

In the Court of Appeal of Alberta

Citation: Gill v Alberta Environmental Appeals Board, 2026 ABCA 338

Date: 20261023

Docket: 2501-0200AC

Registry: Calgary

Between:

Mohinder Singh Gill and Five Pillar Holdings Ltd

Applicants

- and -

**Alberta Environmental Appeals Board and Director, Regional Compliance, South
Saskatchewan Region Alberta Environment and Parks**

Respondents

**Reasons for Decision of
The Honourable Justice April Grosse**

Application for Permission to Appeal

**Reasons for Decision of
The Honourable Justice April Grosse**

[1] The applicants apply pursuant to rule 14.5(1)(a) of the *Alberta Rules of Court*, Alta Reg 124/2010 for permission to appeal my decision dismissing their application for permission to restore an appeal: *Gill v Alberta Environmental Appeals Board*, 2026 ABCA 277 (the August 26 decision). By letters dated September 16 and 18, 2026, the Registry informed the parties that the application for permission to appeal would be heard in writing and set a deadline for response materials. The respondent Director opposes the application, and the respondent Alberta Environmental Appeals Board takes no position.

[2] On October 1, 2026, the applicants filed a new document styled “Affidavit”. I have provided my directions to the parties with respect to that document by way of correspondence sent by the Registry.

[3] In considering whether to grant permission to appeal a decision of a single judge of this Court, the overarching question is whether it is in the interests of justice to have a panel review the decision: *SRG Takamiya Co Ltd v 58376 Alberta Ltd*, 2019 ABCA 301 at paras 5-8. Permission may be granted where the applicant establishes there is a question of general importance, a possible error of law, an unreasonable exercise of discretion, or a misapprehension of important facts: *SRG Takamiya* at para 5.

[4] The materials filed by the applicants in support of the application for permission to appeal the August 26 decision reiterate the applicants’ position on the merits of the underlying dispute and to a lesser extent, their position in the application to restore the appeal that was dismissed by way of the August 26 decision. The applicants have not identified any potential error of law, misapprehension of fact, or unreasonable exercise of discretion in the August 26 decision, nor is there an issue of general importance.

[5] The application filed September 11, 2026 (seeking permission to appeal the August 26 decision to a panel) is dismissed.

[6] As the successful party, the respondent Director is entitled to lump sum fixed costs of \$750.00 for the application in writing for permission to appeal.

[7] Rule 9.4(2)(c) is invoked, and the Court will prepare the resulting order.

Written submissions filed September 11, September 22, September 25 and October 1, 2026.

Reasons filed at Calgary, Alberta
this 23rd day of October, 2026

Grosse J.A.

Appearances:

Applicant M. Gill

D.J. Hannaford, KC (no written submissions)

A. Funk (no written submissions)

for the Respondent Alberta Environmental Appeals Board

T.M. Thiesen

for the Respondent Director, Regional Compliance, South Saskatchewan Region Alberta
Environment and Parks