

In the matter of Requests for Review
under section 25(1) of the
Agricultural Operation Practices Act, RSA 2000, c A-7
of a decision by an Approval Officer set out in
Decision Summary LA19032

SUBMISSION OF THE APPROVAL OFFICER

Fiona N. Vance
Chief Legal Officer – Operations
4th Floor Sterling Place
9940 – 106 Street
Edmonton, AB T5K 2N2
ph: 780-422-1952
e-mail: Fiona.Vance@nrcb.ca
On behalf of the Approval Officer

1. Numerous parties have requested that the Board review the decision of the Approval Officer of file LA19032 (Corner's Pride Farms Ltd.).
2. The Approval Officer takes no position on whether the Board should dismiss the applications for review (RFRs), or schedule a review. The Approval Officer also takes no position on what matters should be included in a review, if the Board were to grant a review.
3. Because the Approval Officer is neutral on outcome, this submission is generally restricted to procedural matters. In this case, the Board and RFR participants may benefit from information and documents that clarify the context of two issues raised in some of the RFRs.
4. Clarifying documents are appended as PDFs to the e-mail covering this electronic submission. The PDFs are labelled both by Document number and by date (e.g. 20200826 for August 26, 2020). It may be helpful to understand that the application LA19032 file transferred from Approval Officer Joe Sonnenberg to Approval Officer Carina Weisbach on approximately September 1, 2020.
5. First, RFR #2 (Group) appears to allege unfairness in relation to an extension of time to submit a response. The discussion in RFR #2 is at the third page of the attachment setting out "Grounds," and at item 4 of the RFR form. RFR #2 does not name the party. Please see the following attached records that likely relate to this allegation:
 - a. Two screenshots from the NRCB CFO2 Database for an August 26, 2020 entry (call #1) [**Documents 1 and 2**];
 - b. Screenshot from the NRCB CFO2 Database for a subsequent August 26, 2020 entry (call #2) [**Document 3**];
 - c. E-mail string between Linda Jensen and the NRCB on August 26 and September 2, 3 and 8, 2020 [**Document 4**].
6. Second, RFRs #1 (Murray Charles & Carmen Mack) and #2 (Group) appear to argue that the one-year deadline to file a Part 2 application, set out in section 2(5) of AOPA's *Administrative Procedures Regulation*, was contravened. This argument appears in RFR #1 at page 3 of the attachment, and in RFR #2 at page 3 of the attachment setting out "Grounds."

While this argument is more in the nature of compliance with legislation than procedural fairness, the following additional information may assist the Board in assessing whether the argument has merit:

- a. Part 1 application LA19032 [**Document 5**];
- b. Letter dated August 8, 2019 signed and sent by the Approval Officer to Corner's Pride Farms Ltd. [**Document 6**]. A similar letter was sent to the two municipalities on the same date;
- c. E-mails dated January 22, 2020 between Corner's Pride Farms Ltd. and the Approval Officer [**Document 7**];
- d. February 8, 2020 was a Saturday;
- e. February 10, 2020 was a Monday;
- f. E-mails dated March 27, 2020 between Corner's Pride Farms Ltd. and the Approval Officer [**Document 8**];
- g. E-mails dated July 22, 2020 between Corner's Pride Farms Ltd. and the Approval Officer [**Document 9**];
- h. August 1, 2020 was a Saturday;
- i. August 3, 2020 was a holiday Monday;
- j. E-mails dated August 1, 4 and 12, 2020 between Keystone Concrete Ltd. and the Approval Officer [**Document 10**];
- k. Section 32 of AOPA's *Administrative Procedures Regulation*.

RESPECTFULLY SUBMITTED THIS 24th DAY OF NOVEMBER, 2020

Fiona N. Vance

Chief Legal Officer – Operations

Natural Resources Conservation Board