

Information Bulletin

October 5, 2009

Right of Entry Application Intake Process

Administration has reviewed the intake process and can now highlight the following changes:

1. **Communications to Applicants:** All feedback to Applicants is now provided by way of the attached Rejection Notice Checklist. Please refer to the checklist when completing your Schedule 1 Applications. It is important to remember that Applicants are responsible to properly complete and submit their Applications.

2. **Number of Original Schedule 1 Applications:** Applicants must now submit only two original Schedule 1 Applications when applying for Right of Entry. Once filed, one of the original Schedule 1 Applications will be returned to the Applicant. It is the responsibility of the Applicant to make **COLORED** photocopies of the original filed Schedule 1 Application for service on the Respondents.

3. **Affidavit in Support of Survey Plans:** An Affidavit in the form enclosed must be attached to each plan included with the Schedule 1 Application. Section 15 (6) of the *Surface Rights Act* states: "...the Surface Rights Board shall ensure that the right of entry order is not inconsistent with the licence, permit or other approval".

4. **Naming of Respondents:**
 - I. All Right of Entry applications are required to name only **Owners** or **Occupants** as Respondents. Right of Entry applications that name parties as Respondents who are not owners or occupants will not be accepted for filing by Board Administration. **Please Note:** Section 4 of Schedule 1 in the *Surface Rights Act General Regulation* also requires the name, address and nature of occupancy.
 - II. All Respondents named on Right of Entry applications must be clearly identified with their names and addresses **exactly** as shown on the certificate of title issued under the *Land Titles Act*.
 - III. Board administration will not inquire into the accuracy of the information shown on the certificate of title. It is the responsibility of those claiming an interest in land to ensure that their interest is properly registered under the *Land Titles Act* with a current address.
 - IV. Section 1 of the *Surface Rights Act* defines owner and occupant as follows:

(g) “occupant” means

- i. a person, other than the owner, who is in actual possession of land,
- ii. a person who is shown on a certificate of title under the *Land Titles Act* as having an interest in land,
- iii. an operator granted right of entry in respect of land pursuant to a right of entry order, or
- iv. in the case of Crown land, a person shown on the records of the department or other body administering the land as having an interest in the land; . . .

(i) “owner” means

- i. the person in whose name a certificate of title to land is issued under the *Land Titles Act*, or
- ii. if no certificate of title to the land is issued, the Crown or other body administering the land;

5. **Request for Review and Decision by the Board:** Applicants who disagree with the administration’s intake process for the filing of Right of Entry applications may request to have their applications reviewed and decided by a Board panel.

The **Surface Rights Board** is an independent adjudicative tribunal established under statute by the Province of Alberta. The Board provides independent, accessible, fair, timely and impartial processes when operators and landowners or occupants fail to agree on compensation related to resource activity on privately owned lands or occupied public lands. The Board operates under many different pieces of legislation, including the Alberta *Surface Rights Act*.

Produced by:

Alberta Surface Rights Board

18th Floor, 10020 101A Avenue, Edmonton AB T5J 3G2

Phone: 780-427-2444

Toll Free: 310-000, then enter 780-427-2444

Fax: 780-427-5798

Email: srb.lcb@gov.ab.ca

Website: www.srb.lcb.gov.ab.ca