



LAND AND PROPERTY RIGHTS TRIBUNAL

Citation: Questerre Energy Corporation v Maisey, 2025 ABLPRT 448

Date: 2025-07-31

File No.: BR2025.0058 (Ref File No. RC2021.2698)

Decision No.: LPRT2025/SR0448

Municipality: Vulcan County

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:

NE 29-15-25-W4M as described in Certificate of Title No. 101 054 138 (the “Land”), particularly the area granted for Alberta Energy Regulator Licence No. 0327414 (the “Site”).

Between:

Questerre Energy Corporation,

Applicant,

- and -

Murray Dean Maisey,

Sherry Joan Maisey

and

Suzanne Marie Maisey,

Landowners,

- and -

Lexin Resources Ltd.

and

6058931 Canada Inc.,

Operators.

Before: Miles Weatherall
(the “Panel”)

APPEARANCES BY WAY OF WRITTEN SUBMISSIONS:

For the Applicant: Bradyn Willms, Borden Ladner Gervais LLP

SECTION 29 ORDERS
SURFACE RIGHTS ACT

The Panel orders that:

- Order No. LPRT905706/2024, dated October 28, 2024, is amended only by removing Questerre Energy Corporation and replacing it with 6058931 Canada Inc.
 - In all other aspects, the remainder of Order LPRT905706/2024 is confirmed.
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DECISION AND REASONS

BACKGROUND/OVERVIEW:

[1] This is an application by Questerre Energy Corporation (“Questerre”) under Section 29 of the *Surface Rights Act* to review Decision No. LPRT905706/2024 of the Tribunal dated October 28, 2024 (the “Original Order”). The panel hearing the original matter was dealing with an application under section 36 for the recovery of unpaid compensation for the years 2016, 2017, 2018, 2019 and 2020 arising from a Surface Lease dated February 7, 2005.

[2] The application was referred to a panel of the Tribunal. The panel relied upon the Alberta Energy Regulator’s Well Summary Report dated June 22, 2022, which indicated that Questerre was a working interest participant for the Site. On that basis, the panel concluded that Questerre was an Operator for the purposes of section 36. A copy of the October 28, 2024 decision was sent to Questerre.

[3] On April 8, 2025, Questerre submitted a request for reconsideration, alleging the decision was based on an error in fact. Questerre indicated that the original Panel erred in finding that Questerre was a working interest participant because it has not had a working interest in the Site since 2016. The AER has not updated its records. The correct working interest participant is 6058931 Canada Inc. (“6058931”). Questerre requests that the Tribunal remove Questerre as an Operator and reflect 6058931, or its successor in interest, as a working interest participant.

Section 8 of the Act gives the Tribunal the power to establish rules governing the procedure and practice for proceedings. On that basis, on June 6, 2025, the Tribunal requested further submissions from the Parties.

[4] The request for submissions also referenced Rule 37(5), which provides that the Tribunal shall not grant a request for review without providing all parties with an opportunity to make submissions. The Applicant and the other parties were given thirty (30) days from the date of this Decision to provide evidence or submissions.

[5] On June 30, 2025, the Landowners provided the following submission:

“...[we] take no position as to the Tribunal’s process and the determination of the ‘Operators’ in these proceedings. We affirm Decision No. LPRT905706/2024 (the Original Order) of the Tribunal dated October 28, 2024. In the alternative, if Questerre wishes to provide a copy of the Purchase and Sale Agreement to the Tribunal, as further evidence to substantiate their assertions,

we would support that submission as a confidential filing, including redacting financial, proprietary, corporate sensitive, and personal information where necessary.”

[6] On July 11, 2025, the Applicant’s legal counsel provided a redacted copy of the Purchase and Sale Agreement referred to in the Original Order which shows a transfer of Questerre’s interest in the subject well.

[7] No other submissions were received from the parties.

RELEVANT LEGISLATION:

Surface Rights Act, RSCA 2000, C-s-24, SS. 29 and 36.
Surface Rights Rules (the “Rules”), Rule 37

ISSUES:

1. Should the Panel rescind the Original Order?
2. What orders, if any, should issue?

DECISION:

[8] The Panel decides as follows:

1. The Panel amends the Original Order with respect to the removal of Questerre Energy Corporation as an Operator and the addition of 6058931 Canada Inc. as an Operator.
2. The order shall issue as set out in the “Section 29 Orders” section, above.

REASONS FOR THE DECISION:

Should the Tribunal reconsider its Original Decision and, if so, on what basis?

[9] Rule 37 governs the process for reconsideration requests and limits the matters that can move forward. Reconsideration is a two-step process. An applicant must first establish the basic requirements for review on a balance of probabilities. The onus is on the applicant. (Canadian Natural Resources Limited v. Main, 2020 ABSRB 735) The relevant excerpts of Rule 37 are as follows:

29(1) The Tribunal may

- (a) rehear an application before deciding it;
- (b) review, rescind, amend or replace a decision or order made by it;
- (c) repealed 2009 c31 s13;
- (d) notwithstanding anything in this Act, and with or without a hearing, amend a compensation order to show as a respondent a person who is neither an owner or occupant of the land concerned, and to make compensation payable to that person, when the Tribunal is satisfied that that person is legally entitled to receive the compensation that would otherwise be payable to an owner or occupant.

[10] Rule 37 provides directions on the factors the Tribunal will consider when determining whether to conduct a review under Section 29 of the *Act*. Rule 37 states, in the relevant part:

- (3) The Board may only decide to review a decision or order if one of the following basic requirements for review are met:
 - (a) the decision or order shows an obvious and important error of law or jurisdiction;
 - (b) the decision or order shows an important error of law, or an error of mixed fact and law, in the decision or order that affects the decision or order;
 - (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 relevant 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.

[11] The Panel places significant weight on the redacted Purchase and Sale Agreement received from Questerre because it confirms that Questerre disposed of its entire working interest to 6058931 as of September 30, 2016. There are no permitted encumbrances in the Purchase and Sale Agreement.

[12] The Panel also places significant weight on the evidence of an updated May 28, 2025, AER Well Summary Report which shows the working interest participants on the Site as 6058931 Canada Inc. and Lexin Resources Ltd. as of October 24, 2023.

[13] Although unknown to the Original Panel at the time, this Panel finds the Original Panel erred in finding that Questerre was a working interest participant on the Site for the relevant periods of time. The Panel accepts that the redacted Purchase and Sale Agreement has now been provided by Questerre and the updated AER Well Summary Report supports Questerre's argument that it should not be considered an Operator pursuant to s. 36(1)(d) of the *Act*.

[14] The Panel finds that the evidence now includes the Purchase and Sale Agreement confirming that Questerre disposed of its entire working interest to 6058931 as of September 30, 2016, along with the updated May 28, 2025, AER Well Summary Report which shows the working interest participants on the Site as 6058931 Canada Inc. and Lexin Resources Ltd. as of October 24, 2023.

[15] The Panel finds that Questerre is not an Operator for the subject well.

[16] Based on the evidence now provided, Questerre will be removed as an Operator.

[17] The Panel notes that 6058931 Canada Inc. was provided with a Notice and Demand for Payment in a letter dated April 29, 2024, prior to the Original Order being made. The evidence shows that 6058931 Canada Inc. did not respond to that notice. Further, the Panel notes that 6058931 Canada Inc. was also provided an opportunity to respond to the Section 29 Orders made in LPRT2025/SR0294. No response was provided. This Panel finds that 6058931 Canada Inc. is an Operator pursuant to s. 36(1)(d) of the *Act* because according to the updated May 28, 2025, AER Well Summary Report, they are a working interest participant on the Site for the years 2016, 2017, 2018, 2019 and 2020. Based on the evidence now provided, 6058931 Canada Inc. will be added as an Operator.

Orders shall issue as set out in the “Section 29 Orders” section above.

Dated at the City of Medicine Hat in the Province of Alberta on July 31, 2025.

LAND AND PROPERTY RIGHTS TRIBUNAL

A handwritten signature in blue ink, appearing to be 'Miles Weatherall', written over a horizontal line.

Miles Weatherall, Member