

**ORDER TO VACATE**

**pursuant to section 47.1 of the *Public Lands Act*  
*RSA 2000, c. P-40, as amended***

No. OV-2018/03-PR

TO:

Mr. Frank Banman  
PO Box 1689  
La Crete, AB  
T0H 2H0

("Banman")

and

Mr. David ("Duffy") Driedger  
Box 1787  
La Crete, AB  
T0H 2H0

("Driedger")

(collectively the "Parties")

WHEREAS certain lands located adjacent to Thurston lake and legally described as Legal Subdivision 16, northeast Quarter of Section 7, Township 126, Range 1, West of the 6<sup>th</sup> Meridian near Zama City, in the Province of Alberta (the "Crown Lands") are "public lands" within the meaning of section 1(p) of the *Public Lands Act*;

WHEREAS section 20 of the *Public Lands Act* states that no person shall enter on and occupy any public land for any purpose unless authorized by Alberta Environment and Parks ("AEP");

WHEREAS AEP has never authorized the Parties to enter on and occupy the Crown Lands for any purpose;

WHEREAS on January 9, 2017, AEP was notified that a wooden structure (the "Cabin") was located in the area of a trap line on Thurston Lake;

WHEREAS on February 16, 2017, a Fish and Wildlife Officer posted a written notice on the Cabin requiring that it be removed by March 31, 2017;

WHEREAS on March 1, 2017, Banman advised AEP that he and Driedger had built the Cabin on the Crown Lands, and that they knew it was unauthorized;

WHEREAS on March 25, 2017, Banman advised AEP by email that he and Driedger intended to remove the Cabin and all associated items by January of 2018;

WHEREAS in a letter dated April 20, 2017, AEP instructed Banman to remove the Cabin and all associated items from the Crown Lands by the end of January 2018;

WHEREAS on March 10, 2018, a Fish and Wildlife Officer went to the Crown Lands and observed that the Cabin had not been removed;

WHEREAS in a letter dated April 13, 2018, AEP advised the Parties that the continuing presence of the Cabin on the Crown Lands was an unauthorized use under the *Public Lands Act*;

WHEREAS on June 6, 2018, a Fish and Wildlife Officer went to the Crown Lands and observed that the Cabin had still not been removed;

WHEREAS section 47(1) of the *Public Lands Act* states 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, is deemed a trespasser;

WHEREAS the Parties are unlawfully occupying the Crown Lands and are trespassers;

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

WHEREAS Owen Cook, Regional Compliance Manager, Peace Region, Alberta Environment and Parks, has been designated as a director under the *Public Lands Act* for the purposes of issuing orders to vacate (the "Director");

THEREFORE, I, Owen Cook, the Director, pursuant to section 47.1 of the *Public Lands Act*, DO HEREBY ORDER THAT:

1. The Parties shall immediately vacate the Crown Lands;
2. The Parties shall immediately remove from the Crown Lands:
  - a) all improvements, structures, materials, personal property and chattels, regardless of ownership, constructed or placed on the Crown Lands by or on behalf of the Parties, including but not limited to:
    - i. the Cabin,
    - ii. any and all additional wooden structures and platforms,
    - iii. tarping material,
    - iv. chairs,
    - v. boats,
    - vi. fuels and fuel containers,
    - vii. all contents of the Cabin and any other structures, and
    - viii. all personal effects and belongings;
  - b) all garbage, debris, and waste including hazardous waste and refuse.
3. The Parties shall provide a written notice to Alberta Environment and Parks upon completion of the removal required by paragraph 2 above;
4. The Parties shall not occupy any other public lands in the Province of Alberta without valid authorization issued under the *Public Lands Act*.

DATED at the Town of Peace River, in the Province of Alberta, this 4<sup>th</sup> day of September, 2018.



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Owen Cook  
Regional Compliance Manager

**TAKE NOTICE that failure to comply with this Order may result in any or all of the following without further notice:**

- further enforcement action, including but not limited to, prosecution under the *Public Lands Act*, its regulations and any other legislation.
- the confiscation, forfeiture, demolition, removal, sale or other disposal of any and all chattels, buildings and other improvements on the Crown Lands.

**TAKE FURTHER NOTICE that this Order does not in any way prejudice the Director's authority to take further enforcement action under the *Public Lands Act* and/or its regulations, or any other legislation.**