



LAND AND PROPERTY RIGHTS TRIBUNAL

Citation: Van Stryland v AlphaBow Energy Ltd., 2025 ABLPRT 904663

Date: 2025-07-25

File No: RC2023.1111

Order No: LPRT904663/2025

Municipality: Lacombe 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:

NE 11-41-25-W4M as described in Certificate of Title No. 942 049 532 (the “Land”), particularly the area granted for an access road in L.S. 16 Alberta Energy Regulator Licence No. 0065732 (the “Licence”), collectively (the “Site”).

Between:

AlphaBow Energy Ltd.,
1864094 Alberta Ltd.,
Glencoe Resources Ltd.,
and
Sinopec Daylight Energy Ltd.,

Operators,

- and -

Craig Allan Van Stryland
and
Marcella Grace Van Stryland,

Applicants.

Before: Miles Weatherall (“the Panel”)

Appearances by written submissions:

For the Applicants:

Kris Bower, WellTraxx Ltd.

For the Operators:

Sinopec Daylight Energy Ltd.

Matthew Friend, Manager, Surface Land

No written submissions from the other Operators

**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 EIGHTEEN THOUSAND THREE HUNDRED FORTY-ONE and 85/100 DOLLARS (\$18,341.85) jointly to Craig Allan Van Stryland and Marcella Grace Van Stryland in the Province of Alberta comprised of compensation that became due in the years 2018, 2019, 2020, 2021, 2022, 2023 and 2024 (the "Compensation").

DECISION AND REASONS

[1] The Applicants filed an application dated December 7, 2023, and a Request to Amend Application for Recovery of Rental, dated September 30, 2024, (the "Applications") 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 October 7, 1977. The Applicants claim \$3,085.00 annually for the years 2018, 2019 and 2020, and \$3,100.00 annually for the years 2021, 2022, 2023 and 2024, for a total amount of \$21,655.00 under the Applications.

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 AlphaBow Energy Ltd., 1864094 Alberta Ltd., Glencoe Resources Ltd., and Sinopec Daylight Energy Ltd.
2. The written evidence proves compensation in the amount of \$18,341.85 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 \$18,341.85 from the General Revenue Fund.
4. The decision to suspend or terminate the Operator's rights is reserved.

ANALYSIS

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

[2] The Tribunal gave notice pursuant to s. 36(4) to AlphaBow Energy Ltd. ("AlphaBow"), 1864094 Alberta Ltd. ("1864094"), Sinopec Daylight Energy Ltd. ("Sinopec"), and Glencoe Resources Ltd. ("Glencoe") 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.

[3] 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

[4] Under section 36(1)(c) the holder of a licence issued by the AER and its successors, is an Operator. The Licence for the Site was in the name of Glencoe until November 25, 2019, until the transfer the licence to AlphaBow on November 25, 2019. Therefore, the Panel finds Glencoe is an Operator under section 36(1)(c) for the years 2018 and 2019. The Panel finds that AlphaBow is an Operator under section 36(1)(c) for the years 2020, 2021, 2022, 2023 and 2024.

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

[5] Under s. 36(1)(d) working interest participants and successors are Operators. The AER Well Summary Report dated June 16, 2025, for the Licence shows the following working interest participants as of August 22, 2023:

- 1864094 Alberta Ltd. 11.3725%
- AlphaBow Energy Ltd. 29.3871%
- Glencoe Resources Ltd. 21.921%
- Sinopec Daylight Energy Ltd. 37.3194%

[6] In their June 13, 2024, email to the Tribunal, Sinopec advised they had made payment to AlphaBow for 2021. Sinopec asserted they have a working interest of 21.375% in the Site which amounts to \$662.63 of the annual compensation amount of \$3,100.00. For the years 2018, 2019, 2020, 2022, and 2023, the total amount of compensation owed by Sinopec to the Applicants was \$3,313.15. The evidence includes a cheque no. 0000000236, dated 09/11/2024 issued by Sinopec and payable to the Applicants in the amount of \$3,313.15.

[7] In a June 18, 2025, letter to the Applicants, the Tribunal requested confirmation as to whether the above noted payment in the amount of \$3,313.15 by Sinopec was received by the Applicants. The notice requested a written response from the Applicants by July 2, 2025. Tribunal Administration did not receive a response. In the absence of evidence to rebut Sinopec's evidence that they have made payment to the Applicants in the amount of \$3,313.15, the Panel accepts that Sinopec has made a payment towards the outstanding compensation.

[8] In the absence of contrary evidence, the Panel finds that the Tribunal is entitled to rely on the records of the AER that makes the decision regarding the well, the licensee, and the working interest participants; and whose directives outline the responsibilities of the licence holder to ensure that the information that the AER has on file remains accurate; see *Canstone Energy Ltd. v Anderson*, 2021 ABLPRT 737 (CanLII), at paragraph 45.

[9] Past Tribunal decisions with multiple operators have found the operators to be concurrently responsible to pay compensation. *Dobish v Terra Energy Corp*, 2019 ABSRB 737 held at Para 14: "... *nothing in the Act limits the liability of any one of the operators, including s.36(6) and working interest participants.... Rather, s.36(4) of the Act instructs the Board to demand "full payment" from an operator if evidence satisfactorily proves non-payment.*" Section 36(2) of the *Act* directs that the words and expressions in s. 36(1) shall be construed in accordance with the *Environmental Protection and Enhancement Act*. The legislature specifically provided for a proportionate share with respect to abandonment under the *Oil and Gas Conservation Act*, but that language is not found in the *Surface Rights Act*. In *Sarg Oils Ltd. v. Environmental Appeal Board*, 2007 ABCA 215 the Court of Appeal ruled that given the purpose of the environmental legislation is to protect the environment, it is not unreasonable to interpret the term "operator" to include a subsequent operator and to hold both the former and the subsequent operator jointly responsible. The Panel finds the Compensation is payable to the Applicants by the Operators, jointly, and that it cannot be apportioned based on the percentage interest in the Site.

[10] The Panel finds that AlphaBow, 1864094, Glencoe, and Sinopec are an Operator under section 36(1)(d) for the years 2018, 2019, 2020, 2021, 2022, 2023 and 2024 because the AER Well Summary Report dated June 16, 2025, for the Licence shows they were a working interest participant on the Site as of August 22, 2023.

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

[11] 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 Applications and supporting documentation. The Applicants declared in writing that the Compensation has not been paid for the years claimed.

[12] 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 \$3,085.00 annually for the years 2018, 2019 and 2020, and \$3,100.00 annually for the years 2021, 2022, 2023 and 2024, less a payment of \$3,313.15 for a total amount of \$18,341.85. 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*?

[13] *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 \$18,341.85 from the General Revenue Fund.

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

[14] 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 25th day of July, 2025.

LAND AND PROPERTY RIGHTS TRIBUNAL

Miles Weatherall, Member