



## INFORMATION SHEET: GUIDE TO RIGHT OF ENTRY ORDER PROCESS

Issued by the Land and Property Rights Tribunal (LPRT)

[Surface Rights Act](#) (“SRA”)  
[Surface Rights Rules](#) (“Rules”)

STAGE OF PROCEDURE	OVERVIEW	CROSS REFERENCES
<p>1. Application by Operator to the LPRT</p>	<ul style="list-style-type: none"> <li>- Operator may apply for Right of Entry Order if operator and owner/occupant are unable to agree on surface lease for:               <ul style="list-style-type: none"> <li>o Removal of Minerals, Pipeline, Power Transmission Line, etc.</li> <li>o Conservation Scheme, Reclamation, Carbon Dioxide Injection</li> </ul> </li> <li>Operator submits Application For Right of Entry, accompanied by:               <ul style="list-style-type: none"> <li>o Copy of most recent written offer made by operator (see Rule 14(1.1))</li> <li>o Evidence of refusal of most recent written offer</li> <li>o Certified copy of certificate of title. In the case of Crown land, search from the department charged with administering the land, and a certified copy of certificate of title (if applicable)</li> <li>o Well licence, pipeline licence, power transmission line permit, etc., issued by the AER or AUC</li> <li>o Plan of Survey of the land including appropriate markings to indicate land required, with Declaration in Support of Survey Plan</li> </ul> </li> <li>- A party wishing to withdraw all or part of an application must notify the Tribunal in writing and deliver a copy of the request to the other parties</li> </ul>	<p>SRA s 15</p> <p>SRA s 12            SRA s 13, 13.1, 13.2</p> <p>AR 195/2007 Schedule 1;            Rules 14-17            SRA s 15(2)(a)</p> <p>SRA s 15(2)(a)</p> <p>SRA s 17(1);            AR 195/2007 s 3-4</p> <p>AR 195/2007 s 5</p> <p>SRA s 17;            AR 195/2007 s 6, s 9</p> <p>Rule 26</p>

<p>2. Grant of a Right of Entry Order</p>	<ul style="list-style-type: none"> <li>- A Right of Entry Order may be granted either: <ul style="list-style-type: none"> <li>o After the operator files a letter of consent signed by owner and all occupants, or</li> <li>o 14, 21, or 28 days (depending on type of service) after owner and occupant have been served notice and a copy of application. LPRT must be provided with a Declaration or Affidavit of Service</li> </ul> </li>   <li>- If owner or occupant objects to the application, the Tribunal may hold a hearing or may make a decision with respect to the application and objection based on written submissions included with the objection. <ul style="list-style-type: none"> <li>o The Tribunal's discretion to refuse to grant a Right of Entry Order is considered in <a href="#">Mueller v Montana Alberta Tie Line</a></li> </ul> </li> </ul>	<p>SRA s 15(4); AR 195/2007 Schedule 3 SRA s 15(4); AR 195/2007 Schedule 2; Rules 17(4-5)</p> <p>SRA s 15(5); SRA s 8(3.1)</p> <p>See paragraphs 18-27 of <a href="#">2011 ABQB 738</a></p>
<p>3. Right of Entry Order</p>	<ul style="list-style-type: none"> <li>- Shall describe the portion of the surface required</li>   <li>- May include appropriate conditions</li>   <li>- Order shall not be inconsistent with the ERCB or AUC licence or permit</li>   <li>- Vests in operator the exclusive right, title and interest in the surface of the land needed, other than the right to a certificate of title, subject to the actual terms of the order</li> </ul>	<p>SRA s 15(6)(a)</p> <p>SRA s 15(6)(b)</p> <p>SRA s 15(6)</p> <p>SRA s 16</p>
<p>4. Entry Fee</p>	<ul style="list-style-type: none"> <li>- Before exercising right of entry obtained either through a right of entry order or agreement, the operator shall pay an "entry fee" of \$500 per acre from a minimum of \$250 up to a maximum of \$5,000 per "titled unit" to the owner or occupant, in addition to compensation (applies to Freehold land Only, not Crown land)</li> </ul>	<p>SRA s 19</p>

5. Pre-payment	<ul style="list-style-type: none"> <li>- Before entry, the operator must pay to the respondent 80% of the first year compensation contained in the written offer filed with the Tribunal</li> <li>- This pre-payment will be deducted from the compensation payable</li> </ul>	<p>SRA s 20(1)</p> <p>SRA s 25(6)</p>
6. Amendment	<ul style="list-style-type: none"> <li>- If any changes need to be made to the Order to reflect current circumstances (Landowner changes, Operator name change, assignment to new Operator, etc.), one of the parties should submit a Notice of Assignment or Request to Amend to the Tribunal.</li> </ul>	<p>SRA s 29(b) or s 35.1</p>
7. Termination	<ul style="list-style-type: none"> <li>- After a Right of Entry is granted, it may only be terminated in accordance with Section 28 of the <i>Surface Rights Act</i></li> </ul>	<p>SRA s 28</p> <p>AR 195/2007 s 11</p>