Dangerous Drilling Could be Violation of Charter Rights

A scent of victory wafted through Rocky Rapids, a township south of Edmonton. Justice Berger's decision to grant Rocky Rapids' residents leave to appeal Alberta's Energy Board's decision that allowed West Energy to drill an oil well near the community. This means that, according to Justice Berger, "... there is a question of law or jurisdiction that raises a serious arguable issue which has a reasonable prospect of success" with respect to drilling the well.[1]

Since the well likely contains hydrogen sulphide (which smells like rotten eggs, making the scent of victory particularly sweet), the residents are essentially being asked to endure the toxin or move. According to Justice Berger, this could be a violation of the residents' section 7 Charter right: the right to life, liberty and security of the person.[2]

Sources:
Karen Kleiss, "Residents Win Right to Appeal" Edmonton Journal (February 13, 2008).

[1] Kelly v. Alberta (Energy and Utilities Board), 2008 ABCA 52 (CanLII)

[2] The Constitution Act, 1982, being Schedule B to the Canada Act 1982 (U.K.), 1982, c. 11. s. 7.