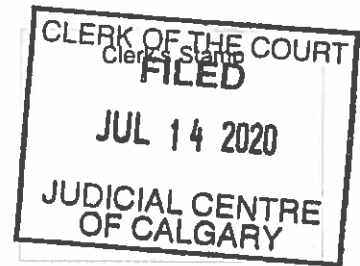


Form 7
[Rule 3.8]

COURT FILE NUMBER 2001- 08938
COURT COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL CENTRE CALGARY
APPLICANTS E. MACLEAY BLADES, ROCKING P RANCH LTD., JOHN SMITH and PLATEAU CATTLE CO. LTD.
RESPONDENTS HER MAJESTY THE QUEEN IN RIGHT OF ALBERTA and THE MINISTER OF ENERGY FOR THE PROVINCE OF ALBERTA
DOCUMENT ORIGINATING APPLICATION



ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT
Wilson Laycraft
Attn: Richard E. Harrison
#1601, 333 11th Ave SW
Calgary, AB T2R 1L9
T: 403.290.1601
F: 403.290.0828

NOTICE TO THE RESPONDENT

This application is made against you. You are a respondent.

You have the right to state your side of this matter before the Court.

To do so, you must be in Court when the application is heard as shown below:

Date: August 11, 2020
Time: 10:00am
Where: Calgary Courts Centre
Before: Justice in Morning Chambers

Go to the end of this document to see what you can do and when you must do it.

Basis for this claim:

1. The Applicants seek judicial review of a May 15, 2020 decision by the Respondents, or their delegates, as contained in Information Letter 2020-23 (the "**Decision**").
2. In the Decision, the Respondents made errors of law, mixed law and fact or fact and failed to accord the Applicants with procedural fairness, the details of which include:
 - a. Failing to proceed with consultation pursuant to section 5(a) of the *Alberta Land Stewardship Act* ("**ALSA**") and in accordance with page 61 of the *South Saskatchewan Regional Plan* (the "**SSRP**") and section 13 of *ALSA*;
 - b. Misinterpreting the requirement to consult under section 5 of *ALSA* after amending the *SSRP* and the *Livingstone-Porcupine Hills Sub-Regional Integrated Resource Plan*;

- c. Failing to provide the Applicants with an opportunity for public review of the Decision as required by the *Livingstone-Porcupine Hills Sub-Regional Integrated Resource Plan*;
 - d. Failing to lay before the Legislative Assembly the proposed amendment to the *SSRP*, contrary to section 5(b) of *ALSA* and thereby acting without authority and jurisdiction;
 - e. Failing to accord the Applicants with procedural fairness by, *inter alia*, failing to consult with the Applicants or failing to provide any meaningful consultation;
 - f. Acting contrary to the express provisions of the *Coal Conservation Act* ("**CCA**"), including, *inter alia*, usurping the express statutory authority granted to the Regulator appointed under the *CCA* pursuant to sections 9(1)(a), (d), (u) and (v); and
 - g. Such further and other grounds as counsel may advise at the hearing of the within Application.
3. The Decision directly affects the Applicants, each of whom has a direct pecuniary/financial or recreational interest in the lands effected by the Decision. Each Applicant is further owed consultation under section 5(a) of *ALSA*.
 4. The Applicants additionally seek a writ of *mandamus* compelling the Respondents to review the coal categories for the South Saskatchewan Region and issue new directions that will supersede the coal categories. The *South Saskatchewan Regional Plan* and the *Livingstone-Porcupine Hills Sub-Regional Integrated Resource Plan* both require a review of the 1976 A Coal Development Policy for Alberta, which has not been done.

Remedy sought:

5. A stay of the Decision until final determination of the within Application for judicial review.
6. A declaration that the Minister has a duty to consult with the Applicants.
7. A declaration that the Decision is *ultra vires* the Respondents.
8. An Order quashing the Decision and restoring *A Coal Development Policy for Alberta 1976*.
9. A writ of *mandamus*, compelling the Respondents to review the coal categories for the South Saskatchewan Region.
10. Costs of this Application.

Affidavit or other evidence to be used in support of this application:

11. Affidavit of Macleay E Blades, sworn July 12, 2020 and filed herein.
12. The Certified Record of Proceedings.
13. Such further and other material as may be relied upon.

Applicable Acts and regulations:

14. *Alberta Land Stewardship Act*, SA 2009, c A-26.8.
15. *South Saskatchewan Regional Plan 2014 - 2024*.
16. *Livingstone-Porcupine Hills Sub-Regional Integrated Resource Plan*.
17. *Coal Conservation Act*, RSA 2000, c C-17.

WARNING

You are named as a respondent because you have made or are expected to make an adverse claim in respect of this originating application. If you do not come to Court either in person or by your lawyer, the Court may make an order declaring you and all persons claiming under you to be barred from taking any further proceedings against the applicant(s) and against all persons claiming under the applicant(s). You will be bound by any order the Court makes, or another order might be given or other proceedings taken which the applicant(s) is/are entitled to make without any further notice to you. If you want to take part in the application, you or your lawyer must attend in Court on the date and at the time shown at the beginning of this form. If you intend to rely on an affidavit or other evidence when the originating application is heard or considered, you must reply by giving reasonable notice of that material to the applicant(s).