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Mar 8, 2022

West Isle Energy Inc.

**NOTICE AND DEMAND FOR PAYMENT
UNDER s.36 (4) SURFACE RIGHTS ACT**

Board File No.:	RC2018.1296
Applicant:	FAIRLANE HUTTERIAN BRETHERN
Licensed Operator:	West Isle Energy Inc.
Land Location:	N1/2-31-5-14-W4M L.S. 11
Date of Original Agreement:	October 14, 2004
Current Compensation Rate:	\$4120.00
Payments Missed:	2015, 2017, 2018, 2019, 2020, 2021
Total Amount Claimed:	\$ 24,720.00

THIS IS A DEMAND to the Operator to pay the Applicant(s) the total amount of compensation outstanding and listed above. If this amount is not paid in full **within 30 days** the Tribunal may suspend and terminate the operator(s) access rights and direct the Minister to pay the unpaid amounts to the Applicants for the years claimed. Any payment made by the Minister will be a debt owing to the Crown and can be entered by the Crown against the operator(s) as a judgement of the Court of Queen's Bench.

The Land and Property Rights Tribunal (formerly Surface Rights Board) has received a completed application for unpaid compensation under section 36 of the Surface Rights Act (SRA) from the Applicant(s), and the details of the lands and the claim are listed in the Schedule attached.

You are receiving this demand because you have been identified as a Licencee or Working Interest Participant by the Alberta Energy Regulator and are therefore an operator under section 36(1) of the Act. Operators are responsible for making payments under a surface lease or compensation order. A completed Application with a signed declaration is evidence the Tribunal accepts to satisfactorily prove non-payment. You can request a copy of the application or tribunal searches by contacting Tribunal Administration.

NOTICE: If any future compensation becomes due for this site and is not paid, it may be considered by the Tribunal together with this Application **without further notice to you**. You may also be ordered to pay costs to the Applicant pursuant to section 39 of the Surface Rights Act.

If you have paid the compensation claimed you must provide evidence to the Tribunal and **a written response within 30 days from the date of this demand.**

Corresponding with us

The best way to correspond with us is via email to lprt.recovery@gov.ab.ca

LAND AND PROPERTY RIGHTS TRIBUNAL ADMINISTRATION

FOR YOUR INFORMATION

Excerpt from the *Surface Rights Act, RSA 2000, chapter S-24*

Compensation

36(1) In this section, “operator” means any person who, at the time of non-payment under a surface lease, right of entry order or compensation order, became liable to pay the money in question because that person

- (a) was an approval or registration holder who carried on an activity on or in respect of specified land pursuant to an approval or registration,
- (b) carried on an activity on or in respect of specified land other than pursuant to an approval or registration,
- (c) was the holder of a licence, approval or permit issued by the Alberta Energy Regulator for purposes related to the carrying on of an activity on or in respect of specified land,
- (d) was a working interest participant in a well or other energy development on, in or under specified land, or
- (e) was the holder of a surface lease or right of entry order for purposes related to the carrying on of an activity on or in respect of specified land,

and includes a successor, assignee, executor, administrator, receiver, receiver-manager or trustee of a person referred to in clause (a), (b), (c), (d) or (e) who was so liable and any person acting as principal or agent of any person referred to in or after clauses (a) to (e).

[...]

(4) On receiving the evidence, if the Board considers that it satisfactorily proves the non-payment, the Board shall send a written notice to the operator demanding full payment.

(5) If the notice under subsection (4) is not complied with, the Board may, by written order served on the operator,

- (a) suspend the operator's right to enter the site affected by the compensation order or lease, and
- (b) after giving the operator written notice of its intention to do so, terminate all the operator's rights under the right of entry order or lease relating to the site that is subject to the claim under this section,

without affecting any of the operator's obligations in regard to the site, including those under this section, or any other person's rights as against the operator, and on the basis that the lease or compensation order remains in place for purposes of shutting-in, suspension, abandonment and reclamation of the site.

[...]

(9) Where the Minister pays money under subsection (6) or (7),

- (a) the amount paid and any expenses incurred, whether by the Crown or by a private agency, in collecting or attempting to collect the money owing, constitute a debt owing by the operator to the Crown, and
- (b) a written certificate issued by or on behalf of the Minister certifying the payment of the amounts referred to in clause (a), including expenses, may be entered as a judgment of the Court of Queen's Bench for those amounts and enforced according to the ordinary procedure for enforcement of a judgment of that Court.

RSA 2000 cS-24 s36;2006 c23 s75;2012 cR-17.3 s108

Surface Rights E-Filing Portal

Fact Sheet for Landowners, Agents & Representatives

Background

The Land and Property Rights Tribunal (LPRT) is an independent and impartial quasi-judicial tribunal that decides compensation disputes about surface lease matters between operators and landowners. The LPRT is experiencing a significant increase in the volume of Recovery of Rentals applications it receives under section 36 of the *Surface Rights Act*.

A New Approach

To modernize its processes and improve the timeliness of decisions, the Tribunal launched a new E-Filing Portal on December 1, 2020. This Portal allows users to submit Rental Recovery applications electronically and monitor the application's status. Highlights include:

- Fast, easy to navigate and user-friendly.
- Features an uncluttered design with a client-focused layout and customized dashboard.
- Safe, secure, and backed by the Government of Alberta.
- Streamlines the repeat application submission process.

Future upgrades to the Portal will include:

- Automates acknowledgment of applications upon submission. *Note this feature is expected to be available in April 2022.*

How to Access it

- 1) Register for MADI or MADI-B account (the signup links for each type of MADI account are located on the e-Filing Portal home page.
- 2) Access the Portal at:
<https://surfacerightsapplications.alberta.ca>

Other Information

- The Tribunal will continue to accept applications in-person, by fax, email or regular mail.
- The Portal will only accept Rental Compensation applications. Other Tribunal application types can be submitted using the options mentioned above.

Questions?

Contact us at (780) 427 2444 or by email at lpert.recovery@gov.ab.ca or visit our website at www.lprt.aberta.ca.