



LAND AND PROPERTY RIGHTS TRIBUNAL

Citation: Henry v Razor Energy Corp., 2025 ABLPRT 904176

Date: 2025-07-17

File No: RC2024.0761

Order No: LPRT904176/2025

Municipality: Vulcan 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:

SE 13-20-20-W4M as described in Certificate of Title No. 154B153 (the “Land”), particularly the area granted for a well site in L.S. 8 Alberta Energy Regulator Licence No. 0273700 (the “Licence”), collectively (the “Site”).

Between:

Razor Energy Corp., Little Rock Resources Ltd.
and
TexCal Energy Canada Inc.,

Operators,

- and -

Bruce Arthur Henry and Carol Florence Henry,

Applicants.

Before: Miles Weatherall (“the Panel”)

Appearances by written submissions:

For the Applicants: Kris Bower, WellTraxx Ltd.

For the Operators: Texcal Energy Canada Inc.
Warren Niles, Surface Land Analyst Contractor

Razor Energy Corp. No written submissions

Little Rock Resources Ltd. No written submissions

**DIRECTION TO PAY PURSUANT TO
SECTION 36 OF THE *ACT***

The Tribunal directs the Minister to pay out of the General Revenue Fund the total sum of SIX THOUSAND TWO HUNDRED and 00/100 DOLLARS (\$6,200.00) jointly to Bruce Arthur Henry and Carol Florence Henry, in the Province of Alberta comprised of compensation that became due in the years 2023 and 2024 (the “Compensation”).

DECISION AND REASONS

[1] The Applicants filed applications dated May 29, 2024, and December 23, 2024, under section 36 of the *Act* (the Application) seeking recovery of unpaid compensation due under a surface lease agreement, consent of occupant agreement, or Compensation Order for the above Site (the “Right-of-Entry Instrument”) dated September 6, 2002. The Applicants claim \$3,100.00 annually, for a total amount of \$6,200.00 under the Application for 2023 and 2024.

[2] Further to the Application and during routine searches of publicly available records maintained by the Alberta Energy Regulator (AER), Alberta Corporate Registry, and Alberta Land Titles, the Tribunal found more than one party that might be an “operator” of the Site under section 36. A summary of these searches is as follows:

- A June 19, 2025, AER Well Summary Report shows that Well Licence No. 0273700 was transferred from Little Rock Resources Ltd. (“Little Rock”) to Razor Energy Corp. (“Razor”) on October 10, 2019, and to TexCal Energy Canada Inc. (“TexCal”) on March 21, 2025.
- The same report shows that the working interest participant in this well, effective August 5, 2016, was Little Rock.
- An Alberta Corporate Registry Search dated July 19, 2024, of Little Rock shows that its legal status is amalgamated; and that its amalgamation successor is Razor.
- An Alberta Corporate Registry Search dated February 10, 2025, of Razor shows that its legal status is amalgamated as of January 1, 2025; and that its amalgamation successor is TexCal.
- An Alberta Corporate Registry Search dated February 10, 2025, of Texcal shows that its legal status is active; and that its amalgamation predecessor is Razor.

ISSUES

1. Who is an Operator for the purpose of section 36 of the *Act*?
2. Is there money past due and unpaid by the Operators to the Applicants under a Right of Entry Instrument?
3. Should the Tribunal direct the Minister to pay the Applicants any of the money past due under section 36 of the *Act*?
4. Should the Tribunal suspend and terminate the Operators’ rights?

DECISION

1. For the purposes of section 36 of the *Act*, the Operators are Razor, Little Rock and TexCal.
2. The written evidence proves compensation in the amount of \$6,200.00 is payable to the Applicants by the Operators.
3. Without further notice, the Tribunal directs the Minister to pay the Applicants Compensation in the amount of \$6,200.00 from the General Revenue Fund.
4. The decision to suspend or terminate the Operators' rights is reserved.

ANALYSIS

1. Who is an operator for the purpose of section 36 of the *Act*?

[3] The Tribunal gave notice pursuant to s. 36(4) to Razor, Little Rock and TexCal, and the Panel is satisfied that the demand for payment and notice 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.

[4] Section 36(1) and (2) expand the definition of *operator* so that it has a broader meaning than in the rest of the *Act*.

Section 36(1)(c) – Alberta Energy Regulator (“AER”) Licence Holder

[5] Under section 36(1)(c) the holder of a licence issued by the AER and its successors, is an Operator. As mentioned above, the Licence for the Site was in the name of Razor as of October 10, 2019, until a transfer of the Licence on March 21, 2025, to TexCal. Therefore, the Panel finds Razor is an Operator under section 36(1)(c) for the years 2023 and 2024; and that, as a successor to Razor, TexCal is an Operator under section 36(1)(c) for the years 2023 and 2024.

Section 36(1)(d) – Working Interest Participants

[6] Under s. 36(1)(d) working interest participants and successors are Operators.

[7] The Panel finds that Little Rock is an Operator under section 36(1)(d) for the years 2023 and 2024 because the AER Well Summary Report dated June 19, 2025, for the Licence shows it was a working interest participant on the Site as of August 5, 2016.

[8] The Panel finds that Razor is an Operator under section 36(1)(d) for the years 2023 and 2024 because as mentioned above Razor is a successor to Little Rock.

[9] TexCal filed submissions noting that TexCal, as an Operator, acquired all the shares of Razor Energy Corp. through the Court approved transaction effective December 11, 2024, per Court of King's Bench of Alberta Approval and Reverse Vesting Order 2401-02680 filed December 6, 2024, which was after the relevant dates in the Application. This Order was not provided to the Panel, so the terms of the agreement are unknown. The AER records confirm that the well licence is now in the name of TexCal. The Panel finds that TexCal Energy Canada Inc. assumed the liabilities related to the Site they now operate. Under section 36(1) the holder of a licence issued by the AER and its successors, is an Operator. TexCal is a successor and a working interest participant, therefore, the Panel finds this party is an Operator under section 36(1)(d) for the years 2023 and 2024.

Section 36(1)(e) – Holder of a surface lease or right of entry order

[10] Under section 36(1)(e) the holder of the surface lease or right of entry order for the Site and its successors, is an Operator. The Panel finds Little Rock is an Operator for the purpose of section 36(1)(e) on the due dates in 2023 and 2024 because it is the Operator named on the Certificate of Title.

[11] Past Tribunal decisions with multiple operators found the operators to be concurrently responsible to pay compensation. *Dobish v Terra Energy Corp*, 2019 ABSRB 737 held at para 14: “[n]othing in s. 36 of the Act limits the liability of any one of the operators, including s. 36(4) and working interest participants. If the Act meant to limit the liability of a working interest participant to the percentage of its working interest, it would have explicitly said so. Rather, s. 36(4) of the Act instructs the Board to demand “full payment” from an operator if evidence satisfactorily proves non-payment.” With multiple definitions of an “operator” in the *Act*, along with the requirement for an approval from the regulator, there can be more than one operator concurrently responsible for the Site.

2. Is there money past due and unpaid by the Operators to the Applicants under a Right-of-Entry Instrument?

[12] The current Certificate of Title confirms the Applicants are the owners of the Land and were the owners when the rentals became due, therefore, the Panel finds the Applicants are entitled to receive the money. The Applicants provided evidence of a Right-of-Entry Instrument, and the compensation is supported by the Application and supporting documentation. The Applicants declared in writing that the Compensation has not been paid for the years claimed.

[13] The Panel is satisfied that compensation is owed to the Applicants for annual payment due under the Right-of-Entry Instrument. This amount is calculated as two payments of \$3,100.00 due for 2023 and 2024 for a total amount owing of \$6,200.00. The Site is not reclaimed, and the Right-of-Entry Instrument remains in effect. The Panel finds that at the time the Compensation became due, the Operators are liable for the Compensation due to the Applicants.

3. Should the Tribunal direct the Minister to pay the Applicants any of the money past due from the General Revenue Fund under section 36 of the *Act*?

[14] *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 \$6,200.00 from the General Revenue Fund.

4. Should the Tribunal suspend and terminate the Operators’ rights?

[15] The decision to suspend or terminate the Operators’ rights is reserved.

Dated at the City of Medicine Hat, in the Province of Alberta, this 17th day of July, 2025.

LAND AND PROPERTY RIGHTS TRIBUNAL

Miles Weatherall, Member