LAND AND PROPERTY RIGHTS TRIBUNAL

Citation: Nelson v Fairwest Energy Corporation, 2025 ABLPRT 907198

Date: 2025-09-23
File No: RCR2024.1604
Order No: LPRT907198/2025
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 8-20-19-W4M as described in Certificate of Title No. 241 131 949 and Historical Certificate of Title No. 241 008 293 +3 (the "Land"), particularly the area granted for a well site in L.S. 2 by Alberta Energy Regulator Licence No. 0153571 (the "Licence"), collectively (the "Site").

Between:

Fairwest Energy Corporation,
and
Houston Oil & Gas Ltd.,

Operators,

- and -

Christian Alvin Nelson,

Applicant,

Bowland Holdings Inc.,

Other Party.

Before: Janet Mitchell ("the Panel")

Appearances by written submissions:

For the Applicant: Kelly Nelson

For the Operators: No Written Representations

For the Other Party: No Written Representations

DIRECTION TO PAY PURSUANT TO SECTION 36 OF THE ACT

The Tribunal directs the Minister to pay out of the General Revenue Fund the sum of TWO THOUSAND NINE HUNDRED TWENTY-FOUR and 00/100 DOLLARS ($2,924.00) (the “Compensation”) to Christian Alvin Nelson in the Province of Alberta for compensation that became due in the year 2023.

DECISION AND REASONS

[1] This is a repeat application under s. 36(7) of the *Act*. The Minister previously paid the Applicant money that was due and unpaid by the Operators for this Site. The Applicant seeks recovery of unpaid compensation due under a Right-of-Entry Instrument dated August 22, 1992, in the amount of $2,924.00, for a total amount of $2,924.00 under the Application for 2023.

ISSUES

1. Is there money past due and unpaid by the Operators to the Applicant?
2. Should the Tribunal direct the Minister to pay the Applicant any of the money past due under section 36 of the *Act*?
3. Should the Tribunal suspend and terminate the Operators' rights?

DECISION

1. The written evidence proves compensation in the amount of $2,924.00 is payable to the Applicant by the Operators.
2. Without further notice, the Tribunal directs the Minister to pay the Applicant Compensation in the amount of $2,924.00 from the General Revenue Fund.
3. The decision to suspend or terminate the Operators' rights is reserved.

ANALYSIS

1. *Is there money past due and unpaid by the Operators to the Applicant?*

[2] According to Alberta Title records provided to the Panel by the Tribunal administration, the registered owners of the Land for the relevant periods were as follows:

> Christian Alvin Nelson and Deanna Alvira Nelson from June 19, 2003 to January 9, 2024 (as confirmed by the Historical Land Certificate No. 031 204 605 +4 (Cancelled)).
>
> Christian Alvin Nelson from January 9, 2024, to May 27, 2024, pursuant to affidavit of Surviving Joint Tenant (as confirmed by the Historical Land Certificate No. 241 008 293 +3)
>
> Bowland Holdings Inc. from May 27, 2024, pursuant to transfer of land (see Land Certificate No. 241 131 949)

[3] The Applicant provided the death certificate for Deanna Alvira Nelson and Deanna Alvira Nelson's will that shows the Applicant inherited the site.

[4] Tribunal Administration sent a Notice of Application to the Current Owner on January 15, 2025. No response was received from the Current Owner.

[5] In the absence of any evident to the contrary the presumption is that the person entitled to the compensation is that person named on the certificate of title at the time that the decision is made; se, e.g. Canadian Natural Resources Limited v Mike-Roi Farms Ltd., ABSRB 40, para 31, 21, Richardson et al. v. Tudor Cproration et al., 2021 ABSRB 1228 (CanLII), Ember Resources Inc. v. Simber Farms Ltd. 2021 ABSRB 805 (CanLII) and Jones v. Lexin Resources Ltd., 2023 ABLRT 657 (CanLII). Section 1(i) of the Act defines the owner as the person on the certificate of Title. The Panel finds that the Applicant is entitled to the payment as they were the owner at the time the payment was due.

[6] This is a repeat s. 36 application. The Minister previously paid the Applicant for money due and not paid by the Operators. The Panel is satisfied that compensation is owed to the Applicant as one payment of $2,924.00 due for 2023 for a total amount owing of $2,924.00. The Site has not been reclaimed, and the Right-of-Entry Instrument remains in effect. The Panel finds that at the time the Compensation became due, the Operators are jointly liable for the Compensation due to the Applicant.

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

[7] *Bateman v Alberta (Surface Rights Board),* 2023 ABKB 640 specified that under s. 36 of the *Act*, the Applicant 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 Applicant $2,924.00 from the General Revenue Fund.

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

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

Dated at the City of Edmonton in the Province of Alberta this 23rd day of September, 2025.

LAND AND PROPERTY RIGHTS TRIBUNAL

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Janet Mitchell, Member