



## LAND AND PROPERTY RIGHTS TRIBUNAL

**Citation:** Calgary Exhibition & Stampede Limited v. Success Resources Ltd, 2025 ABLPRT 400

**Date:** 2025-07-17

**File No:** BR2024.0144 (RC2021.2114)

**Order No.:** LPRT2025/SR0400

**Municipality:** Special Area No. 2

**In the matter of a proceeding commenced under** section 29 and 36 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 28-26-13-W4M as described in Grazing Lease No. GL83056 (the “Land”), particularly the area granted for Alberta Energy Regulator Licence No. 0146325 (the “Licence”) (the “Site”).

**Between:**

Success Resources Ltd.,

Operator,

- and -

Calgary Exhibition & Stampede Limited,

Applicant.

**Before:** Susan McRory (“the Panel”)

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### SECTION 29 ORDER

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Order LPRT903692/2024 is rescinded.

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### DECISION AND REASONS

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#### SUMMARY

[1] This is a Tribunal-initiated review of Order LPRT903692/2024 that was issued on July 30, 2024.

The file dates back to an August 3, 2021 application under section 36 of the *Surface Rights Act*. The Applicant sought compensation for missed payments in 2016, 2017, 2018, 2019 and 2020 under a Consent of Occupant Agreement dated October 31, 1990. The rate of annual compensation was \$1,200.00

[2] Although the Operator did not respond to the Notice and Demand for Payment issued on January 10, 2021, the Operator did contact the Tribunal by e-mail on September 26, 2022 to indicate that late payment had been made on this and twenty-five other files. The Operator included copies of cheques that had been issued. That email was not provided to the original panel.

No cheque has been issued.

## ISSUES

1. Should the Tribunal initiate a review of Order LPRT903692/2024?
2. Should the Tribunal seek submissions from the parties?
3. If there is to be a review, should the Tribunal confirm, amend, rescind or replace Order LPRT903692/2024 or order a re-hearing?

## DECISION

1. The Tribunal will initiate a review of LPRT903692/2024.
2. The Tribunal will not seek submissions from the parties.
3. The Tribunal rescinds Order LPRT903692/2024.

## ANALYSIS

### *Tribunal-Initiated Reviews*

[3] The Tribunal has the power to initiate its own review without a requirement to establish the basic requirements for review (Rule 37(1) of the *Surface Rights Rules*). For reviews initiated by the Tribunal, the Panel has broad discretion as to how to proceed and will determine the procedure to be followed, which may include an opportunity for the parties to make submissions.

There are also a number of options: the Tribunal may confirm, amend, rescind or replace any order previously made or it may conduct a rehearing based on the evidence and submissions already provided.

[4] It is unfortunate that the Operator did not respond to the Notice and Demand for Payment or the Decision terminating its access rights. However, by the time that the Direction to Pay was issued, there was clear proof that payment had been made. The original panel was not provided with that evidence. This justifies a review.

### *Submissions*

[5] The Operator has made full payment. There is no reason to seek submissions from the parties.

### *Options*

[6] Given that payment has been made, the Tribunal will rescind Order LPRT903692/2024.

Dated at the City of Edmonton in the Province of Alberta this 17<sup>th</sup> day of July 2024.

**LAND AND PROPERTY RIGHTS TRIBUNAL**



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Susan McRory, Chair.