



LAND AND PROPERTY RIGHTS TRIBUNAL

Citation: *Alberta PowerLine General Partner Ltd. v MWC Investments Inc., 2025 ABLPRT 469*

Date: 2025-08-11

File No. BR2025.0055 (Ref Files RR2022.0005, RR2022.0006, RR2022.0007, RR2022.0008, RR2022.0009, RR2022.0010, RR2022.0011, RR2022.0014)

Decision No. LPRT2025/SR0469

Municipality: Parkland 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:

N ½ 15-53-3-W5M, W ½ 22-53-3-W5M, NE ½ & SE 26-51-3-W5M as described in Certificate of Title Nos. 072 319 703, 122 378 197, 072 012 664, 072 012 665, 992 063 857, 992 063 845, and 162 139 535 (the “Land”), particularly the area granted for Alberta Utilities Commission Licence No. 21030-D03-2017 (the “Site”).

Between:

Alberta PowerLine General Partner Ltd.,

Operator,

- and -

MWC Investments Inc. (owner),
Tricycle Lane Ranches Ltd. (owner),
795272 Alberta Ltd. (owner),
Albert Joseph Wagner (owner),
Burnco Rock Products Ltd.,
Ste Anne Natural Gas Co-op Ltd.,
The County of Parkland No. 31,
Alberta Treasury Branches,
Parkland County,
Lee Patrick Bergmann,
Corinna Ilse Bergmann,
Kevin Milne,
Denise Milne
and
FortisAlberta Inc.,

Respondents.

Before: Susan McRory
(the "Panel")

PRELIMINARY DECISION AND REASONS

APPEARANCES

For the Operator: **Alberta PowerLine General Partner Ltd.**

Legal Counsel: Tim Myers and Erin Anderson, Bennett Jones LLP

Witnesses: Robert Telford, Telford Land & Valuation Inc.
Gordon Johnson, Burgess Environmental Ltd.

For the Respondents: **MWC Investments Inc. ("MWC")**

Legal Counsel: Kim Wakefield, K.C. and Ian Wachowicz, Dentons Canada LLP

Witness: Robin Selte for MWC Investments Inc.

Burnco Rock Products Ltd. ("Burnco"), Tricycle Lane Ranches Ltd. ("TLR"), and 795272 Alberta Ltd. ("795")

Legal Counsel: Keith Wilson, K.C., Wilson Law Office

SUMMARY

[1] On April 3, 2025, Counsel for Alberta PowerLine General Partner Ltd. (APL) filed a request for review of Order LPRT2025/SR0005. The review is limited to the decision by the original panel to award interest under section 25(9) of the *Act*.

[2] The arguments advanced by APL are summarized as follows:

1. While APL concedes that an award of interest is within the discretion of the Tribunal, APL suggests that the original panel was in error in applying section 25(9), arguing that in the context of a section 27 application, interest can only be awarded under section 27(15) and that the conditions precedent under section 27(15) have not been established. APL argues that this constitutes an error in law.
2. APL argues that an award of interest is "not appropriate in the circumstances".
3. APL suggests that the decision on interest is inconsistent with earlier decisions of the Tribunal, specifically Hutterian Brethren Church of New York v. AlphaBow Ltd., 2024 ABLPRT 548 (CanLII). In the earlier decision, the panel did not award interest on the basis that the applicant had made no request for

interest.

4. In the alternative, APL requests that the Tribunal vary the order with respect to interest as “restricted to interest payable on amounts outstanding from the effective date of the review, of the subject ROE Orders, and not from the original date the subject ROE Orders were made”.

ISSUES

Should the Tribunal seek submissions from the parties before deciding whether the Applicant has established the basic requirements for review?

PRELIMINARY DECISION

Before deciding whether the Applicant has established the basic requirements for review, the Tribunal will seek submissions from the parties.

ANALYSIS

Basic Requirements for Review

[3] Section 29 of the *Surface Rights Act* gives the Tribunal the power to review orders and decisions. The *Act* also gives the Tribunal the power to set its own rules for practice and procedure (Section 8(2)(b)). Rule 39 of the *Surface Rights Rules* establishes the process by which applications under section 29 are processed.

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.

Submissions

[4] Rule 37(5) of the *Surface Rights Rules* provides as follows:

The Tribunal shall not grant a request for review without providing all parties an opportunity to make submissions...Upon consideration of an application for review, the Tribunal may

- (a) dismiss the request; or
- (b) provided that all parties have had an opportunity to make submissions,
 - (i) confirm, amend, rescind or replace any decision or order previously made by it or
 - (ii) order a hearing or any other proceedings in accordance with these rules on all or part of the matter

[5] All Respondents will be given until September 12, 2025 to provide submissions, with rebuttal, if required, by September 26, 2025.

Dated at the City of Edmonton in the Province of Alberta this 11th day of August, 2025.

LAND AND PROPERTY RIGHTS TRIBUNAL



Susan McRory, Chair