



LAND AND PROPERTY RIGHTS TRIBUNAL

Citation: Skidmore v. Manitok Energy Inc, 2025 ABLPRT 444

Date: 2025-07-31

File No: BR2025.0103 (Ref File No. RC2024.1143)

Order No.: LPRT2025/SR0444

Municipality: Municipal District of Taber

In the matter of a proceeding commenced under section 29 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:

S 20-13-15-W4M as described in Certificate of Title 241 177 380 (the “Land”), particularly the area granted for well sites on LSD 3 by Alberta Regulator Licence Nos. 0398931 and 0412090 (the “Licences”) collectively (the “Site”).

Between:

Manitok Energy Inc.
and
Canadian Natural Resources Limited,

Operators,

- and -

Daniel James Skidmore,

Landowner,

- and -

Earl Henry Skidmore,

Former Landowner.

Before: Susan McRory (“the Panel”)

Appearances by written submissions:

Canadian Natural Resources Limited: Chris Best

For the Landowners: Daniel Skidmore

SECTION 29 ORDER
SURFACE RIGHTS ACT

Order LPRT901922 /2025 is amended to name Daniel James Skidmore as the sole Applicant and owner.

DECISION

SUMMARY

[1] On July 2, 2025 Chris Best of Canadian Natural Resources Limited (CNRL) filed an application under section 29 of the *Act* seeking a review of Order LPRT901922/2025 that was issued on April 30, 2025. CNRL and Manito Energy Inc. (MANITOK) were named as Operators. The original panel directed that the Minister pay \$28,385.00 to Earl Henry Skidmore and Daniel James Skidmore for missed payments in 2018 to 2024.

The basis for the request by CNRL is that they were not provided with a Notice and Demand for Payment.

The Tribunal records indicate that a Notice and Demand for Payment was issued to the email address that CNRL has provided as its address for service.

This is the address to which a copy of Order LPRT901922/2025 was sent, which was received. It is the same address provided in the application requesting review.

CNRL has also suggested that a delay in providing a copy of the Order was improper.

[2] Also on July 2, 2025, Daniel James Skidmore contacted the Tribunal to request that the cheque be issued in his name alone. Sadly, Earl Henry Skidmore had passed away in May of 2024. The Tribunal relies upon the Certificate of Title issued by Land Titles to determine who is entitled to payment. The Certificate of Title dated March 4, 2025 named Daniel James Skidmore as the sole owner of the land since July 7, 2024.

BACKGROUND

[3] In November of 2023 the Court of King's Bench issued the seminal decision in Bateman v Alberta (Surface Rights Board), 2023 ABKB 640. The Bateman decision has fundamentally changed the state of the law concerning payments under section 36(6) which has resulted in applications going back in time without any requirement to provide information as to the state of the land.

[4] On August 30, 2024, Daniel Skidmore filed an application under section 36 of the *Act* based on a surface lease dated June 21, 2008 seeking compensation for missed payments in 2018, 2019, 2020, 2021, 2022, 2023 and 2024. The annual rate was reported to be \$4,055.00. Mr. Skidmore provided a copy of the original lease with survey plan attached, an amendment to the lease dated February 27, 2009 increasing the annual rental, a cheque from MANITOK for the last payment made in 2017 and a copy of an order from Land Titles.

Mr. Skidmore also included a copy of Certificate of Title 091 343 755 that named himself and his father as owners. That Certificate of Title was dated June 7, 2023.

However, the Certificate of Title that the Tribunal obtained on March 4, 2025 named Daniel Skidmore as the sole owner.

[5] There are two wells on the land encompassed by the Surface Lease: Well 0398931 and 0412090. Records provided by the Alberta Energy Regulator (AER) identify Manito Energy Inc. (MANITOK) as the current licensee for both. There are two working interest participants for both wells: MANITOK and CNRL, with interests of 77.5% and 22.5% respectively. Well 0412090 was abandoned as of April 7, 2016, Well 0398931 was abandoned as of November 20, 2020.

[6] On April 23, 2024, Chris Best of CNRL had signed the E-mail Communication Informed Consent confirming that all correspondence, hearing notices and decision would be sent to cnrlsr@cnrl.com.

On January 10, 2025 Mr. Best of CNRL signed the E-mail Communication Informed Consent also confirming that all correspondence, hearing notices and decision would be sent to cnrlsr@cnrl.com.

[7] On March 4, 2025 a Notice and Demand for Payment was issued to CNRL at cnrlsr@cnrl.com requiring a response within 30 days. There was no reply.

[8] Relying on the Certificate of Title provided by the Applicant, on April 30, 2025 the original panel issued Order LPRT901922/2025 awarding compensation in the amount of \$28,385.00 to Earl Henry Skidmore and Daniel James Skidmore.

[9] On June 24, 2025, a copy of the Direction to Pay was forwarded to CNRL and to the Landowner.

[10] On July 2, 2025, CNRL filed the application for review under section 29 of the *Act*. CNRL's request is that the original order be rescinded in its entirety.

[11] On July 2, 2025 Mr. Skidmore contacted the Tribunal requesting that the cheque be issued in his name alone. Staff indicated that Mr. Skidmore would be required to fill out an application form challenging the decision. Mr. Skidmore has not done so.

[12] No cheque has yet been issued pending the outcome of the requests for review. As a result, no collection action has been taken against CNRL or MANITOK.

ISSUES

1. Has CNRL established the basic requirements for review?
2. Should the Tribunal act upon the informal request for review by the Landowner?
3. Should the Tribunal seek submissions from the parties?
4. Should the Tribunal confirm, amend, rescind or replace LPRT901922/2025?

DECISION

1. CNRL has not established the basic requirements for review.
2. The Tribunal will act upon the informal request for review by the Landowner.
3. The Tribunal will not seek submissions from the parties.

4. The Tribunal amends Order LPRT901922/2025 to direct payment to Daniel James Skidmore alone.

ANALYSIS

Basic Requirements for Review

[13] Section 29 allows the Tribunal to review, rescind, amend or replace any decision or order. Rule 37 of the *Surface Rights Rules* sets out the procedure for a review under section 29. However, these are discretionary remedies, not a right to appeal. The Court of King's Bench is the appropriate forum for an appeal or judicial review. As the author of one of the definitive texts in the area writes: "A party has no right, and a tribunal is not obliged to re-hear a matter. A tribunal has discretion." *Administrative Law in Canada*, 5th Edition, Sara Blake (Page 138)

For requests submitted by the parties, reconsideration is a two-step process. An applicant must first establish the pre-requisites for reconsideration on a balance of probabilities. (Canadian Natural Resources Limited v. Main 2020 ABSRB 735). Rule 37(3) provides as follows:

The Tribunal may only decide to review a decision or order if one of the following requirements for review are met:

- (a) the decision or order shows an obvious and important error of law or jurisdiction;
or
- (b) the decision or order shows an important error of fact, or an error of mixed fact and law, in the decision or order that affects the decision or order; or
- (c) the decision or order was based on a process that was obviously unfair or unjust;
- (d) the decision or order is inconsistent with an earlier Board decision or order, binding judicial authority, or provision of the legislation, regulation or rules; or
- (e) there was evidence at the time of the hearing that was not presented because it was unavailable to the party asking for review, and which is likely to make a substantial difference to the outcome of the decision or order.

Rule 37(4) provides that where an applicant fails to establish the basic requirements for review, the application may be dismissed without notice to the other parties.

[14] The basis upon which CNRL requests a review was that it did not receive a copy of the Notice and Demand for Payment as required by section 36(4).

However, a Notice and Demand for Payment dated March 4, 2025 was sent to the address that CNRL has provided. It is the same address to which the Direction to Pay was sent and successfully received.

There is no basis upon which to conclude that Notice was not provided.

[15] CNRL has also suggested that there is a procedural issue in that the decision that was issued on April 30, 2025 was not provided to CNRL until June 24, 2025.

There is no requirement in the legislation as to the time in which decisions should be provided to the parties. While the original order suspended the access rights of the Operators, CNRL's liability as an

Operator is based on its status as a working interest participant. Working interest participants do not have access rights, so the order did not affect CNRL's legal position.

While the issuance of the Order directing the Minister to pay sets into motion the ability of the Minister to institute collection activities under section 36(9), the Information Sheet that was attached to the Order explains that payment by the Finance Branch of Alberta Environment and Protected Areas takes approximately 10 to 12 weeks. Until a cheque is issued, the collection processes under section 36(9) are not engaged.

In this case, no cheque has been issued pending the outcome of the request for review.

[16] CNRL has suffered no prejudice as a result.

[17] The onus is upon the applicant seeking a review. CNRL has not met that onus. CNRL's application is dismissed. On that basis, there is no requirement to seek submissions on the issues that CNRL has raised.

Should the Tribunal act upon the informal request for review by the Landowner?

[18] Rule 14(2) requires that where a form is prescribed by the Tribunal, the application must include a completed form. The application form for a section 29 review is only two pages in length. It mirrors the requirements in the Rules that an application include the reasons that the application is made and a clear and concise statement of the relevant facts. The e-mail of July 2, 2025 did not include a completed form nor has Mr. Skidmore filed a formal application.

[19] However, Rule 6(3) allows the Tribunal to "waive or vary a requirement of these rules at its discretion."

[20] While the original panel was relying upon the Certificate of Title supplied by the Applicant, the better evidence was the more recent Certificate of Title that was on the Tribunal's file which indicated that as of July 12, 2024 the sole owner of the land was Daniel James Skidmore.

The *Act* defines "owner" as the person whose name is on the Certificate of Title. Notwithstanding that the Certificate of Title that was provided by the Applicant was in the name of himself and his father, the original panel ought to have relied upon the most recent Certificate of Title that was on file.

This is an error in law that justifies a review. As such, this Panel waives the requirement for a formal application.

Submissions

[21] Rule 37 (5) provides as follows:

The Tribunal shall not grant a request for review without providing all parties an opportunity to make submissions...

There will be cases where fairness demands that the parties be given an opportunity to provide submissions.

[22] However, in this case, the Certificate of Title that was on file at the time that the original panel issued its decision was in the name of Daniel Skidmore alone. This Panel has already determined that a review will proceed on the limited issue of who is entitled to be paid and will grant the relief that the Landowner seeks. Further submissions from the Landowner would be redundant.

The issue that is now subject to a review is not an issue that impacts CNRL's rights, so it would serve no purpose to seek submissions from CNRL on that narrow issue. MANITOK is insolvent and therefore unable to respond.

In these circumstances, this Panel waives the requirements for submissions.

Should the Tribunal confirm, amend, rescind or replace LPRT901922/2025?

[23] In determining that a review will proceed, the entire order is under consideration and the Tribunal may confirm, amend, rescind or replace the decision or order made or order a rehearing.

[24] Based on the records provided by the AER, this Panel is confident that the correct operators have been identified.

[25] As to who is entitled to receive the money, based on the Certificate of Title that was on the original file and confirmed by another search of Land Titles on July 17, 2025, the only person named on the Certificate of Title is Daniel James Skidmore. The Certificate of Title confirms the Applicant is the owner, therefore, the Panel finds the Applicant is entitled to receive the money. The Applicant provided evidence of a Right-of-Entry Instrument, and the compensation is supported by the Application and supporting documentation. The Applicant declared in writing that the Compensation has not been paid for the years claimed.

While this Panel recognized that caution should be exercised when dealing with applications going back more than 5 years (as per Nelson v. Canoke Petroleum Company 2018 ABSRB 372), in this case the Applicant has provided extensive documentation in support of his claim. He has been a co-owner of the land since 2009 and so would be in a position to know the history of dealings with the operators over the years.

As to the decision to direct the Minister to make full payment, the original panel and indeed this Panel is bound by the direction of the Court in Bateman.

[26] As the only error relates to the person entitled to be paid, an amendment to name Daniel James Skidmore as the sole owner and applicant cures the mistake that was made by the original panel and does not impact the rights of the operators.

Dated at the City of Edmonton, in the Province of Alberta this 31st day of July 2025.

LAND AND PROPERTY RIGHTS TRIBUNAL



Susan McRory, Chair