

M A N I T O B A) Order No. 138/08
)

THE HIGHWAYS PROTECTION ACT) September 26, 2008

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

REQUEST TO RECONSIDER ORDER 76/08
RE: APPEAL OF HIGHWAY TRAFFIC BOARD
PERMIT NO. 233-07
(RURAL MUNICIPALITY OF VICTORIA BEACH)

BACKGROUND AND SUMMARY

The Public Utilities Board (Board) received a request by Mr. Robert Lang for the Board to reconsider Order 76/08, that being related to an application made by Victoria Beach Enterprises Ltd. (VBE).

VBE appealed a decision by the Highway Traffic Board (HTB) to allow a change in use of a residential highway access driveway, that driveway to be subject to removal and relocation to a public road to the south of the subject property upon the development of an internal road system. Following a public hearing, the Board upheld HTB's decision.

Mr. Lang, who did not attend the public hearing that led to Order 76/08, was given the opportunity to elaborate on his reasons for his request, and parties involved in the public hearing were given an opportunity to provide comments on Mr. Lang's submission.

SUBMISSIONS

The Board reviewed Mr. Lang's submission, including his subsequent expansion of his reasoning.

The Board also received submissions from the original applicant; these submissions supported Mr. Lang's argument that the facts presented to the Board by the provincial Department of Infrastructure and Transportation (MIT) were inaccurate or incomplete.

The Board also received a submission from MIT contending

that, as Mr. Lang has no direct interest in the property in question, he should not have any standing in the matter. MIT further opined that Mr. Lang presented no new facts or evidence of error to warrant the Board reviewing Order 76/08.

Board Findings

The Board adjudicates matters referred to it based on the public interest. The Board is reluctant to bar participation by any member of the public from its proceedings.

Nonetheless, the Board agrees with MIT and concludes that as Mr. Lang presented no new and relevant facts to warrant the Board reconsidering Order 76/08, the Board declines to reconsider Order 76/08.

IT IS THEREFORE ORDERED THAT:

1. The request by Mr. Robert Lang to review and vary Order No. 76/08 BE AND IS HERBY DENIED.
2. Order 76/08 as issued, stands.

THE PUBLIC UTILITIES BOARD

"GRAHAM LANE, CA"
Chairman

"HOLLIS SINGH"
Acting Secretary

Certified a true copy of
Order No. 138/08 issued by
The Public Utilities Board

Acting Secretary