

No. 42

1st Session, 15th Legislature, Alberta
12 Elizabeth II

BILL 42

A Bill to amend The Right of Entry Arbitration Act

HON. MR. PATRICK

Explanatory Note

1. The Right of Entry Arbitration Act, R.S.A. 1955, c. 290, amended.

2. Sections 5 and 6 presently read:

"5. (1) Where

(a) a member is absent or is unable to act, or

(b) a vacancy occurs in the membership of the Board,

the member or members of the Board present may exercise all the jurisdiction and powers of the Board.

(2) Where the chairman is absent or is unable to act an order, direction and any other document may be signed by any one member, and when so signed has the like effect as if it were signed by the chairman.

(3) When it appears that a member other than the chairman has acted for and in the place of the chairman, it shall be presumed conclusively that such member has acted in the absence or disability of the chairman.

6. (1) An application that may be heard by the Board under this Act may be heard by one member of the Board.

(2) A member of the Board after a hearing referred to in subsection (1) shall report his findings to the Board.

(3) The Board on receiving a report made under subsection (2) may deal with the application as if the hearing had been held before the entire Board."

BILL

No. 42 of 1964

An Act to amend The Right of Entry Arbitration Act

(Assented to _____, 1964)

HER 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* is hereby amended.

2. Sections 5 and 6 are struck out and the following is substituted:

5. (1) Where the Board consists of three members, any two members may perform any functions of the Board and when performing any such function have all the powers and jurisdiction of the Board.

(2) One member may perform the functions of the Board

- (a) where the Board consists of only that member,
- (b) where the other member or members of the Board cannot act by reason of disability or of being absent on vacation or on leave of absence,
- (c) in dealing with an application under and making an order pursuant to subsection (1) of section 18,
- (d) in giving a direction permitting substituted service of any document or in doing any act referred to in subsection (1) of section 16,
- (e) in making an order terminating right of entry pursuant to subsection (6) of section 27,
- (f) in any proceedings pertaining to the determination of compensation in cases involving Crown land of which there is no occupant, or
- (g) with the consent of the operator and the respondent, in any proceedings where a matter in issue is the amount of compensation payable by any operator or the person to whom the compensation is payable,

and when performing any such function that member has all the powers and jurisdiction of the Board.

6. Any order, direction or other document issued or made pursuant to this Act may be signed on behalf of the Board by the chairman or any member, whether or not the person so signing participated in any proceedings giving rise to the order, direction or document.

3. Section 8, subsection (1) pertains to the duties of the Board.

4. Section 11, clauses (a) and (f) read:

“11. The secretary of the Board shall

(a) keep a record of all proceedings conducted before the Board,
.....”

(f) sign and issue on behalf of the Board, when all members of the Board are absent or unable to act, an order giving an operator leave to enter forthwith, if leave has been applied for pursuant to section 18, but pending the hearing and disposition of the operator's application to the Board,
.....”.

As to clause (a), the duty of keeping records of proceedings will be imposed on the Board (see clause 3).

Clause (f) has reference to the procedure for granting “interim orders”, which was removed in 1957. Its repeal was overlooked at that time.

5. Under the land titles system, a memorandum of registration of a right of entry order against, say, a quarter section, will be carried forward to a new title created by a transfer of any part of the quarter section, even though the part transferred is at a considerable distance from the land shown in the plan attached to the right of entry order, e.g., a community hall or school site in one corner of the quarter section which obviously is not within any part of a well site or roadway. The new subsection (3) will permit the Registrar of land titles to act on a notice from the Board so as to effect cancellation of the endorsement of the memorandum of registration on the title of land not affected, viz., on the title of the community hall or school site.

6. Commencement of Act.

3. Section 8, subsection (1) is amended

(a) by striking out the word “and” at the end of clause (a) and by adding the word “and” at the end of clause (b),

(b) by adding the following clause after clause (b) :

(c) cause records to be kept of its hearings and proceedings.

4. Section 11 is amended by striking out clauses (a) and (f).

5. Section 22 is amended by adding the following subsection:

(3) Where a certificate of title to land is endorsed with a memorandum of the registration of an order of the Board and a notice is given to the Registrar of the land registration district by a member of the Board stating that the land described in the certificate is not, according to the records of the Board, affected by the order referred to in the memorandum, the notice may be registered by the Registrar, without fee, and upon registration, the endorsement of the memorandum on the certificate of title shall be cancelled.

6. This Act comes into force on the day upon which it is assented to.

No. 42

FIRST SESSION
FIFTEENTH LEGISLATURE
12 ELIZABETH II
1964

BILL

An Act to amend The Right of
Entry Arbitration Act

Received and read the

First time

Second time

Third time

HON. MR. PATRICK
