



LAND AND PROPERTY RIGHTS TRIBUNAL

Citation: Tamarack Valley Energy Ltd. v Boe, 2025 ABLPRT 451

Date: 2025-07-29

File No.: RE2024.0186

Order No.: LPRT2025/SR0451

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:

SE 30-72-9-W6M as described in Certificate of Title No. 252 105 039 (the “*Land*”) particularly the area granted for Alberta Energy Regulator Licence Nos. 64414 and 64415 (the “*Site*”).

Between:

Tamarack Valley Energy Ltd.,

Operator,

- and -

Jeannette M Boe (owner),
Mark Bader (occupant),
NGTL GP Ltd.,
Cardinal Energy Ltd.,
ATCO Electric Ltd.,
Canadian Imperial Bank of Commerce,
Canadian Natural Resources Limited,
and
Tamarack Valley Energy Ltd.,

Respondents.

Before: Glenn Selland
(the “*Panel*”)

ORDER GRANTING RIGHT OF ENTRY

[1] The Operator shall have right of entry in respect of 4.02 acres of the surface of the Land as shown outlined in green on Plan A attached and forming part of this Order for or incidental to the construction, operation or removal of two pipelines.

[2] The right of entry is subject to the requirements of Pipeline Licence Nos. 64414 and 64415 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 or incidental to the construction, operation or removal of two pipelines.

[4] On June 5, 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 the Pipeline Licence Nos. 64414 and 64415 issued by the Alberta Energy Regulator;
- (c) Declaration of Most Recent Written Offer filed on June 5, 2025;
- (d) Declaration in Support of Survey Plan filed on June 5, 2025;
- (e) Declaration of Service confirming service upon Jeannette M Boe, Mark Bader, NGTL GP Ltd., Cardinal Energy Ltd., ATCO Electric Ltd., Canadian Imperial Bank of Commerce, Canadian Natural Resources Limited, and Tamarack Valley Energy 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 green on the plan attached to the Schedule 1 Application for or incidental to the construction, operation or removal of two pipelines.
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 Pipeline Licences.

[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] The Tribunal has not received an objection from any of the Respondents to the Application.

[10] 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. The Respondent owner shall have the right to use the area granted for agricultural purposes, subject to the Operator's right to enter to exercise the rights granted by this Order;
2. Any land affected by this Order previously acquired by a Respondent named in this Order shall be held in common by the Operator and the said Respondent;
3. Following installation of the pipeline, other than in an emergency, the Operator shall give the Respondent owner at least 24 hours' notice, and more notice where possible, of access to the Lands;
4. Access to the Lands shall only be by employees, authorized contractors or agents of the Operator and shall only be to the area granted outlined in green in the plan(s) attached to the Right of Entry Order.

Registration at Land Title Office

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

Operator's Responsibility During Construction and Operation

6. The Operator shall conform to all applicable legislation and regulations and shall follow good oilfield practices including but not limited to:
 - (a) 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 owner.
 - (b) The pipeline shall be installed using equipment that minimizes damage to the land.
 - (c) The Operator shall, during the construction of the pipeline and subsequent reclamation work, take all reasonable precautions to ensure that the natural drainage of the land is not obstructed or impeded.
 - (d) If any above-ground installation is authorized by the pipeline permit in connection with the pipeline, the installation shall, subject to any superseding requirement of sound engineering principles, be located to cause minimum inconvenience to farming operations and shall be adequately marked and protected by a pipe or other metal structure clearly visible to the farm operator.
 - (e) Following installation of the pipeline, the Operator must leave the surface of the area granted in a condition that is as close to its condition prior to installation of the pipeline so that farming operations can continue to be uniform across the Lands.
 - (f) All equipment and debris must be promptly removed from the Lands at the end of construction.
 - (g) Weed and disease control on the area granted shall be co-ordinated and integrated into the Respondent owner's weed and disease control of the entire property.
 - (h) The Pipeline must be constructed to a standard such that any surface equipment may cross it at any location.

Maintenance

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

8. The Operator shall be responsible for any damage to crops or personal property of the owner or occupant of the land caused by any entry or re-entry by the Operator.

Communication

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

In

County of Grande Prairie No 1

