

Alberta

Court denies mill's bid for bond from public interest groups

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A court official has rejected a bid by Alberta-Pacific Forest Industries to require two environmental groups to post a \$4,716 bond before going to court Feb. 7.

Edmonton Friends of the North and the Friends of the Athabasca want a judicial ruling on whether public interest groups like theirs have standing before the Public Health Advisory and Appeal Board.

The board denied their bid to appeal the Athabasca Health Unit's approval of an industrial landfill at Al-Pac's pulp mill east of Athabasca. It said they have no standing because they're not directly affected.

Al-Pac asked Monday that the two groups be required to post a bond covering the company's expected legal costs in case the groups lose Feb. 7.

Friends of the Athabasca has still not paid the \$6,091 it was ordered to pay Al-Pac two years ago

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when the group lost a court challenge regarding construction of the mill, said company lawyer Allan Domes.

It has not filed annual reports for two years and basically has no assets, Domes said. Edmonton Friends of the North appears to be a little better off, he said, but may also be unable to pay costs.

Al-Pac has been subjected to a series of unsuccessful court actions by environmental groups seeking to "interfere" with the development of the mill, he said.

"To some degree we feel harassed and the (Feb. 7) judicial review borders on vexatious," said Domes.

Al-Pac's motion was a thinly-disguised effort to keep the groups from using the courts, said their lawyer, Shirish Chotalia.

The issue at stake on Feb. 7 is

narrow and won't take much time to argue. Costs are not likely to amount to much, she said.

The court may decide not to award any costs since the groups are seeking a ruling in the public interest, she said. Al-Pac's legal costs are not likely to be great.

The public interest issue will also be raised in court Feb. 2 by other environmental groups regarding a ruling by the Health Advisory Board on the Waste Management Inc. landfill in northwest Edmonton.

The board said they also lacked standing since they are not directly affected.

Domes' law firm, Milner Fennerly, also represents Waste Management Inc. Their legal brief on that case shows they are using exactly the same arguments and precedents as they are in the Al-Pac case, said Chotalia.

Master in chambers Wally Breitzkreuz agreed with her. There's a good chance that a judge would decide against awarding costs because public interest groups are seeking a ruling on the public's right of appeal, he said.