

M A N I T O B A PUBLIC UTILITIES BOARD ) Order No. 103/07  
 )  
THE HIGHWAYS PROTECTION ACT ) August 13, 2007

BEFORE: Graham Lane, C.A., Chairman  
Susan Proven, P.H.Ec., Member

**APPEAL OF HIGHWAY TRAFFIC BOARD PERMIT  
NO. 081-07 - ACCESS TO P.T.H. No. 44**

## INTRODUCTION

An Application was made to The Highway Traffic Board (HTB) on December 8, 2006 for the construction of an access driveway onto Provincial Trunk Highway No. 44 on property owned by 5090998 Manitoba Ltd. (represented by Mr. Mike Jurcevic). HTB issued Permit No. 081-07 on May 31, 2007, allowing construction of a temporary access driveway subject to ten conditions (as described on the Permit and Plan No. 1044080-11-AS-06).

On June 18, 2007, Manitoba Infrastructure and Transportation (Transportation) appealed HTB's decision to grant the permit to the Public Utilities Board (Board), and the Board called a Public Hearing for Friday August 10, 2007.

On July 13, 2007 the Board received correspondence from Transportation advising that 5090998 Manitoba Ltd. would not be contesting Transportation's appeal of the HTB Permit, and that Mr. Jurcevic would not attend the Board's scheduled hearing. Transportation also advised that Mr. Jurcevic had:

*"... indicated that 5090998 Manitoba Ltd. would not be opposed to the Board quashing the permit provided Manitoba Transportation is prepared to assist him with the resolutions of Conditions 6 and 7 of the Highway Traffic Board's Permit No. 042-07 with respect to obtaining a Park's Branch Work Permit and "Declaration of Right of Way on Park's Land".*

Transportation also indicated that it had advised Mr. Jurcevic that:

*"(Transportation) are prepared to work with his company, Parks Branch and the Highway Traffic Board to reach a mutually agreeable solution with respect to these requirements".*

Subsequently, on July 13, 2007, the Board received a fax from 5090998 Manitoba Ltd. stating "... 5090998 Manitoba Ltd. has no objections to the quashing of Permit No. 081-07 and relinquishes the right to appear before the Board".

Given notification of 5090998 Manitoba Ltd.'s position, the Board advised all parties initially expected to attend the Public Hearing that the oral segment of proceeding was canceled, and that the Board would consider the matter by way of written presentations, those to be provided to the Board no later than August 10, 2007.

On August 10, the Board received a submission from Transportation confirming their position to have HTB Permit No: 081-07 quashed. No other submissions were received.

### **Board Findings**

The Board acknowledges the indication from 5090998 Manitoba Ltd. that it has no objection to the quashing of the permit, and the Board acknowledges Transportation's confirmation of its request that Permit No: 081-07 be quashed.

Accordingly, the Board finds no reason why the Permit should not be quashed, and will so direct.

**IT IS THEREFORE ORDERED THAT:**

1. Highway Traffic Board Permit No. 081-07 BE AND IS HEREBY quashed.

THE PUBLIC UTILITIES BOARD

"GRAHAM F. J. LANE, CA"

Chairman

"H. M. SINGH"

Acting Secretary

Certified a true copy of  
Order No. 103/07 issued by  
The Public Utilities Board

\_\_\_\_\_  
Acting Secretary