



LAND AND PROPERTY RIGHTS TRIBUNAL

Date: 2023-07-19

File No.: RCR2022.3370

Order No.: LPRT904131/2023

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 1/4-33-40-7-W4M as described in Certificate of Title No. 182 098 228 (the “Land”),
particularly the area granted for Alberta Energy Regulator Licence No. 0124404 (the “Site”).

Between:

Alphabow Energy Ltd.,

Operator,

- and -

Wills Land & Cattle Co. Ltd.

Applicant.

DIRECTION TO PAY PURSUANT TO SECTION 36(7) OF THE ACT

The Tribunal directs the Minister to pay out of the General Revenue Fund the sum of TWO THOUSAND FIFTY and 00/100 DOLLARS (\$2,050.00) to Wills Land & Cattle Co. Ltd. of Hughenden in the Province of Alberta for compensation that became due in the year 2022.

No costs are payable for this application.

Reasons:

[1] The Minister has previously made a payment to the Applicant under section 36 of the Act for the annual compensation due under a right of entry instrument dated November 11, 1986. The Applicant provided evidence that subsequent annual compensation is unpaid in relation to the same site for the year 2022. The parties remain the same, the Site has not been reclaimed and the Panel is satisfied that the payment is justified in this case.

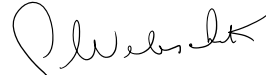
[2] The Applicant submitted an invoice for costs incurred. The Panel is treating that invoice as an application for costs under section 39 of the Act. The Applicant seeks costs totalling \$262.50, including costs for consulting fees and GST.

[3] Section 39(1) of the Act puts costs of and incidental to proceedings under the Act in the discretion of the Tribunal. In determining costs payable, the Panel took guidance from Rule 31(2) the *Surface Rights Tribunal Rules*.

[4] The Panel finds that the prevailing consideration for this application was the low complexity. This application used the expedited process given in section 36(7) of the Act. To apply, the Applicant needed only to complete a short form naming of all Applicants, giving the legal land description, and informing the Tribunal as to whether the compensation rate had changed since their previous application. All of this information would have been known to the Applicant. The Applicant did not have to file any new evidence or swear a new statutory declaration. If the Applicant had any questions about the process, they could have contacted Tribunal administration or other resources. In conclusion, the Panel does not see any reason why it was necessary for the Applicant to employ professional assistance for this application.

Dated at the Town of Okotoks in the Province of Alberta this 19th day of July 2023.

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Dierdre Mullen, Member