



Environmental Appeal Board

Citation: *Luigi Sulmona et al. v. Director, Environmental Management Act, 2023*
BCEAB 33

Decision No.: EAB-EMA-23-A015(a)

Decision Date: 2023-11-16

Decision Type: Consent Order

Appealed Under: *Environmental Management Act, SBC 2003, c. 53*

Between:

Luigi Sulmona, Elena Sulmona and Luigi Giuseppe (Joe) Sulmona

Appellants

And:

Director, *Environmental Management Act*

Respondent

And:

Telus Communications Inc.

Third Party

CONSENT ORDER

UPON THE pre-hearing conference coming on for hearing on Wednesday, October 25, 2023; AND ON hearing R.R.E. DeFilippi, counsel for the appellants; AND ON hearing D. Doyle, counsel for the respondent, Ministry of Environment and Climate Change Strategy; AND ON hearing R. Curpen and S.G.K. Singh, counsel for the third party, TELUS Communications Inc.; AND ON hearing L.E. Duke and J. Andrews, counsel for 1324131 B.C. Ltd. and 7000 Lougheed Limited Partnership:

THIS BOARD ORDERS that:

1. Pursuant to Rule 9(1) and by consent, 1324131 B.C. Ltd. and 7000 Lougheed Limited Partnership are added as third parties to this appeal.
2. Pursuant to s. 17(2) of the *Administrative Tribunals Act*, S.B.C. 2004, c. 45, and s. 103(b) of the *Environmental Management Act*, S.B.C. 2003, c. 53, and by consent, the decision of the Senior Contaminated Sites Officer dated July 7, 2023, on the application of TELUS Communications Inc., styled *Approval in Principle – Portion of 7071 Greenwood Street, Burnaby, British Columbia, Victoria File: 2920-20/26217, Site ID: 26217* (the "**Decision**") is reversed and the *Approval in Principle – Portion of 7071 Greenwood Street, Burnaby, British Columbia, Victoria File: 2920-20/26217, Site ID: 26217*, issued July 7, 2023, by the director under the *Environmental Management Act*, S.B.C. 2003, c. 53, shall have no further force or effect.
3. Nothing in this Order is, or shall be deemed to be, an admission in relation to the facts alleged or relief sought in the Notice of Appeal filed August 3, 2023, and the respondent, Minister of Environment and Climate Change Strategy, shall be at liberty to continue to exercise its jurisdiction under the *Environmental Management Act*, S.B.C. 2003, c. 53, in relation to Site ID: 26217.
4. Nothing in this Order is, or shall be deemed to be, a change to or variation of the jurisdiction of the director under the *Environmental Management Act*, S.B.C. 2003, c. 53, in relation to Site ID: 26217.
5. The appeal is dismissed, without costs.

6. This order may be signed by counsel for the respective parties electronically or by facsimile, and in counterparts.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT:

"R. DeFilippi"

R.R.E. DeFilippi

Lawyer for the Appellants

"D. Doyle"

D. Doyle

Lawyer for the Respondent

"R. Curpen"

R. Curpen

Lawyer for the Third Party, TELUS Communications Inc.

"L. Duke"

L.E. Duke

Lawyer for the Third Parties,
1324131 B.C. Ltd. and 7000 Lougheed Limited Partnership

For the Board

"Darrell Le Houillier"

Darrell Le Houillier

Chair, Environmental Appeal Board