



LAND AND PROPERTY RIGHTS TRIBUNAL

Citation: Beeton v Ember Resources Inc., 2025 ABLPRT 903471

Date: 2025-06-13

File No: RC2024.0625

Order No: LPRT903471/2025

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:

NW 23-31-24-W4M as described in Certificate of Title No. 131 130 043 +1 (the “Land”), particularly the area granted for a well site and roadway in L.S. 13 by Alberta Energy Regulator Licence No. 0119751 (the “Licence”), collectively (the “Site”).

Between:

Ember Resources Inc.
and
Bumper Development Corporation Ltd.,

Operators,

- and -

Ralph E Beeton
and
Dianne Y Beeton,

Applicants.

Before: Susan McRory (“the Panel”)

Appearances by written submissions:

For the Applicants: Paul Vasseur

For the Operators: Kari Swennumson, Ember Resources Inc.

DECISION AND REASONS

[1] On April 30, 2024, the Applicants' representative filed three applications under section 36 including the matter that is before this Panel today.

The Landowners are seeking compensation based on a surface lease dated November 21, 1985. The reported rate of annual compensation is \$4,240.00.

However, the application is not clear on the years for which compensation is being sought. Under the heading "Year Requested" the entry reads "2020 to 2024". Based on the date of the original surface lease, a request for compensation in 2024 would be premature.

The amount claimed in the application is \$8,460.00 with the comment: "Ember failed to pay the annual compensation." That amount is not consistent with a claim for either four or five years at \$4,240.00.

The landowners have signed and dated the solemn declaration attesting to the accuracy of the information contained in the application.

The application also included a claim for costs in the amount of \$399.53. While this Panel has no issue with the amount being claimed, the invoice relates to three separate files while the application relates to only one.

[2] In support of the application, Mr. Vasseur provided a letter from Ember Resources Inc. (EMBER) dated June 17, 2020 purporting to reduce the rate of annual compensation from \$4,240.00 to \$2,548.00. The letter includes a signature line by which the landowners could acknowledge acceptance of the reduced rate.

The landowners did not sign. As a matter of law, EMBER cannot unilaterally reduce the rate of the compensation.

Mr. Vasseur also included a record of a deposit made to the Applicants on November 26, 2020 in the amount of \$2,548.00. Again, the cashing of a cheque does not represent acceptance of the offer contained in the June 17, 2020 letter.

[3] Records provided by the Alberta Energy Regulator (AER) identify EMBER as the current Licensee and EMBER and Bumper Development Corporation Ltd. (BUMPER) as the working interest participants with interests of 75% and 25 % respectively. While EMBER is an active corporation, BUMPER was struck from Corporate Registry effective June 2, 2017.

[4] On January 15, 2025 Notices and Demands for Payment were issued to EMBER and BUMPER requiring a response within 30 days. In both cases, the current rate of compensation was given as \$4,240.00 and the missed payments as "2020, 2021, 2022 and 2023."

[5] On March 5, 2025 EMBER responded indicating that there were duplicate files and that they had made payment for the outstanding balance for 2020 and 2021 and that since then, they have been making full payment. EMBER indicated that they had made private arrangements to pay the Landowners' costs.

EMBER included a copy of a letter addressed to the Landowners dated February 3, 2022 indicating that payment for the outstanding balance of \$3,384.00 had been made for 2020 and 2021. The Landowners had not reported that payment to the Tribunal. EMBER also included a copy of an EFT Deposit dated November 3, 2022 as evidence of a payment of \$4,240.00, as well as a cheque stub dated November 7, 2023 and

another cheque stub dated November 5, 2024 as evidence that payment had been made for 2022, 2023 and 2024.

[6] Based on the evidence that payment has been made, this application is dismissed, and the file is closed.

Dated at the City of Edmonton, in the Province of Alberta this 13th day of June, 2025.

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Susan McRory