

PUBLIC LANDS ACT

BEING CHAPTER P-40, RSA 2000 (“the Act”) ENFORCEMENT ORDER NO. EO-PLA-32219

Linda and Charles McKenna (McKenna)
43 and 44 Gregoire Lake Estates
Fort McMurray, Alberta
T9H 5S1

WHEREAS the land at Southwest Section 22, Township 86, Range 8, West of the 4th Meridian near Fort McMurray, in the Province of Alberta [the “Crown Lands”] are “public lands” within the meaning of section 1(p) of the *Public Lands Act* [“the Act”];

WHEREAS on July 13, 2018 Alberta Environment and Parks observed a garden, flower beds, firepit, a deck, a shed, stairway, flagpole, fence, dock storage platform, watercraft, dock, trailer, and other personal property extending past the property boundary from McKenna’s private property onto the Crown Lands;

WHEREAS Alberta Environment and Parks has never authorized McKenna to enter on and occupy the Crown Lands for any purpose;

WHEREAS section 47 of the Act provides that a person who occupies public land and is not the holder of a disposition authorizing the person to do so, or is not otherwise authorized to do so under the Act or the regulations under the Act, is a trespasser;

WHEREAS Alberta Environment and Parks considers McKenna to be unlawfully occupying the Crown Lands and a trespasser;

WHEREAS section 47.1 of the Act provides that where a person unlawfully occupies public land, the Director may order the person to vacate the public land;

WHEREAS pursuant to section 47.1 of the Act, order to vacate OV-2019/02-LAR (the “Order”) was issued to McKenna on March 2, 2019. The Order required McKenna to forthwith vacate the Crown Lands and immediately remove all personal property, chattels, buildings or other improvements from the Crown Lands. The Order further required that McKenna submit written notice to the Director of completion of the requirements of the Order on or before April 30, 2019;

WHEREAS Alberta Environment and Parks completed the most recent inspection on February 16, 2021 and found McKenna had not complied with all the requirements in the Order and continues to occupy the Crown Lands without authorization;

WHEREAS during the February 16, 2021 inspection, Alberta Environment and Parks staff observed the presence of the following on Crown Lands:

- A flagpole
- Wooden steps,
- A fence

(collectively, the “Unauthorized Structures and Property”);

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

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 regulation.

WHEREAS section 59.1 of the Act provides that where the Director is of the opinion that a person has contravened a section of the Act or regulations, the Director may issue an enforcement order;

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

WHEREAS Heather Dent, Compliance Manager, Alberta Environment and Parks, has been designated as a Director under the Act for the purposes of issuing enforcement orders (the "Director");

WHEREAS the Director is of the opinion that McKenna has contravened section 20 of the Act by continuing to occupy public land without authorization;

THEREFORE, I, Heather Dent, the Director, pursuant to section 59.1 of the Act, DO HEREBY ORDER THAT:

1. McKenna shall forthwith vacate the Crown Lands, specifically in the area outlined in green in Schedule 1, attached to and forming part of this Order, and labelled "Unauthorized Use Area";
2. While vacating the Crown Lands, McKenna shall immediately remove the Unauthorized Structures and Property including each of the following:
 - a) all personal property, chattels, buildings or other improvements, regardless of ownership, on or under the area of the Crown Lands outlined in green in Schedule 1 and labelled "Unauthorized Use Area" including but not limited to the following:
 - i. flagpole;
 - iii. fencing;
 - iii. wooden steps; and
 - b) all waste and debris.
3. McKenna shall, on or before May 31, 2021, submit to the Director for the Director's approval in writing, a written Remediation Plan (the "Remediation Plan"), which shall include:
 - a) a description of the work that will be done to remove all Unauthorized Structures and Property as required in clause 2 of this Order;
 - b) a description of the remedial work that will be done to return the Crown Lands to their condition prior to construction and placement of the Unauthorized Structures and Property, including but not limited to each of the following:
 - i. removal and disposal of any waste or debris off the Crown Lands;
 - ii. filling of any holes or excavations that may result from removal of Unauthorized Structures and Property using natural fill materials;
 - iii. A description of the measures that will be taken to stabilize any disturbed areas and

prevent erosion and siltation from occurring; and
iv. Re-seeding of disturbed areas with native vegetation.

4. In the Remediation Plan, McKenna shall include a schedule of implementation for the remedial work with a completion date of no later than July 30, 2021.
5. On or before August 30, 2021, McKenna shall provide written notice to the Director of Alberta Environment and Parks of the completion of the requirements in clause 2 of this Order.
6. McKenna shall not relocate the Unauthorized Structures and Property on any other public lands in Alberta.

DATED at Fort McMurray in the Province of Alberta, this 2nd Day of March, 2021.

Heather Dent
Compliance Manager
Boreal North 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 pursuant to section 59.21 of the *Public Lands Act* if a person fails to comply with an order directed to the person under section 59.1, the Director may enter on the land and take any action necessary to carry out the order and costs incurred by the Director in doing so are recoverable by the Crown as a debt owing to the Crown against the person to whom the order was directed.

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

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.

For further information, please contact the Board at:

**Public Lands Appeal Board
306 Peace Hills Trust Tower
10011 - 109 Street
Edmonton, Alberta T5J 3S8
Telephone (780) 638-4189**

Schedule 1

Lands identified as part of SW Section 22, Township 86, Range 8, West of the 4th Meridian within the Regional Municipality of Wood Buffalo, in the Province of Alberta

