

COURT OF APPEAL OF ALBERTA

Form AP-1

[Rules 14.8 and 14.12]

COURT OF APPEAL FILE NUMBER: 2401-0345AC
TRIAL COURT FILE NUMBER: 2401-13792
REGISTRY OFFICE: Calgary
PLAINTIFF/APPLICANT: *IN THE MATTER OF THE
BANKRUPTCY AND
INSOLVENCY ACT, R.S.C. 1985,
c. B-3, as amended
AND IN THE MATTER OF ERIKSON
NATIONAL ENERGY INC.*



STATUS ON APPEAL: Respondent
DEFENDANT/RESPONDENT: THE ATTORNEY GENERAL OF
BRITISH COLUMBIA

STATUS ON APPEAL: Appellant

DOCUMENT: **CIVIL NOTICE OF APPEAL**

APPELLANT'S ADDRESS FOR SERVICE
AND CONTACT INFORMATION:

Kenneth P. Reh Law Office
700 1816 Crowchild Trail NW
Calgary, AB T2M 3Y7
Attention: Kenneth Reh
403-870-5734 (phone)
587-327-5527 (fax)
ken@reh-law.ca
0099-001

Ministry of Attorney General
LSB Litigation Group, Legal Services Branch
PO Box 9280 Stn Prov Govt
Victoria, B.C.

Peter D. Ameerli
Deputy Supervising Counsel
250-356-8641 (Phone)
Email: Peter.Ameerli@gov.bc.ca

WARNING

To the Respondent: If you do not respond to this appeal as provided for in the Alberta Rules of Court, the appeal will be decided in your absence and without your input.

1. Particulars of Judgment, Order or Decision Appealed From:

Date pronounced: December 6, 2024

Date entered: December 6, 2024

Date served: December 7, 2024

Official neutral citation of reasons for decision, if any: N/A

(do not attach copy)

(Attach a copy of order or judgment: Rule 14.12(3). If a copy is not attached, indicate under item 14 and file a copy as soon as possible: Rule 14.18(2).)

2. Indicate where the matter originated:

Court of King’s Bench

Judicial Centre: CALGARY

Justice: B.E.C. ROMAINE

On appeal from a King’s Bench Applications Judge or a Justice of the Court of Justice?:

Yes X No

Official neutral citation of reasons for decision, if any, of the Applications Judge or Justice of the Court of Justice: (do not attach copy) N/A

(If originating from an order of a King’s Bench Applications Judge or a Justice of the Court of Justice, a copy of that order is also required: Rule 14.18(1)(c).)

Board, Tribunal or Professional Discipline Body

Specify Body: N/A

3. Details of Permission to Appeal, if required (Rules 14.5 and 14.12(3)(a)).

X Permission not required, or ~~Granted~~:

~~Date: _____~~

~~Justice: _____~~

(Attach a copy of order, but not reasons for decision.)

4. Portion being appealed (Rule 14.12(2)(c)):

X Whole, or

~~Only specific parts (if specific part, indicate which part):~~

(Where parts only of a family law order are appealed, describe the issues being appealed, e.g. property, child support, parenting, etc.)

5. Provide a brief description of the issues:

- a) The Alberta Court of King’s Bench purported to make an order that exceeded the jurisdiction conferred by the *BANKRUPTCY AND INSOLVENCY ACT*, R.S.C. 1985, C B-3 (the “**BIA**”). The Alberta Court of King’s Bench does not have the constitutional jurisdiction to grant paragraphs 2-5 of the order under the BIA or under the laws of Alberta or British Columbia, compelling His Majesty the King in Right of the Province of British Columbia, its servants or agents to act, to cease to act, or to refrain from acting.
- b) Paragraphs 2-5 of the order wrongly purport to make declarations and directions beyond the jurisdiction of the Alberta Court of King’s Bench that: a) bind and direct the decisions and actions of a statutory decision maker in British Columbia (the BC Energy Regulator); and b) make declarations affecting the application, interpretation and/or enforcement of British Columbia statutes with respect to activity within the province of British Columbia.
- c) The Alberta Court of King’s Bench does not have jurisdiction under the BIA or otherwise under the laws of Alberta or British Columbia to direct the BC Energy Regulator to make a decision or otherwise take steps under s. 52 of the *Energy Resources Activity Act*, SBC 2008 c. 36 (the “**ERAA**”); if it did have jurisdiction, there was not a sufficient factual foundation to ground paragraph 2 of the order.
- d) The statutory provisions of the ERAA referred to in paragraphs 3 and 5 of the order do not exist.
- e) If any of paragraphs 2-5 of the order are authorized by the BIA and within the jurisdictional competence of the Alberta Court of King’s Bench, the order was not supported by the facts available to the court and the court did not consider or apply the correct legal test for granting each or any of the orders.
- f) If the order was within the jurisdiction of the Alberta Court of King’s Bench and available under the BIA, the court erred in granting the order without limiting conditions, including but not limited to providing for appropriate compensation and an expiry date for the authorization of conduct endorsed by paragraphs 2-5.

6. Provide a brief description of the relief claimed:

THAT THE ORDER BE SET ASIDE IN ITS ENTIRETY

7. Is this appeal required to be dealt with as a fast track appeal? (Rule 14.14)

Yes X No

8. Does this appeal involve the custody, access, guardianship, parenting time, decision-making responsibility, contact or support of a child? (Rule 14.14(2)(b))
~~Yes~~ X No

9. Will an application be made to expedite this appeal?
~~Yes~~ X No

10. Is Judicial Dispute Resolution with a view to settlement or crystallization of issues appropriate? (Rule 14.60)
~~Yes~~ X No

11. Could this matter be decided without oral argument? (Rule 14.32(2))
~~Yes~~ X No

12. Are there any restricted access orders or statutory provisions that affect the privacy of this file? (Rules 6.29, 14.12(2)(e), 14.83)
~~Yes~~ X No
If yes, provide details:
(Attach a copy of any order.)

13. List respondent(s) or counsel for the respondent(s), with contact information:

BENNETT JONES LLP
4500 Bankers Hall East
855-2nd Street SW Calgary, AB T2P 4K7
Attention: Keely Cameron / Kelsey Meyer / Luc Rollingson
Telephone No.: (403) 298-3323
Fax No.: (403) 265-7219
Client File No.: 87754-38

If specified constitutional issues are raised, service on the Attorney General is required under s. 24 of the Judicature Act: Rule 14.18(1)(c)(viii).

14. Attachments (check as applicable)

~~X~~ Order or judgment under appeal if available (not reasons for decision) (Rule 14.12(3))

~~Earlier order of Applications Judge, etc. (Rule 14.18(1)(c))~~

~~Order granting permission to appeal (Rule 14.12(3)(a))~~

~~Copy of any restricted access order (Rule 14.12(2)(e))~~

If any document is not available, it should be appended to the factum, or included elsewhere in the appeal record.