



LAND AND PROPERTY RIGHTS TRIBUNAL

Citation: Van Ee v TexCal Energy Canada Inc., 2025 ABLPRT 904677

Date: 2025-07-25
File No: RC2024.0024
Order No: LPRT904677/2025
Municipality: Municipal District of Taber

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 32-13-16-W4M as described in Certificate of Title No. 011 106 117 (the “*Land*”), particularly the area granted for a well site by Alberta Energy Regulator Licence No. 0051722 (the “*Licence*”), collectively (the “*Site*”).

Between:

TexCal Energy Canada Inc. and Razor Energy Corp.,	Operators,
- and -	
Tony Fredrick Van Ee and Anita Van Ee,	Applicants.

Before: Miles Weatherall (“the Panel”)

Appearances by written submissions:

For the Applicants: Self-represented

For the Operators: 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 THREE THOUSAND SIX HUNDRED FIFTY-TWO and 00/100 DOLLARS (\$3,652.00) jointly to Tony Fredrick Van Ee and Anita Van Ee in the Province of Alberta comprised of compensation that became due in the year 2023 (the "Compensation").

DECISION AND REASONS

[1] The Applicants filed an application dated August 8, 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 October 16, 1974. The Applicants claim \$3,652.00 annually, for a total amount of \$3,652.00 under the Application for 2023.

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 TexCal Energy Canada Inc. ("TexCal") and Razor Energy Corp. ("Razor").
2. The written evidence proves compensation in the amount of \$3,652.00 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 \$3,652.00 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?*

[2] The Tribunal gave notice pursuant to s. 36(4) to TexCal and Razor 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] The Panel understands from an April 7, 2025, Corporate Registry Search for TexCal that Razor is an amalgamation predecessor to TexCal.

[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. The Licence for the Site is in the name of Razor as of October 10, 2019. The Panel finds that Razor and TexCal, as the amalgamation successor to Razor, are an Operator under section 36(1)(c) for the year 2023.

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

[6] Under s. 36(1)(d) working interest participants and successors are Operators. The AER Well Summary Report dated August 27, 2024, shows Little Rock Resources Ltd. (“Little Rock”) is a working interest participant on the Site as of August 16, 2016. The Panel understands from a July 19, 2024, Corporate Registry Search for Razor that Little Rock is an amalgamation predecessor to Razor. The Panel finds that Razor (amalgamation successor to Little Rock) and TexCal (amalgamation successor to Razor) are an Operator under section 36(1)(d) for the year 2023.

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

[7] 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 year claimed.

[8] 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 one payment of \$3,652.00 due for 2023 for a total amount owing of \$3,652.00. 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?*

[9] *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 \$3,652.00 from the General Revenue Fund.

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

[10] The Tribunal can suspend and terminate an operator's rights to access the Site when appropriate. The Panel reserves its decision to suspend and terminate at this time to avoid delay in payment to the Applicants, however, if the Operator attempts to access the Site but still does not pay compensation, the Tribunal may issue a suspension/termination order.

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