

1967 Bill 52

Fifth Session, 15th Legislature, 15 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 52

An Act to amend The Right of Entry Arbitration Act

THE MINISTER OF MINES AND MINERALS

First Reading

Second Reading

Third Reading

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An Act to amend The Right of Entry Arbitration Act

(Assented to _____, 1967)

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. Section 12, subsection (3), clause (b) is amended by striking out subclause (iii) and by substituting the following:
 - (iii) in the case of oil sands operations,
 - (A) for a road or roads to give the operator additional access to the operations and additional egress therefrom, or
 - (B) for the disposal of overburden incidental to the operations, or
 - (C) for the disposal of tailings and other materials resulting from the operations.
3. Section 21 is struck out and the following section is substituted:
 21. (1) Except as otherwise provided for in this section, an order of the Board made in writing is final and there is no appeal therefrom.
 - (2) The operator or any respondent named in an order of the Board may appeal to the district court as to the amount of compensation payable and the person to whom the compensation is payable.
 - (3) The party appealing shall,
 - (a) within 30 days after the date of the order awarding compensation, cause a notice of appeal to be filed in the office of the clerk of the district court, in the judicial district in which the land is situated, and
 - (b) not later than 10 days after the filing of the notice of appeal, serve the Board and the other parties to the order appealed from or their respective solicitors with a copy thereof, by personal service or by registered mail.

Explanatory Notes

1. This Bill amends chapter 290 of the Revised Statutes.

2. Section 12, subsection (3) presently reads:

(3) The order of the Board may grant the right of entry, user or taking of the surface of

(a) the land in which the operator or his principal has the right to a mineral or the right to work a mineral, and

(b) such other land as in the opinion of the Board is necessary

(i) for a pipe line, power line, or a road to connect the operator's mining or drilling operations located on adjacent lands and to permit the operations to be operated jointly, and for the tanks, stations and structures to be used in the operations, or

(ii) to give the operator access to his mining or drilling operations from a public roadway or other public way, and egress from the operations to the public roadway or other public way,

(iii) in the case of oil sands operations, for a road or roads to give the operator additional access to the operations and additional egress therefrom,

irrespective of whether or not the owner or occupant of the other land is the owner or occupant of the surface of the land in which the operator or his principal has the right to the mineral or the right to work the same.

3. A procedure is incorporated for appeals to the court with respect to the amount of compensation payable and the person to whom the compensation is payable.

(4) The Board, upon being served with a copy of the notice of appeal, shall forthwith transmit to the clerk of the district court a certified copy of the application, the order granting right of entry and the order awarding compensation appealed from.

(5) The clerk of the district court upon receiving the certified copies of the documents referred to in subsection (4) shall,

(a) set down the appeal for hearing at the next sittings of the district court, and

(b) within 10 days after the appeal has been set down for hearing notify the Board and the parties or their respective solicitors of the date of the hearing by registered mail addressed to them at their addresses set out in the notice of appeal.

(6) An appeal to the district court shall be in the form of a new hearing.

(7) The court

(a) has the power and jurisdiction of the Board in determining the amount of compensation payable and the person to whom the compensation is payable,

(b) shall determine the amount of compensation payable and the person to whom the compensation is payable,

(c) shall, in its judgment,

(i) confirm the order of the Board, or

(ii) direct that the order of the Board be varied and thereupon the Board without any further hearing shall vary its order in accordance with the judgment,

and

(d) shall make such directions as to costs of the appeal as it considers just.

(8) A judgment under subsection (7) shall be served upon the Board.

(9) By leave of a judge of the Appellate Division of the Supreme Court of Alberta, any party may appeal from the judgment of the district court to the Appellate Division and the rules and practice applicable to appeals to the Appellate Division apply.

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

