



LAND AND PROPERTY RIGHTS TRIBUNAL

Citation: Sich v Ember Resources Inc., 2024 ABLPRT 903933

Date: 2024-08-21

File No: RC2019.2805

Order No.: LPRT903933/2024

Municipality: Kneehill County

In the matter of a proceeding commenced under section 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 1/4-31-32-21-W4M as described in Certificate of Title No. 191 160 316 +2 (the “Land”), particularly the area granted for Alberta Energy Regulator Licence No. 0329698 (the “Site”).

Between:

Trident Exploration (Alberta) Corp.,
and
Ember Resources Inc.,

Operators,

- and -

Livia Ann Sich,
and
Ivan G Sich,

Applicants.

Before: Miles Weatherall (“the Panel”)

SECTION 36(6) DIRECTION TO PAY

The Tribunal directs the Minister to pay out of the General Revenue Fund the sum of THREE THOUSAND FORTY-FIVE and 00/100 DOLLARS (\$3,045.00) (the “Compensation”) jointly to Livia Ann Sich and Ivan G Sich of Trochu in the Province of Alberta for compensation that became due in the year 2019.

DECISION AND REASONS

[1] The Applicants filed an application under section 36 of the Act seeking recovery of unpaid compensation due under a Surface Lease Agreement dated April 1, 2005 for the above site (the “Right of Entry Instrument”).

ISSUES

[2] The issues before the Panel are:

- (1) Which of the parties should be named as the Operators for the purposes of section 36 of the Act?
- (2) Is there money past due and unpaid by the Operators to the Applicants under the Right of Entry Instrument?
- (3) Should the Tribunal direct the Minister to pay any of the amount owed to the Applicants out of the General Revenue Fund?
- (4) Should the Tribunal suspend and terminate the Operator’s rights?

DECISION

[3] The Panel decides:

- (1) For the purposes of section 36 of the Act, the Operators are Trident Exploration (Alberta) Corp. and Ember Resources Inc.
- (2) Compensation of \$3,045.00 is payable to the Applicants by the Operators.
- (3) The Tribunal directs the Minister to pay the full amount of the Compensation payable to the Applicants.
- (4) The decision to suspend or terminate the Operator’s rights is reserved.

REASONS

[4] The Operators as defined under section 36(1) of the *Act* and a reclamation certificate has not issued so the Operators are responsible to pay compensation to the Applicants.

[5] The Panel is satisfied that the demand for payment and notice to the Operators meets the requirements of the Act pursuant to s. 36(4) and the *Interpretation of Section 36(4) Surface Rights Act Guideline*, ABSRB 2020-1.

[6] After a review of the completed Application Form, signed declaration and supporting documents, the Panel is satisfied that the Compensation is owed by the Operators to the Applicants for annual payment due under the Right of Entry Instrument. This amount is calculated as one payment of \$3,045.00 due for the year 2019.

[7] Bateman v Alberta (Surface Rights Board), 2023 ABKB 640 specified that under s. 36 of the Act, the Applicants need only prove there is a Right of Entry Instrument and there is default on the payment, therefore, the Panel directs the Minister to pay the full amount owing. The Panel determined there is a right of entry instrument and money is owing, accordingly the Minister is directed to pay the Applicants \$3,045.00 from the General Revenue Fund.

[8] The decision to suspend or terminate the Operator's rights is reserved.

Dated at the City of Medicine Hat in the Province of Alberta this 21st day of August, 2024.

LAND AND PROPERTY RIGHTS TRIBUNAL



Miles Weatherall, Member