

Written Offer Guideline

Surface Rights Board

The Surface Rights Board "*the Board*" has adopted this guideline which will apply to all Applications for Right of Entry Orders.

Written Offer Guideline

1. Applications for Right of Entry may be filed at any time within six months after the last written offer was made to the Respondent. Applications containing offers made to the Respondent more than six months prior to submitting the completed Application to the Board will not be accepted for filing.
2. The six month time period will be calculated from the date the completed Application is submitted to the Board for filing.

Objectives

The *Surface Rights Act* (s15) "*The Act*" requires that an Application for Right of Entry be accompanied by the most recent written offer. Frequently Applications contain written offers that were made to the Respondents more than one year prior to filing.

This Guideline will ensure that written offers are current and made within a reasonable time of filing the Application for Right of Entry. As time passes the written offer becomes less reliable as a reasonable reflection of the factors required to be addressed under section 20 of *the Act*.

Definitions

3. "Guideline" means a policy that will normally be followed by the Board while taking into consideration all of the circumstances of a particular case. This guideline is not intended to limit the discretion of the Board to make Decisions it believes are appropriate.
4. "Completed Application" means an Application for Right of Entry that meets all of the requirements of *the Act and Regulations* and is ready for filing.

Exception to the Written Offer Guideline

5. The Board retains the right to determine whether or not an Application accompanied by a written offer that does not comply with this Guideline will be filed by the Board.
6. The Applicant may request the Board to exercise its discretion to file an Application accompanied with a written offer that does not comply with this Guideline. The Board may request the Applicant to appear before the Board or to provide an explanation regarding the delay in applying for Right of Entry after making the written offer to the Respondent. The Board may also request an explanation of why the Applicant will be prejudiced in any way by being required to make a new offer to the Respondent.