



# MANITOBA ORDER IN COUNCIL

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DATE: **October 14, 2009**

ORDER IN COUNCIL NO.: **00338 / 2009**

RECOMMENDED BY: **Minister of Conservation**

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## ORDER

Approval is given to the Minister of Conservation's proposal to dismiss appeals filed under section 27(2)(c) of *The Environment Act* in respect of Licence 2856.

## AUTHORITY

*The Environment Act*, C.C.S.M. c. E125, states:

### Appeal to minister

**27(1)** Except as may be otherwise provided in this Act, any person who is affected by

(a) the issuance of a licence or permit by the director;

may make an appeal to the minister that includes the reasons for the appeal and any facts relative thereto, within the following periods:

(f) in the case of a decision, issuance, refusal, order, instruction or directive or the imposition of limits, terms and conditions or the disposition of the appeal, within 30 days of the date thereof;

### Disposition of appeal by minister

**27(2)** Where an appeal is made to the minister pursuant to subsection (1), the minister may, on such considerations as the minister deems advisable do any or all of the following:

(a) require the commission to hold public meetings or hearings on the matter; or

(b) refer the matter back to the director for reconsideration; or

(c) vary, cancel or stay the decision appealed against; or

(d) dismiss the appeal;

and shall within seven days from the date of the decision, send by registered or certified mail to the appellant, or serve on the appellant, notice of the decision of the minister.

### Lieutenant Governor in Council approval

**27(3)** Notwithstanding subsection (2), where an appeal is made with respect to a decision described in clause (1)(a), (b) or (d) of this section, the minister shall refer the proposed disposition of the appeal to the Lieutenant Governor in Council for approval.

## **BACKGROUND**

1. On May 22, 2008, 6539963 Canada Ltd. operating as Industrial Metals (2006) LP, filed a proposal pursuant to The Environment Act to continue to operate an existing scrap metal and auto wrecking facility and to add a new shredder.
2. The Director of Environmental Assessment and Licensing issued Licence No. 2856 to Industrial Scrap Metals on December 22, 2008.
3. Two appeals of that licensing decision and one petition were filed prior to the January 23, 2009 deadline for appeals.
4. The Minister of Conservation requested that the CEC review the matter. The CEC issued their report to the Minister August 17, 2009, concluding that the CEC could find no environmental reason to accept the appeal and deny the licence. Upon consideration of the CEC report, the Minister requests cabinet approval to dismiss the appeal.

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