



Environmental Appeal Board

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May 29, 2015
Via Email

APPEAL FILE: 2015-WAT-004

Young Anderson
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Ministry of Justice
Legal Services Branch
PO Box 9280 Stn Prov Govt
Victoria BC V8W 9J7

Attention: Pamela Manhas & Rolf Warburton

Attention: Reece Harding and Michael Moll

Re: *Water Act Appeal - City of Nanaimo v. April 29, 2015 Order of the Comptroller of Water Rights regarding CWL C061424 & C061423 Colliery Dams (specifically, Middle Chase River Dam and Lower Chase River Dam)*

The Board acknowledges receipt of the Appellant's May 26, 2015 Application for a Stay and supporting documentation, which was received by courier on May 27, 2015. The Board notes that a copy of the Application and supporting documentation was provided to counsel for the Respondent.

The Board also acknowledges receipt of a letter from counsel for the Respondent dated May 26, 2015, consenting to an interim stay of the Order on the condition that written submissions on the stay **application are exchanged and the Board's decision** on the stay application is dealt with in a timely manner. The Board has considered the parties' submissions and hereby grants an interim stay of the order pending a final decision from the Board on the stay application.

The Board is prepared to receive submissions from the parties as follows. **The parties'** comments should address the 3-part test used by the Board. The test requires an applicant to demonstrate that there is a serious issue to be tried as well as address the issues of irreparable harm and the balance of convenience. The Board notes that the Appellant has addressed this test in its Application for a Stay.

The schedule for the parties' submissions on the stay application is as follows:

- The Respondent's submissions are to be provided to the Board (1 copy) and the Appellant (1 copy) by **June 12, 2015**;
- The Appellant may then provide any final reply comments to the Board (1 copy), and the Respondent (1 copy) by **June 26, 2015**.

The Board will proceed with its decision on the stay, based on the information before it at that time.

If you have any questions regarding the appeal process, please feel free to contact the Board Registrar, Jacqueline Seigel at 250.356.5633.

Yours truly,

A handwritten signature in black ink, appearing to read "A. Andison", with a long horizontal flourish extending to the right.

Alan Andison
Chair