

**ORDER TO VACATE  
OV-2019/20-LAR**

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

**TO:** Ludovic Cotton  
492-130 New Brighton Way SE  
Calgary, Alberta, Canada  
T2Z 1H7

Johanie St. Pierre  
134 Highfield Street  
Fort McMurray, Alberta, Canada  
T9H 3T2

**WHEREAS** the land that is further described within North West Quarter of Section 10 and Section 29, South East Section 32 and South west Section 33, all within Township 89, Range 10, West of the 4<sup>th</sup> Meridian within the Regional Municipality of Wood Buffalo, Alberta [the "Lands"] is public land within the meaning of section 1(p) of the *Public Lands Act*;

**WHEREAS** Alberta Environment and Parks ["AEP"] issued Departmental Miscellaneous Lease 010053 [the "DML"] for the Lands to George Cotton commencing effective March 4, 2002. The DML expired on March 3, 2007;

**WHEREAS** on January 11, 2013, after the passing of George Cotton, AEP offered to "renew" the DML in the name of the Estate of George Cotton ["Estate"] for one year to March 3, 2014. AEP did not renew the DML because the Estate did not respond to AEP's offer to renew;

**WHEREAS** on March 11, 2013 Ludovic Cotton, the son and beneficiary of George Cotton, submitted an application to AEP for approval to "assign" the DML to him despite the expiry of the DML in 2007, and the failure of the Estate to respond to AEP's offer to renew the DML in 2013. AEP did not approve the application submitted by Ludovic Cotton therefore there was no assignment of the DML to Ludovic Cotton;

**WHEREAS** in all of the circumstances above, the DML expired no later than March 3, 2014;

**WHEREAS** on May 20, 2015 AEP inspected the Lands and found that the Lands were occupied by Ludovic Cotton, which resulted in the issuance of a Request for Compliance dated October 15, 2015. AEP observed a building that showed evidence of occupancy heated by propane, and unauthorized equipment storage on the Lands;



**WHEREAS** on August 17, 2016 AEP inspected the Lands. AEP found that the Lands continued to be occupied by Ludovic Cotton and observed personal property, waste, debris, buildings and structures on the Lands.

**WHEREAS** AEP has at no time authorized Ludovic Cotton to enter on and occupy the Lands;

**WHEREAS** on June 15, 2018, AEP posted a public notice at the entrance to the Lands requesting that the occupants of the Lands contact AEP on or before June 30, 2018. AEP received no response before, on or after June 30, 2018;

**WHEREAS** on July 25, 2018, AEP inspected the Lands and found that the Lands were also occupied by Johanie St. Pierre;

**WHEREAS** AEP has at no time authorized Johanie St. Pierre to enter on and occupy the Lands;

**WHEREAS** on December 7, 2018, Johanie St. Pierre admitted to AEP that since 2011 she has been and remains the caretaker of the Lands and the livestock held on the Lands. She admitted that she has personal property including tack for horses and a horse trailer stored on the Lands;

**WHEREAS** on December 7, 2018, Johanie St. Pierre advised AEP that Ludovic Cotton told her that he would continue to pay the annual rent for the Lands to AEP;

**WHEREAS** as of the date of this Order, Ludovic Cotton and Johanie St. Pierre continue to occupy the Lands without authorization;

**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 under the Act or the regulations to the Act, is deemed to be a trespasser;

**WHEREAS** Ludovic Cotton and Johanie St. Pierre are trespassers;

**WHEREAS** section 47.1 of the *Public Lands Act* states that where a person unlawfully occupies public land, the director may order the person to vacate the public land, subject to any terms or conditions the director considers appropriate;

**WHEREAS** Simon Tatlow, Compliance Manager, Lower Athabasca Region, AEP, has been designated as a director under the *Public Lands Act* for the purposes of issuing orders to vacate [the "Director"];

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

1. Ludovic Cotton and Johanie St. Pierre shall each vacate the Lands, identified on Appendix A, by no later than July 15, 2019. Despite this, Ludovic Cotton and Johanie St. Pierre are and remain trespassers on the Lands;
2. Prior to vacating the Lands, Ludovic Cotton and Johanie St. Pierre shall, individually or jointly, commence to remove and shall remove from the Lands:
  - a. all personal property, regardless of ownership, that is on the Lands, including but not limited to:



- i. the fire ring and seating including picnic table;
  - ii. all drums, barrels, intermediate bulk containers, fuel storage containers, cans, buckets, and any other means of containment;
  - iii. propane tanks;
  - iv. satellite dish;
  - v. shovels, rakes, ladders, wheelbarrows, and all other tools;
  - vi. all furniture;
  - vii. all heavy machinery and parts thereof including the John Deere 410C Loader;
  - viii. all trailers and their contents including the
    - a) Maverick bumper-pull 2-horse stock trailer;
    - b) white "Factory Outlet Trailers" utility trailer;
    - c) plywood bumper-pull utility trailer;
  - ix. all trailer parts;
  - x. all machinery and equipment or parts thereof including the trailered generator;
  - xi. arena rake;
  - xii. plywood cart;
  - xiii. all feed supplies;
  - xiv. all watering equipment;
  - xv. all feeders and feed containers;
  - xvi. all mounting blocks and other equine accessories; and
  - xvii. any other personal property used to keep livestock;
- b. all buildings including outbuildings and structures and their contents where applicable, regardless of ownership, that are on the Lands including but not limited to:
  - i. the two-storey house and all associated utility infrastructure;
  - ii. horse shelter;
  - iii. garden shed;
  - iv. tack shed;
  - v. intermediate bulk container platform;
  - vi. outhouse;
  - vii. car port;
  - viii. any other outbuildings;
  - ix. fences and corrals; and
  - x. all gates;
- c. all waste and debris, regardless of ownership, that is on the Lands, including but not limited to the following:
  - i. wooden pallets;
  - ii. PVC pipe;
  - iii. all lumber and timber, both processed and unprocessed, including railroad ties and fence posts;



- iv. all pipe, wire, cables, hoses, and ropes;
  - v. all manure piles;
  - vi. any other waste, debris, or refuse;
- d. all livestock and other items associated with their husbandry, regardless of ownership, which are on the Lands;
3. Ludovic Cotton and Johanie St. Pierre shall, individually or jointly, notify the Director in writing upon completion of the vacation of the Lands as described in paragraphs 1 and 2 of this Order by no later than July 19, 2019, which notice shall include at minimum:
- a. a description of the work undertaken to comply with this Order; and
  - b. provide the tipping receipts from the waste management facility approved by the Director in receipt of any waste materials.

DATED in the City of Fort McMurray in the Province of Alberta, this 29<sup>th</sup> day of April, 2019.



Simon Tatlow  
Compliance Manager  
Lower Athabasca Region

**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.



## Appendix 1

DML 010053 which is currently occupied without authorization



*[Handwritten signature]*

**AFFIDAVIT**

CANADA )  
 )  
PROVINCE OF ALBERTA ) In the matter of  
 ) Order to Vacate No.  
 ) OV-2019/20-LAR

I, Mariah B. Hierath, of Alberta Environment and Parks, 9915 Franklin Ave, 3<sup>rd</sup> Floor, Fort McMurray in the Province of Alberta, **MAKE OATH AND SAY AS FOLLOWS:**

The following documents, copies of which are attached as exhibits to this affidavit, were served on or sent to the persons indicated below.

Exhibit A: **Order to Vacate OV-2019/20-LAR**

On April 29, 2019 in person to:

134 Highfield Street  
Fort McMurray Alberta Canada  
T9H 3T2

On April 29, 2019 via Registered Mail and E-mail to:

Ludovic Cotton  
492-130 New Brighton Way SE  
Calgary Alberta Canada  
T2Z 1H7  
ludovic1984@live.ca

SWORN BEFORE ME AT THE Fort McMurray Provincial Building OF Fort McMurray IN THE PROVINCE OF ALBERTA ,THIS 29<sup>th</sup> DAY OF April A.D. 2019

)  
)  
) *M. Hierath*  
Signature

*Stacey Lynn Campbell*  
A Commissioner for Oaths in and for the Province of Alberta.

**Stacey Lynn Campbell**  
A Commissioner for Oaths  
in and for Alberta  
My Commission Expires Sept. 18, 2019 #275508  
Printed or stamped name of Commissioner for Oaths  
and date on which appointment expires