

STRATHCONA COUNTY
General Appeals and Review Committee

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Appeal File Number: GAARC2021-02

Weed Notice #2021-LINDSEY.SHANNON-048

Work Order #8C8048B3-7BO4754-9B55-0CD6C6D7AB7F

Appeal Against: Agriculture Services of Strathcona County

Appellant: Maria Lilian Stifle

Date and Location of Hearing: November 26, 2021
at Sherwood Park, Alberta

Date of Decision: December 3, 2021

GAARC Members: Richard Paterson, Chair
Aaron Corser
Liam Kelly
Gary Peckham

NOTICE OF DECISION

- [1] This is the decision of the Strathcona County General Appeals and Review Committee (the "GAARC") on an appeal filed with the GAARC pursuant to the sections 21 (1)(2) *Weed Control Act* SA 2008, c W-5.1 (the "Act").
- [2] The appeal arises from the decision of Strathcona County's Agriculture Services ("Agriculture Services") to issue a debt recovery notice for the weed control services rendered on the property legally described as Lot 3; Block 3; Plan 1033TR and municipally described as 37, 51263 Range Road 204 (the "Property").
- [3] The appellant is Maria Lilian Stifle (the "Appellant").

[4] Appendix "A" attached to this decision includes a list of printed materials received by the GAARC related to this appeal.

PROCEDURAL MATTER – WITHDRAWAL OF APPEAL

[5] On November 19, 2021, Agriculture Services issued written notice to the Appellant that the debt recovery notice for the weed control service on the Property was cancelled because there was little need for enforcement in this matter.

[6] On November 24, 2021, the Appellant provided written notice of their wish to withdraw their appeal (GAARC2021-02) in light of the cancellation of the debt recovery notice and also requested that the appeal fee be refunded.

ISSUE

[7] The issue before the GAARC is as follows:

- a. Should the appeal fee be refunded?

FINDINGS

[8] The GAARC finds:

- a. Agriculture Services cancelled the debt recovery notice for the weed control services rendered at the Property.
- b. The cancellation of the debt recovery notice eliminated the need for an appeal.

DECISION

[9] The Appeal fee (\$500.00) be refunded to the Appellant.

REASONS FOR THE DECISION

[10] Section 15 of the *Weed Control Regulation, Alta Reg 19/2010* states:

(1) If the appellant is successful in an appeal or review, the \$500 appeal fee will be refunded to the appellant.

(2) If the appellant is partially successful in an appeal or review, the \$500 appeal fee may be refunded in whole or in part at the sole discretion of the appeal panel or the Minister, as the case may be.

- [11] The GAARC confirmed the debt recovery notice was cancelled by Agriculture Services and therefore the appeal is no longer required.
- a. The legislation states if the Appellant is successful in whole or part the panel has the discretion to refund the appeal fee.
 - b. Considering the Appellant is successful, the GAARC finds that the Appellant should be refunded the \$500.00 appeal fee.

DATED at Strathcona County, in the Province of Alberta, this 3rd day of December 2021.

GENERAL APPEALS AND REVIEW COMMITTEE



Richard Paterson, Chair

Pursuant to section 20 of the *Weed Control Act*, an appellant may, in accordance with the regulations, request a review by the Minister of a decision of an appeal panel.

APPENDIX "A"
List of Submissions

Printed Materials:	Consisting of:
Notice of Appeal	4 pages
Decision of Weed Inspector	3 pages
Notice of Hearing	2 pages
Email from Agriculture Services	1 page
Withdrawal of Appeal and Request for Fee Refund	1 page