



Environmental Appeal Board

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DECISION NO. 2016-WAT-010(b)

In the matter of an appeal under section 105 of the *Water Sustainability Act*, S.B.C. 2014, c. 15.

BETWEEN:	Jack and Linda Chisholm	APPELLANTS
AND:	Assistant Water Manager	RESPONDENT
AND:	Byland Floors Ltd. and Donald Lancaster	PARTICIPANTS
BEFORE:	A Panel of the Environmental Appeal Board Gabiella Lang, Panel Chair Reid White, Member Lorne Borgal, Member	
DATE:	July 4-7 and 10-11, 2017	
PLACE:	Cranbrook, BC	
APPEARING:	For the Appellants: Oliver Thomaе For the Respondent: Meghan Butler, Counsel Johnny Van Camp, Counsel For the Participants: Byland Floors Ltd. Margaret Eaton Donald Lancaster Donald Lancaster and Leanne Colombo	

AMENDMENT TO DECISION DATED JULY 16, 2018

BACKGROUND

[1] By letter dated July 25, 2018, the Respondent applied to the Board to amend paragraph 154 of the July 16, 2018 decision in this appeal. Specifically, the Respondent asked that the 30 day requirement to issue a new licence be replaced with a 60 day requirement to take into consideration the statutory time period for commencing a judicial review.

[2] The Board provided all of the other parties an opportunity to comment on the Respondent's application and the Respondent an opportunity to reply.

[3] By letter dated July 27, 2018, the Appellants agreed to the amendment, but not for the reason cited by the Respondent. The Appellants agreed because of their recognition of the administrative workload for the Respondent to issue the new

licence. The Appellants also suggested that the Respondent provide a draft version of the new licence for the Appellants to review.

[4] The Board received no submissions from the Participants and the Respondent submitted no rebuttal.

DECISION

[5] The Panel finds that, because the Appellants and the Respondent agree to the amendment although for different reasons, it is reasonable to amend paragraph 154 of the July 16, 2018 Decision as follows:

“The Panel directs the Respondent to, within 60 days of this Panel’s decision, issue a new licence to the Appellants in substitution for the Licence on the following terms and conditions:.....”

[6] The rest of paragraph 154 shall remain the same. If the Appellants wish to review a draft of the new licence, the Panel suggests that they contact the Respondent.

“Gabriella Lang”

Gabriella Lang, Panel Chair
Environmental Appeal Board

“Lorne Borgal”

Lorne Borgal, Panel Member
Environmental Appeal Board

“Reid White”

Reid White, Panel Member
Environmental Appeal Board

August 1, 2018