



LAND AND PROPERTY RIGHTS TRIBUNAL

Citation: Archer Exploration Corp. v Siebert, 2025 ABLPRT 450

Date: 2025-07-29

File No.: RE2024.0166

Order No.: LPRT2025/SR0450

Municipality: County of Grande Prairie No. 1

In the matter of a proceeding commenced under section 15 of the *Surface Rights Act*, RSA 2000, c S-24 (the “*Act*”)

And in the matter of land in the Province of Alberta within the:

SW 33-73-8-W6M as described in Certificate of Title No. 052 123 641 (the “*Land*”) particularly the area granted for Alberta Energy Regulator Licence No. 0513985 (the “*Site*”).

Between:

Archer Exploration Corp.,

Operator,

- and -

Tyler Jamie Siebert (owner),
Scenic Heights Farms Ltd. (occupant),
Ovintiv Canada ULC,
ATCO Electric Ltd.,
NGTL GP Ltd.,
and
Alliance Pipeline Ltd.,

Respondents.

Before: Glenn Selland
(the “*Panel*”)

ORDER GRANTING RIGHT OF ENTRY

[1] The Operator shall have right of entry in respect of 4.87 acres of the surface of the Land as shown outlined in red on Plan A attached and forming part of this Order for the removal of minerals contained in or underlying the surface of that land or for or incidental to any drilling operations, and for the construction of tanks, stations and structures for or in connection with a drilling operation, or the production of minerals, or for or incidental to the operation of those tanks, stations and structures and to give the operator access to the operator’s drilling operations from a public roadway or other public way, and egress from the operations to the public roadway or other public way.

[2] The right of entry is subject to the requirements of Well Licence No. 0513985 and the conditions attached as Appendix A and forming part of this Order.

DECISION AND REASONS

BACKGROUND:

[3] The Panel convened on July 29, 2025, to consider the Operator's application for right of entry. The Operator requires access to the Land for the removal of minerals contained in or underlying the surface of that land or for or incidental to any drilling operations, and for the construction of tanks, stations and structures for or in connection with a drilling operation, or the production of minerals, or for or incidental to the operation of those tanks, stations and structures and to give the operator access to the operator's drilling operations from a public roadway or other public way, and egress from the operations to the public roadway or other public way.

[4] On March 31, 2025, the Operator filed with the Tribunal a Schedule 1 Application, which has been considered by the Panel along with the following documents:

- (a) Certified copy of the title to the Land;
- (b) Copy of Well Licence No. 0513985 issued by the Alberta Energy Regulator;
- (c) Declaration of Most Recent Written Offer filed on March 31, 2025;
- (d) Declaration in Support of Survey Plan filed on March 31, 2025;
- (e) Declaration of Service confirming service upon Tyler Jamie Siebert, Scenic Heights Farms Ltd., Ovintiv Canada ULC, ATCO Electric Ltd., NGTL GP Ltd., Alliance Pipeline Ltd., filed on July 28, 2025.

ISSUES:

1. Should the Tribunal grant right of entry to the Operator as applied for?
2. If the right of entry is issued, what conditions, if any, should attach to the right of entry order?

DECISION:

1. The Operator shall have right of entry across the portion of the surface of the Land shown outlined in red on the plan attached to the Schedule 1 Application for the removal of minerals contained in or underlying the surface of that land or for or incidental to any drilling operations, and for the construction of tanks, stations and structures for or in connection with a drilling operation, or the production of minerals, or for or incidental to the operation of those tanks, stations and structures and to give the operator access to the operator's drilling operations from a public roadway or other public way, and egress from the operations to the public roadway or other public way.
2. The right of entry order will be subject to the conditions attached as Appendix A and forming part of this decision.

REASONS FOR DECISION:

[5] The Panel has reviewed the Application and considered the Tribunal's authority under relevant sections of the *Act* and the requirements of the *Surface Rights Act General Regulation* (AR 195/2007; the "*Regulation*").

[6] The Application is consistent with the Well Licence.

[7] In accordance with *Surface Rights Rule* 6(3), the Panel varies Rule 17(5) and accepts the filed Declaration of Service as satisfactory evidence that a copy of the Application and Notice to Respondents were properly served on the Respondents.

[8] All legislative requirements have been met. All Respondents have either provided a signed letter of consent or been served more than 14 days prior to the date of this decision.

[9] As to the conditions to be attached to the Order, the Tribunal has the discretion to include conditions “it considers appropriate” under section 15(6)(b) of the *Act* as long as they are not inconsistent with the licence. The Tribunal is also required to impose conditions that are reasonable both in terms of the Tribunal providing the rationale for imposing those conditions and that conditions themselves be reasonable (*EnCana Corporation v. Campbell*, 2008 ABQB 234).

[10] The Panel also must consider whether the conditions are clear enough to be understood so that the parties (and the Tribunal for that matter) can determine whether a condition has or has not been complied with, and so that the condition is not so vague as to be unenforceable (*Anegada Oil Corp. v. Forseth*, 2021 ABLPRT 121 (CanLII)). Failure to comply with contractual obligations are a matter solely between the parties but failure to comply with conditions attached to a Right of Entry Order may have more far-reaching consequences.

[11] In the present application, the materials before the Panel include a letter to the Operator dated May 16, 2024, requesting that certain conditions enclosed as Schedule A to that letter form part of the Right-of-Entry Order, in addition to the Tribunal’s generic conditions.

[12] While the parties here agree as to the conditions to be imposed and this Panel acknowledges that the parties know the issues best, this does not absolve the Tribunal of its responsibility to consider the proposed conditions and to explain the basis upon which this Panel adopts or rejects those proposed conditions. In applying the above case law to the proposed conditions, the Panel finds:

- (a) Proposed condition 1 relates to the cleaning of soil handling equipment prior to entering the Land. The Panel finds that condition 1 is appropriate and has added it to the conditions in Appendix A to this Order. The Panel has re-drafted some of this proposed condition for clarity, and so that the language used conforms to the language and defined terms used in this Order.
- (b) Proposed condition 2 requires the removal of all rocks greater than 6” encountered during construction. This condition is reasonable and will be added to the conditions in Appendix A to this order. The Panel has re-drafted some of this proposed condition for clarity, and so that the language used conforms to the language and defined terms used in this Order.
- (c) Proposed condition 3 would require the Operator to seed the severed area to permanent grass/legume mixture and mow annually for weed control. This condition is reasonable and will be added to Appendix A to this Order. The Panel has re-drafted some of this proposed condition for clarity, and so that the language used conforms to the language and defined terms used in this Order.
- (d) Proposed condition 4 requires onsite equipment (pumpjacks) to be powered by electric motors within 12 months of going into production and requires that until onsite power is installed, onsite equipment to be powered by an electric generator with noise attenuation mufflers. The Panel finds that condition 4 is appropriate and has added it to the conditions in Appendix A to this Order. The Panel has re-drafted some of this proposed condition for clarity, and so that the language used conforms to the language and defined terms used in this Order.

- (e) Proposed condition 5 requires the Operator to remove cement returns from drilling operations on the Lands. The Panel finds that condition 5 is appropriate and has added it to the conditions in Appendix A to this Order. The Panel has re-drafted some of this proposed condition for clarity, and so that the language used conforms to the language and defined terms used in this Order.

[13] The Panel is satisfied that it is appropriate to grant right of entry as applied for and to attach conditions to the right of entry order.

Dated at the City of Edmonton in the Province of Alberta on July 29, 2025.

LAND AND PROPERTY RIGHTS TRIBUNAL



Glenn Selland, Member

APPENDIX A

Conditions

Use and Access

1. Access to the Lands shall only be by employees, authorized contractors or agents of the Operator and shall only be to the area granted by this Right of Entry Order.
2. The Operator shall contain its operations to the area granted by the Order, including the travel and movement of vehicles and other equipment.
3. The Respondent owner shall have the right to use the area granted by this Order and the Operator shall provide such crossings and other works as may reasonably be required for:
 - (a) gaining access to the parts of the Land severed or otherwise affected by this Order, and
 - (b) for livestock at large.

Registration at Land Title Office

4. The Operator shall not allow a claim of builder's or other lien arising out of the construction and operation of the project to be filed or claimed against the Lands.

Operator's Responsibility During Construction and Operation

5. The Operator shall conform to all applicable legislation and regulations and shall follow good oilfield practices including but not limited to:
 - (a) Cleaning of Equipment - All soil handling equipment will be cleaned off-site prior to entering the Lands, including by:
 - i. Knocking or scraping off loose soil and crop debris;
 - ii. After removal of the soil and crop debris, washing the equipment with hot water or steam (2% Chlorine bleach solution); and
 - iii. Ensuring that the trucks used to haul the equipment are cleaned prior to loading and entering the Lands.
 - (b) The Operator shall conserve the top soil in a good and workmanlike manner, having regard to good soil conservation practices and any reasonable request or direction of the Respondent owner.
 - (c) The Operator shall not obstruct or impede the natural drainage of the remainder of the Land, and to that end shall install or construct such culverts and other works as the Respondent owner may reasonably require.
 - (d) The Operator must promptly remove all debris from the area granted.
 - (e) The Operator shall construct and maintain such fences and other works and to such standard as the Respondent owner may reasonably require to ensure the safety of and to prevent the straying of livestock.

- (f) Except as may be authorized by any other Act, the Operator shall not drill any well on the area granted for the purpose of obtaining water for domestic use without the written consent of the Respondent owner.
 - (g) The Operator shall control noxious weeds from growing on the area granted, in compliance with the Weed Control Act as to the prevention and destruction of weeds.
 - (h) The Operator shall seed the severed area to a permanent grass/legume mixture and mow the severed area annually for weed control.
 - (i) Domestic animals in the keeping of the Operator, contractors, or employees shall not be allowed to roam at large in the area granted by this right of entry.
6. All rocks with a diameter of greater than 6” encountered during construction to be removed from the Lands.
7. Cement returns from drilling operations shall be removed from the Lands.
8. On-Site equipment such as pumpjacks shall be powered by electric motors within 12 months of production and until on-site power is installed, on-site equipment shall be powered by an electric generator with noise attenuation mufflers.

Maintenance

9. The Operator shall practice good stewardship of the surface and operate and maintain the area granted in accordance with good oilfield and environmental practices.

Communication

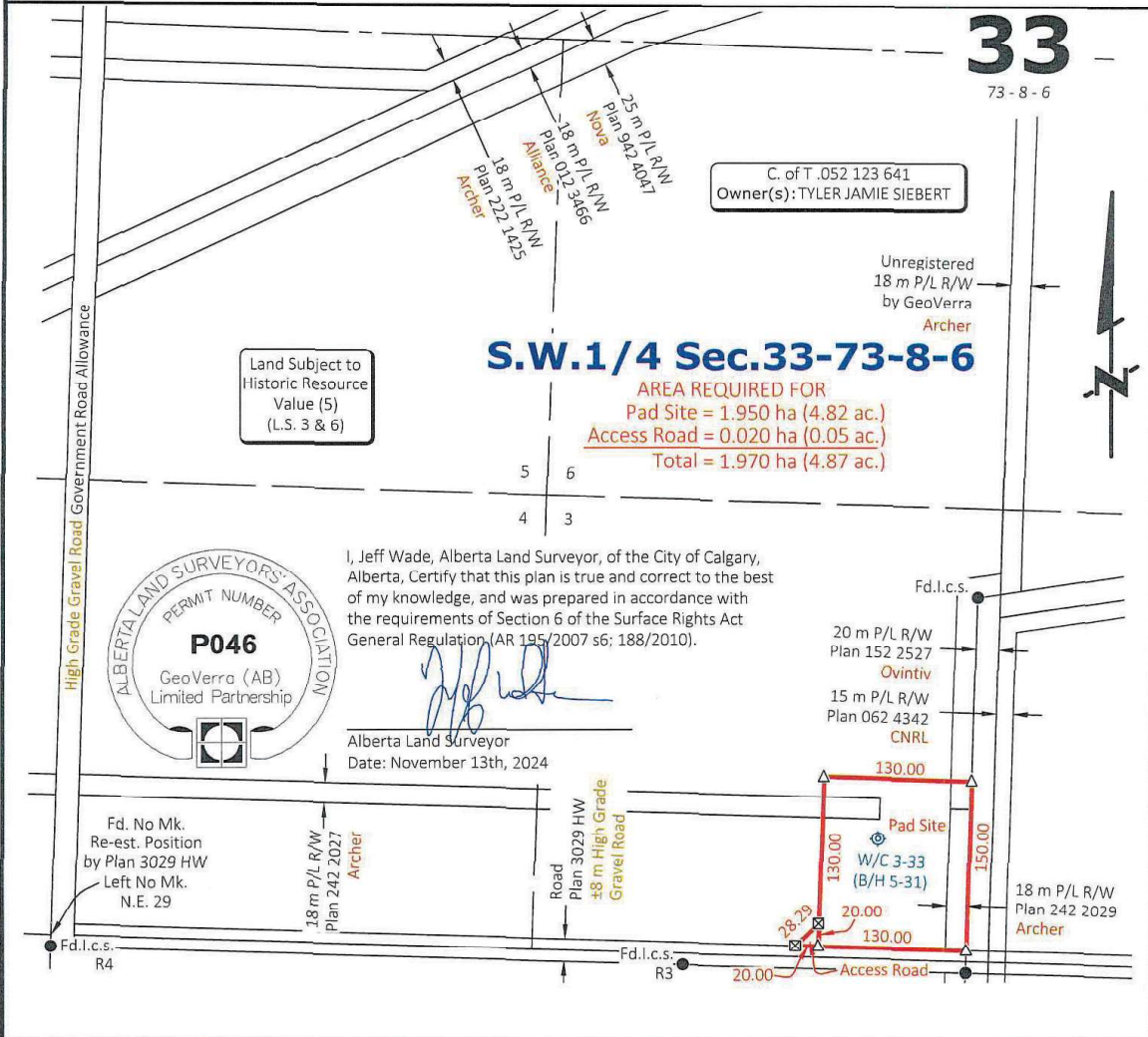
10. The Operator shall immediately notify the Respondents of any spill, leak or problem with the well. Notification includes identifying the location of the leak or break and the measures being taken to contain, repair and clean up the spill or leak.



INDIVIDUAL OWNERSHIP PLAN
Showing
PAD SITE & ACCESS ROAD

within
S.W.1/4 Sec.33 - Twp.73 - Rge.8 - W.6M.

Scale 1:5000

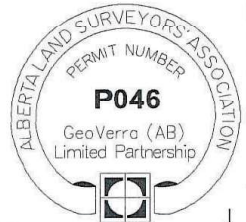


Land Subject to
Historic Resource
Value (5)
(L.S. 3 & 6)

C. of T .052 123 641
Owner(s): TYLER JAMIE SIEBERT

S.W.1/4 Sec.33-73-8-6

AREA REQUIRED FOR
Pad Site = 1.950 ha (4.82 ac.)
Access Road = 0.020 ha (0.05 ac.)
Total = 1.970 ha (4.87 ac.)



I, Jeff Wade, Alberta Land Surveyor, of the City of Calgary, Alberta, Certify that this plan is true and correct to the best of my knowledge, and was prepared in accordance with the requirements of Section 6 of the Surface Rights Act General Regulation (AR 195/2007 s6: 188/2010).

Alberta Land Surveyor
Date: November 13th, 2024

Well Name	Local Coordinates (calc.)	Quarter Section	Ground Elevation	NAD 83		NAD 27	
				U T M	Geographic (dd)	U T M	Geographic (dd)
ARCHER HZ VALHALLA 5-31-73-8	106.06 N. 701.65 E.	S.W. 33	728.1	6137059.22 N. 362552.00 E.	55.360592 Lat. -119.168352 Long.	6136844.27 N. 362634.75 E.	55.360615 Lat. -119.166970 Long.

THIS IS APPENDIX A REFERRED TO IN THE DECLARATION OF

Kayla Weninger
Kayla Weninger

Title No.: 052 123 641
Owner(s): TYLER JAMIE SIEBERT

LEGEND:

Portions referred to outlined thus: - - - - -

NOTES:

- Unless indicated otherwise, coordinates and bearings are referred to UTM Zone 11 NAD83 (CSRS) Epoch 2002, and were derived from GNSS observations to NRCAN PPP.
- Distances are in metres and decimals thereof.
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I/We the landowner(s), consent to the location of the Pad Site as shown on this plan and have no objections to the AER issuing a permit.
Dated this ___ day of _____, 20__.

TYLER JAMIE SIEBERT Witness

GeoVerra (AB) Limited Partnership Toll Free: 1-800-465-6233 www.geoverra.com	IOP: PAD	Segment:		
	Client File No.:	AFE No.:		
	Revision:	Date: Nov. 13, 2024	Initials: CC - TJ	
		Project No.: 23-03772	REV. 0	
		File: 23-03772-008-SRB-IOP		