

Right of Entry Service Document Instructions

Documents may be sent electronically to the Tribunal. You are required to keep a copy of the original documents on file until a decision of the Tribunal has issued regarding your application for Right of Entry. Tribunal administration or a Tribunal Member may request original documents at anytime during the application process.

Service of Application:

- Once you receive the filed application from Tribunal administration, **you must serve** every Respondent named on the Schedule 1 Application. Refer to [Rule 17\(4\) of the Surface Rights Rules](#)
- If the Certificate of Title has changed since your application was filed, you may need to amend you application and re-serve the respondents. To amend your application, please contact Tribunal administration.
- Once each Respondent is served you must provide one of the following for each Respondent:

One signed copy of a Schedule 3 Letter of Consent

- A Declaration of Service is not required when providing a Letter of Consent. This means there is no objection waiting period for that Respondent.
- NOTE: The letter of consent **must be signed by the respondent (not legal counsel)** or by a person who has authority under a power of attorney (a copy of the power of attorney must be provided with the letter of consent).
- The address of the witness should be listed in full
 - E.g. 123 Main St., Calgary AB T5P 1G5

OR

Provide a “Declaration of Service”

- A template Declaration of Service can be found on the Tribunal’s website. The appendices must be attached and marked correctly.
- Schedule 1 Application and Schedule 2 Notice can be marked and attached as Appendix “A”
- **Type of Service**: Choose the drop down option to select applicable service
- **Evidence of Service Attached as Appendix**: Each piece of evidence should be marked as appendix. For example, post master receipt or email to representative/ counsel and letter from representative/ counsel.
- **Once the document is digitally signed and saved, it can no longer be edited.**

Please provide to administration as soon as possible so that the documentation can be reviewed and kept on hold until the required objection period has lapsed as follows:

Type of Service	Waiting period	Example
<u>Personal Service</u>	14 clear days from the date of service of the Application Package	Application package personally served on May 1, 2019, the right of entry order process may proceed on May 16, 2019 (providing no objection was received)
<u>Email to Legal Counsel</u>	14 clear days from the date the legal counsel accepts service of the Schedule 1 Application package (Rule 17(4)(c))	Application package emailed to legal counsel on May 1, 2019. Legal counsel accepts service on behalf of the respondent on May 2, 2019. The right of entry order process may proceed on May 17, 2019. (providing no objection was received)
<u>Registered Mail (within Alberta)</u> <i>(Interpretation Act)</i>	21 clear days from the date of service of the Schedule 1 Application package	Application package served by registered mail on May 1, 2019 the right of entry order process may proceed on May 23, 2019 (providing no objection was received)
<u>Registered Mail (outside of Alberta)</u> <i>(Interpretation Act)</i>	28 clear days from the date of service of the Schedule 1 Application package	Application package served by registered mail on May 1, 2019 the right of entry order process may proceed on May 30, 2019 (providing no objection was received)

Note: After an Application is filed, if serving Respondent(s) by registered mail, every Respondent named must be served individually at every address shown on the Application and the post master receipt would be attached to the Declaration of Service and correctly marked.

Example:

Joe and Barb Smith, as joint tenants, with address on title as RR 1, Eckville AB T0A 0A0 and a current address of Box 45, Eckville AB T0A 0A0

Serve Joe Smith at:
RR 1 Eckville AB T0A 0A0, **and**
Box 45 Eckville AB T0A 0A0.

Serve Barb Smith at:
RR 1 Eckville AB T0A 0A0, **and**
Box 45 Eckville AB T0A 0A0

Appendix Stamp Example:

This is Appendix _____ (e.g. A)
referred to in the Declaration of

(print name of person)

(signature of person making declaration)

Appendix Stamp Example:

This is Appendix “A”
referred to in the Declaration of
Bob Smith

Bob Smith
