphy has contravened section 20 of the Act by occupying the Crown Lands without lawful authority by the presence of the Unauthorized Structures and Property, which is an offence under section 56 (1) (d) of the Act;**

**THEREFORE, I, Lorie Paulovich, the Director, DO HEREBY ORDER THAT DARRIN DUNPHY:**

- 1. Vacate the Crown Lands no later than October 31, 2015.**
- 2. Remove, no later than October 31, 2015, all of the Unauthorized Structures and Property, including but not limited to:**
  - a. any improvements, chattels, trails, and structures constructed or placed on the Crown Lands,**
  - b. any other property belonging to Darrin Dunphy, or to any persons associated with him and his unauthorized occupation of the Crown Lands, that are currently located on the Crown Lands, and**
  - c. all waste and debris currently located on the Crown Lands that are associated with the unauthorized use and occupation of the Crown Land by Darrin Dunphy and persons associated with him that have occupied or used the Crown Land .**
- 3. Removal of the unauthorized structure shall be conducted in a manner with minimal disturbance to the environment.**
- 4. The Unauthorized Structures and Property may not be relocated anywhere else on Crown Lands in Alberta without prior written authorization from an AEP Public Lands Officer.**
- 5. Within 15 days of completion of the work required by paragraph 2, Darrin Dunphy shall notify the Director of compliance with paragraph 2.**

DATED at the City of Grande Prairie in the Province of Alberta, this   26   day of  
  August  , 2015

Original signed by: \_\_\_\_\_

Danielle Siemens Acting for  
Lorie Paulovich  
Regional Compliance Manager  
Peace Region

**Notwithstanding the above requirements, the Parties shall obtain all other necessary approvals from any regulatory agency (provincial or federal) in complying with this order.**

**Take notice that this enforcement order is a remedial tool only, and in no way precludes any enforcement proceedings being taken regarding this matter under this Act or any other legislation. Failure to comply with this order may result in further enforcement proceedings.**

**Section 211 of the Public Lands Administration Regulation may provide a right of appeal against this decision to the Public Lands Appeal Board. There may be a strict time limit for filing such an appeal. A copy of section 211 is provided below.<sup>1</sup>**

**For further information, please contact the Board at:**

**Public Lands Act Appeals Coordinator  
9th Floor Petroleum Plaza South Tower,  
9915-108 Street,  
Edmonton, Alberta, T5K 2G8;  
Telephone (780) 638-4189**

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<sup>1</sup> Public Lands Administration Regulation, AR 187/2011, s 211.

The following decisions are prescribed as decisions from which an appeal is available:

- (a) the issuance, renewal, amendment or suspension of a disposition issued under the Act;
- (b) the rejection of an application under the Act for a disposition,
- (c) a refusal to issue a disposition or to renew or amend a disposition applied for under the Act;
- (d) the imposition or variation under the Act of a term or condition of a disposition;
- (e) a deemed rejection under section 15(1);
- (f) an order under section 35(1) to vacate vacant public land;
- (g) a refusal under section 43(1) of the Act;
- (h) an enforcement order, a stop order or an administrative penalty;
- (i) a removal under section 69(2)(f)(iii) of the Act;
- (j) an order under section 182;
- (k) a refusal to admit, or a requirement to remove, a pet animal under section 194(2);
- (l) an order under section 201(b) to vacate a public land recreation area;
- (m) an order under section 204(1) to vacate a campsite;
- (n) an order under section 205.