# Court of King's Bench of Alberta

**Citation: Kingdom Properties Ltd v Alberta (Environment and Parks), 2026 ABKB 105**

**Date:** 20260115
**Docket:** 2103 02740
**Registry:** Edmonton

Between:

**Kingdom Properties Ltd. And Jason King**

Applicant/
Respondent

- and -

**Minister of Alberta Environment and Parks**

Respondent/
Applicant

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**Corrected judgment:** A corrigendum was issued on February 17, 2026; the corrections have been made to the text and the corrigendum is appended to this judgment.

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**Reasons for Decision**
**of the**
**Honourable Justice K.A. McLeod**

## I. Introduction

[1] Alberta as represented by the Minister of Environment and Parks ("Minister") applies to dismiss this application for judicial review by Kingdom Properties and Jason King ("Kingdom") because only the Minister was served within the required limitation period of six months. The other administrative bodies involved in the matter, the Public Lands Appeal Board ("PLAB") and the Director of Regional Compliance, Lower Athabasca Region, Alberta Environment and Parks ("Director"), were not named as respondents nor served with the application for judicial review, and they are part of this summary dismissal application as intervenors. The Minister, the PLAB, and the Director all argue that all of them should have been served with the application for judicial review.

[2] I grant this application to summarily dismiss the application for judicial review, for the reasons below.

## II. Factual and Procedural Background

[3] The parties are in agreement about these background facts and legislated administrative procedures that govern this matter.

[4] The Director has authority to and did issue an administrative penalty for $734,500.00 against Kingdom ("Penalty") on August 29, 2019 for breaches of the *Public Lands Act*, RSA 2000, c P-40 ("*Act*") in relation to the use of public lands.

[5] Kingdom appealed the Penalty to the PLAB, which is an appeal body established and administered under the *Act*, ss 119-126, and the *Public Lands Regulation*, ss 214-232.

[6] The *Act* establishes a bifurcated appeal mechanism for the Penalty at issue here and for some other public lands decisions. For the first stage of this appeal mechanism, the PLAB receives appeals, makes procedural decisions, and hears evidence and submissions. The PLAB writes a report ("Report") making recommendations to confirm, reverse, or vary the appealed decision (see s 124(1) and (2) of the *Act*). That Report is delivered to the Minister (s 124(1) of the *Act)*.

[7] In this case, the PLAB heard the appeal from Kingdom, and in its Report to the Minister dated July 31, 2020, recommended that the Penalty be reduced to $410,597.56.

[8] For the second stage of the appeal mechanism, the Minister reviews the Report and has the ultimate authority and obligation to make a decision to confirm, reverse, or vary appealed decisions. The Minister may "make any decision that the person whose decision was appealed could have made, and make any further order that the Minister considers necessary for the purpose of carrying out the decision" (s 124(3) of the *Act*).

[9] In this case, the Minister issued a Ministerial Order on August 26, 2020 reducing the Penalty to $410,597.56, without issuing reasons. The Minister is not required to issue reasons but nevertheless must be reasonable (see ***Menard v Alberta (Minister of Environment and Parks)***, 2024 ABKB 412 ("***Menard***"), paras 14-17). Practically, this means the Minister may not issue reasons and when he adopts the recommendation of the PLAB, the Report then effectively becomes the Minister's reasons.

[10] Kingdom filed its application for judicial review on February 24, 2021, within the six months it was required to do so, naming and serving only the Minister as Respondent. Neither the PLAB nor the Director were named or served.

[11] The *Alberta Rules of Court* R 3.15 applies in this case, requiring those who apply for judicial review to serve "the person or body in respect of whose act or omission a remedy is sought" and "every person or body directly affected by the application," within six months, among other requirements. Rule 13.5, which allows the variation of some time periods, specifically does not apply to this section of the rules.

## III. Issues

[12] The Minister and the PLAB argue that they are decision-makers whose decisions are at issue, both should be named and served in the judicial review under R 3.15(a) of the *Alberta Rules of Court*, and the failure to serve all decision-makers is fatal to the continuation of the judicial review. The Minister, the PLAB, and the Director argue that the PLAB and Director are also (or alternatively) "directly affected" persons or bodies within R 3.15(c), and the failure to serve all directly affected persons or bodies is fatal to the continuation of the judicial review.

[13] Kingdom argues that only the Minister made the decision subject to review. They also argue that the PLAB and Director are not directly affected since they are administrative decision-makers, and therefore have no financial or personal legal interests at stake. Alternatively, Kingdom argues the PLAB and Director are part of the same administrative scheme as the Minister and therefore had effective notice of the application in any event.

[14] Almost every judicial description of the rules at issue uses words such as "harsh" and "inflexible," for good reason. Applications for judicial review are dismissed without ever hearing the merits of the application if one or more persons or bodies are omitted from being served within six months when they should have been.

[15] The primary issues in this application, therefore, are:

1) Is the PLAB a body whose act or omission could be subject to a remedy per R 3.15(a)?
2) Were the PLAB and Director "directly affected" by the judicial review application under R 3.15(c)?

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[16] If the answer to either of these questions is yes, the litigation ends without a hearing on the merits of the judicial review.

[17] I find that PLAB is a body whose acts or omissions could be subject to a remedy sought by Kingdom in their judicial review application, despite the PLAB not being the ultimate decision-maker. It follows that I find the PLAB therefore should have been served with the judicial review application under R 3.15(a) in this case.

[18] Because of my answer to issue 1, I decline to determine whether the PLAB or the Director were "directly affected" persons or bodies within the meaning of R 3.15(c).

[19] I go on to consider and dismiss a third issue. Kingdom's alternative argument is that naming the Minister effects service on the PLAB and the Director by virtue of them being part of the same administrative structure under the *Act*. While it is true that the PLAB and Director act within delegated authority under the *Act* for which the Minister is responsible, it cannot be said that service on one equates with service on the others when they have been established as separate legal entities with distinct powers and authority.

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## IV. Analysis

### A. Rule 3.15 is Strict, Harsh, and Inflexible

[20] The parties disagree on the answers to the questions directly in issue, but they are in agreement that R 3.15 offers no relief if a person or body whose act or omission is impugned, or a directly affected person or body, is not served with a judicial review application within the time limits.

[21] The Alberta Court of Appeal acknowledged the harshness of R 3.15, even in the context of a self-represented litigant dealing with a specialized tribunal, and reconfirmed the time limits affecting the rule are incapable of extension by the court: ***Julien v Alberta (Alberta Commission for Worker's Compensation***, 2023 ABCA 81 ("***Julien***") at paras 13-14. Everyone is presumed to know the rules, irrespective of the differences in practice between various tribunals, some of which are more heavily involved in assisting litigants with general information on judicial review conventions than others. If any doubt exists with respect to the Rule requirements, parties should be named and served: ***Julien***, para 13.

[22] The courts' enforcement of the substantive rule has been consistent despite its harshness, even in circumstances with no prejudice, courtesy copies or unfiled versions of the originating applications were provided before the deadline, or where it is clear that parties had knowledge of the applications. See, for example these recent decisions:

- ***Greco v Calgary (City)***, 2025 ABKB 629 at paras 305-308;
- ***Mikisew Cree First Nation v Alberta,*** 2024 ABKB 578 at paras 128-129;
- ***Kainaiwa/Blood Tribe v Alberta,*** 2024 ABKB 401 at paras 12-19;
- ***Tartal v Alberta (Human Rights Commission)***, 2023 ABKB 381 at para 54.

[23] The policy reasons for the Rule's harshness include that the strict deadline and serving requirements provide finality to administrative decisions. Many judicial review deadlines follow statutory appeal processes, like here, and all directly affected parties and decision-makers are

entitled to know when an outcome is final and no longer subject to challenge (see ***Baker v Drouin***, 2017 ABQB 204, at para 13).

[24] The severity of the Rules at issue means that the only issues in this matter are whether the PLAB and Director are captured by them.

### B. Is the PLAB a Body Whose Act or Omission Could be Subject to a Remedy per Rule 3.15(a)?

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[25] For the purposes of Kingdom's judicial review application, I find that the PLAB is a body under the ambit of R 3.15(a), and therefore should have been served with the Application.

[26] Some of the parties' submissions concern the nature of the PLAB, the scope of its authority, and the extent to which it is "the" decision-maker at issue in the judicial review.

[27] The Minister's position was that the PLAB was required to be served the originating application because the PLAB is a decision-maker and directly affected by the judicial review application. The PLAB submitted that it makes various decisions about the appeal process and procedure, and those decisions make it subject to R 3.15(a). Kingdom's submissions emphasize that the ultimate decision-maker is the Minister, and he alone is subject to R 3.15(a) in this instance.

[28] It is clear that the Minister is the ultimate decision-maker as the Minister is able to accept the PLAB's Report or vary it as he decides. However, the Rule is broader than requiring only the ultimate decision-maker to be served a judicial review application. It includes any body whose act or omission could be subject to a remedy.

[29] The application for judicial review must be examined to determine who falls within the ambit of R 3.15(a). In this case, Kingdom's application contains the following:

> (a) The Minister erred, or in the alternative fettered his discretion, in the [Ministerial Order] by failing to consider [Kingdom's] evidence of the Director's knowledge of the activities on the MLLs which led to the issuance of the Administrative Penalty...;
>
> (b) The Minister unreasonably disregarded Kingdom's evidence in relation to operating expenses; and
>
> (c) The Minister failed to consider or in disregarding relevant evidence, the Minister fell into error, which led to an unreasonable decision.

[30] As has been discussed in ***Menard*** and ***Alberta (Director of Public Lands Disposition Management Section, Land Policy and Programs Branch, Lands Division, Alberta Environment and Parks v Syncrude Canada Ltd*** 2023 ABKB 447 at para 58 and 69, the appeal mechanism is a bifurcated process, with the PLAB and the Minister having distinct roles and both the Report and the Decision can be subject to judicial review, depending on the circumstances.

[31] In the case cited by Kingdom to stand for the proposition that the "only" decision-maker included under R 3.15(A) is the Minister, ***McColl-Frontenac Inc v Alberta (Minister of Environment)***, 2003 ABQB 303 (***McColl-Frontenac***), I cannot find support for Kingdom's proposition that only the Minister needs to be named and served under the rules. In ***McColl***, all three relevant administrative bodies under the *Act* were named and served. The applicant there

was arguing among other things that the Minister needed to provide separate reasons; Marceau J dismissed that position finding that the Minister was not required to but could provide reasons and provided a hypothetical of when that could happen (e.g., if the Minister were to find that a report lacked reasonableness) (para 17). Marceau J went on to analyze the appeal body's report and its reasoning extensively, finding that it was correct in its interpretation of its own jurisdiction and reasoning.

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[32] The Rule does not state that only the ultimate decision-maker must be served with a judicial review application; it states that a "person or body whose act or omission could be subject to a remedy" must be served. This is a much broader requirement. That lack of clarity in both 3.15(a) and (c) are why the Court of Appeal in ***Julien*** notes that, wherever a doubt is raised, applicants should err on the side of caution and name any person or body who could be subject to the rules.

[33] Kingdom argues that there is no requirement for the matter to be sent back to the PLAB in the event that a judicial review application were successful, because the Minister has unfettered ability to make any decision even if it disregards a recommendation of the PLAB. Kingdom emphasizes the role of the ultimate decision-maker and the ability of the Minister to diverge from the recommendation the PLAB might make, but to interpret R 3.15(a) to require only the ultimate decision-maker to be named would be to narrow and re-interpret the Rule in a manner that is at odds with its language that is broader than only "decision-maker".

[34] I agree it is theoretically possible that a successful judicial review application of an Minister's appeal decision could potentially require only the Minister to take action or be affected by a remedial order. In this case, however, because of the bifurcated process and the nature of the grounds of the judicial review application itself, I cannot say that the PLAB would be unaffected by a remedy in a successful judicial review application. The PLAB heard the appeal and made all the evidentiary admission and weighing decisions as it is required to do under the *Act*. Its Report, which includes a summary of the appeal hearing and the evidence, was then adopted by the Minister. Because the PLAB decisions are the basis of the judicial review application, the PLAB's acts and omissions could be subject to a remedy.

[35] If Kingdom's judicial review application were successful, an outcome could be for the matter to be remitted to the PLAB and Minister for reconsideration, as occurred in ***Menard*** (paras 38-43). Rehearing by the initial decision-maker is not only a possibility but it is the default remedy on a successful application for judicial review; ***Canada (Minister of Citizenship and Immigration) v Vavilov***, 2019 SCC 65 at para 141. As Dunlop J found in ***Menard***, the original decision-maker could be the one that conducts the appeal hearing as opposed to the Minister, who would still be tasked with making a decision on the Report that is produced after a re-hearing. It is clear that, on the basis of the application for judicial review, the PLAB's decisions and reasoning are in issue, and their acts and omissions could be subject to a remedy.

[36] Given the breadth and severity of R 3.15(a), and the bifurcated decision-making for this particular type of administrative appeal mechanism, the PLAB should have been named and served with the judicial review application. This is not to say this would always be necessary if the Minister's decision were made in a different manner and the grounds of the application did not contain the potential for a remedy against other bodies.

### C. Were the PLAB and Director "Directly Affected" by the Judicial Review Application Under Rule 3.15(c)?

[37] Because of my answer to the above question regarding the PLAB which has the effect of ending this action, there is no need to go on to find whether or not the PLAB or Director are "directly affected" within the meaning of R 3.15(c). Both bodies have been named and served in other judicial reviews in which the Minister's decisions have been challenged. That is not necessarily an indication that they are directly affected within the meaning of the Rule and must be named and served, and may merely demonstrate that the other parties exercised greater caution in naming all persons and bodies who could potentially have a viable argument for summary dismissal under the Rules.

[38] I agree that the Rules and the multiplicity of different administrative structures means that it is often not straightforward to determine who must be named in a judicial review application. The Court of Appeal recognizes this in *Julien*, where they exhort caution to name persons and bodies wherever any doubt exists as to which persons or bodies must be named and served. Some administrative legislation helpfully specifies who must be named and notified, and who is responsible for naming and notifying, at each stage of proceedings. Other legislation doesn't.

[39] Oviatt J compiled a helpful review of some diverse cases in which persons or bodies were found to be "directly affected" and also noted differences in jurisdictions where "directly affected" refers to standing and not just service; ***Whitefish Lake First Nation #128 v Alberta (Minister of Environment and Protected Areas)***, 2025 ABKB 499 at paras 17 to 21. Oviatt J also considered how broadly to interpret and apply the phrase "directly affected" and rejected an argument to be very restrictive in its application (paras 22-25).

[40] I refer to these authorities only to note that this area of interpretation includes diverse and fact-specific considerations, and the exercise is unnecessary given my finding about the PLAB being captured by R 3.15(a). It would certainly be a wise approach for others challenging the PLAB and Minister's decisions under the Act to include them and the Director when serving judicial review applications.

### D. Alternatively, if the PLAB and/or Director are Required to be Served Under Rule 3.15(a) or (c), is that Service Effected Because the Minister was Served?

[41] Kingdom argues that, even if either or both the PLAB and Director must be served the judicial review application, service was effected through service on the Minister.

[42] For that proposition, Kingdom relies in part on ***Seroya v Calgary(City)***, 2017 ABQB 157 at paras 26-27 in which MacLeod J dismissed the argument that separate service on the Licence and Community Standards Appeal Board was required aside from service on the city. MacLeod J found the City of Calgary was the only entity requiring service because the board at issue there was an internal division of the same administrative body. However, the board in that case was not statutorily required or constituted. It was truly internal, in the sense that the city had delegated authority under the *Municipal Government Act*, RSA 2000, c M-26 ("*MGA*") as the administrative body, and could organize itself as it wished including creating the board. That did not create a statutory or legal entity that had specific and separate authority under the legislation (like, for example, the Assessment Review Board or Subdivision and Development Appeal Boards which are required under the *MGA*, ss 454 and 627).

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[43] Kingdom also relies on ***Environmental Defence Canada Inc v Alberta***, 2024 ABKB 265 at paras 37-38 for the propositions that service should not be onerous, and where a Minister has enabled a statutory entity and has itself been served, the Minister cannot argue failure to serve that entity is fatal. That case arose in different circumstances than here. The applicant had named a Commissioner under the ***Public Inquiries Act,*** RSA 2000 among others as a respondent to the judicial review, and what was in dispute was whether or not private personal service on the individual who held the Commissioner appointment was required for service to be effected. The specifics of service itself were at issue under R 11.14 and are not directly applicable here to stand for the proposition that the PLAB has effective service through the Minister.

[44] The above cases do not support the suggestion that naming the Minister effects service on other statutorily created bodies whose acts or omissions are subject to the judicial review application. That outcome would have the effect of narrowing the interpretation of R 3.15, which, as above, is generally held to be broader.

## V. Conclusion

[45] I grant the summary dismissal application by the Minister because the PLAB was not but should have been served Kingdom's judicial review application per R 3.15(a). I do not make a finding regarding whether the PLAB and Director are "directly affected" under R 3.15(b), and I dismiss the alternate argument that service on the Minister effects service on other persons or bodies whose acts or omissions may be subject to a remedy.

[46] I thank all parties for their thoughtful arguments and analysis.

Heard on the 19th day of September, 2025.
**Dated** at the City of Edmonton, Alberta this 15th day of January, 2026.

**K.A. McLeod**
**J.C.K.B.A.**

**Appearances:**

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**Corrigendum of the Reasons for Decision**
**of**
**The Honourable Justice K.A. McLeod**

Added: **Citation: Kingdom Properties Ltd v Alberta (Environment and Parks), 2026 ABKB 105.**

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