

No. 90

---

---

5th Session, 14th Legislature, Alberta  
11 Elizabeth II

---

---

## **BILL 90**

A Bill to amend The Right of Entry Arbitration Act

---

---

HON. MR. PATRICK

---

---

## **Explanatory Note**

**2.** See note to clause 3 (a).

**3.** (a) Section 12(1) is reworded to make it clear that a mineral operator may acquire the interests of an owner or occupant of land separately, either by agreement or by an order of the Board. Each owner and occupant may negotiate individually as to his own interest. This change necessitates other amendments in the Bill.

(b) Section 12 (6) is amended to conform to The Clay and Marl Act passed in 1961.

# BILL

No. 90 of 1963

An Act to amend The Right of Entry Arbitration Act

(Assented to \_\_\_\_\_, 1963)

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

**1.** *The Right of Entry Arbitration Act*, being chapter 290 of the Revised Statutes, is hereby amended.

**2.** Section 2 is amended by adding the following new clause immediately after clause (f):

(g) "respondent" means an owner or occupant named as a respondent in an application to or in an order of the Board.

**3.** Section 12 is amended

(a) by striking out subsection (1) and by substituting the following:

**12.** (1) No operator has a right of entry, user or taking of the surface of any land for

(a) the removal of minerals contained in or underlying the surface of such land or for or incidental to any mining or drilling operations,

(b) the laying of pipe lines for or in connection with any mining or drilling operations, or the production of minerals, or

(c) the erection of tanks, stations and structures for or in connection with a mining or drilling operation, or the production of minerals,

until the operator

(d) has obtained the consent of the owner of the surface of the land, or has become entitled, with respect to the interest of the owner, to entry by reason of an order of the Board, and

(e) has obtained the consent of the occupant, if any, of the surface of the land, or has become entitled, with respect to the interest of the occupant, to entry by reason of an order of the Board.

(b) as to subsection (6), clause (a), subclause (ii), by striking out the words "sand and gravel" and by substituting the words "sand, gravel, clay and marl".

4. See note to clause 3(a).

5. (a) See note to clause 3(a).

(b) Section 18, subsection (2) presently reads:

"(2) The amount deposited by the operator as security under subsection (1) shall stand as charged with and is available for the payment from time to time of such sums as the Board may direct to be paid in respect of the rights that are the subject matter of an order granted under subsection (1) and in respect of the costs of and incidental to the application."

The deposit will provide security for the first year's compensation. Subsequent annual compensation will be recoverable under The Surface Reclamation Act. (See Bill 85).

(c), (d) and (e): See note to clause 3(a).

6. Section 19(1) is reworded for clarification. The present subsection (2) which requires submission to the Board of a copy of the approval of the Oil and Gas Conservation Board is unnecessary. The new subsection (2) relates to cases where an injection well is converted into a producing well.

**4.** Section 13, subsection (2) is amended by striking out the words "owner of the land and on the occupant thereof" and by substituting the word "respondent".

**5.** Section 18 is amended

(a) as to subsection (1)

(i) in clause (a), by striking out the words "owner and occupant" and by substituting the word "respondent", and

(ii) in clause (b), by striking out the words "owner and the occupant" and by substituting the word "respondent",

(b) by striking out subsection (2) and by substituting the following:

(2) The amount deposited by the operator as security under subsection (1) shall stand as charged with and is available for the payment of such sums as the Board may determine as the compensation payable for the first year or portion thereof that the order under subsection (1) is in effect and as the costs of and incidental to the application.

(2a) The Board may on behalf of the operator pay the whole or any part of the amount deposited as security to the person to whom the compensation is payable.

(c) as to subsection (4) by striking out the words "owner and by the occupant" and by substituting the word "respondent",

(d) as to subsection (6), by striking out the words "to the owner and occupant" and by substituting the words "by the operator", and

(e) as to subsection (7), by striking out the words "an owner and occupant" and by substituting the words "the respondent".

**6.** Section 19 is amended by striking out subsections (1) and (2) and by substituting the following:

**19.** (1) Where the surface of any land is required for the drilling or operating of a well, or for the necessary installations at or pipe lines to or from a well, the Board by order may grant the right of entry, user or taking of the surface of the land where the well is to be used for the purpose of

(a) repressuring, recycling or pressure maintenance in a petroleum or natural gas field, pool or area,

(b) the storage or disposal of

(i) natural gas,

(ii) processed or treated natural gas, or

(iii) products of petroleum or natural gas,

7. See note to clause 3(a).

8. See note to clause 3(a).

9. Section 27, subsections (4) and (5) presently read:

“(4) The Board shall hold the inquiry and may

(a) direct the operator to restore the land as nearly as possible to the same condition as it was before the exercise of the right of entry and for that purpose may direct the operator to remove structures, fill excavations and do all such other things as the Board deems proper, and

(b) impose a penalty on the operator for failure to carry out the directions of the Board.

(5) Upon being satisfied that the directions, if any, given under subsection (4) have been carried out by the operator the Board may make an order terminating the right of entry as to the land or any part thereof.”

The amendments are made necessary by The Surface Reclamation Act (Bill 85). The new subsection (7) is the present subsection (6) revised.

10. The present paragraph 5 revised. See note to clause 3(a). Form A is the form of application for right of entry and sets out the information required to be given by a mineral operator.

- (c) the storage and disposal of water or any other substance produced from or to be injected in an underground formation, or
- (d) obtaining water for any operation mentioned in clause (a), (b) or (c).

(2) Where an interest in the surface of any land has been acquired under an order of the Board for any purpose mentioned in subsection (1), the operator has the right to enter upon, use and take the surface of the land for any of the purposes mentioned in subsection (1) of section 12.

**7.** Section 22, subsection (1) is amended by striking out the words "owner, the occupant" and by substituting the word "respondent".

**8.** Section 26, subsection (4) is amended by striking out the words "awarded to the owner or occupant" and by substituting the word "payable,".

**9.** Section 27 is amended by striking out subsections (4) to (6) and by substituting the following:

(4) The Board shall hold the inquiry and may make an order terminating the right of entry as to the land or any part thereof.

(5) Where the respondent named in the order is the owner, the Board shall not terminate the right of entry as to the land or any part thereof until a reclamation certificate has been issued for that land in any case to which *The Surface Reclamation Act* applies.

(6) Where a reclamation certificate has been issued under *The Surface Reclamation Act*, the Board may, without any inquiry, make an order terminating the right of entry.

(7) Notwithstanding any of the provisions in subsection (2), (3) or (4), if it is indicated to the Board that the termination of a right of entry should be considered, the Board

- (a) may inquire into the matter, and
- (b) may, if the circumstances in the opinion of the Board so warrant, make an order terminating the right of entry as to the land or any part thereof.

**10.** Form A in the Schedule is amended by striking out paragraph 5 and by substituting the following:

5. The applicant has been unable to reach an agreement for the acquisition of the required interest in the surface of the land with the respondent because.....

.....

**11. Commencement of Act and application of clause 3 of the Bill.**



**11.** (1) This Act comes into force on the first day of June, 1963, but section 3 does not apply in any case where an operator, prior to the first day of June, 1963, has exercised the right of entry, user or taking of the surface of land pursuant to an order of the Board or in accordance with the provisions of a grant, conveyance, lease, licence or other instrument.

(2) Where an application was made to the Board prior to the first day of June, 1963, but the proceedings with respect to the application have not been completed, the proceedings may be completed as if section 3 had not been passed.

No. 90

---

---

FIFTH SESSION  
FOURTEENTH LEGISLATURE  
11 ELIZABETH II  
1963

---

---

**BILL**

A Bill to amend The Right of  
Entry Arbitration Act

---

---

Received and read the

First time .....

Second time .....

Third Time .....

---

---

HON. MR. PATRICK

---

---