

2001 BILL 4

First Session, 25th Legislature, 50 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 4

SURFACE RIGHTS AMENDMENT ACT, 2001

THE MINISTER OF SUSTAINABLE
RESOURCE DEVELOPMENT

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 4

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2001

SURFACE RIGHTS AMENDMENT ACT, 2001

(Assented to _____, 2001)

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

Amends SA
1983 cS-27.1

1 The *Surface Rights Act* is amended by this Act.

2 Section 33(2) is amended

(a) by striking out “and” at the end of clause (a);

(b) in clause (b) by adding “in the case of an application made before July 1, 2001,” before “the amount”;

(c) by adding “and” at the end of clause (b) and by adding the following after clause (b):

(c) in the case of an application made on or after July 1, 2001, notwithstanding that the damage in respect of which the application is made may have arisen before, on or after July 1, 2001, the amount claimed by the owner or occupant does not exceed \$25 000.

Explanatory Notes

1 Amends chapter S-27.1 of the Statutes of Alberta, 1983.

2 Section 33 presently reads:

33(1) Subject to subsections (2) to (4), the Board may hold a hearing and make an order with respect to a dispute between the operator and an owner or occupant who are parties to a surface lease or the operator and an owner or occupant under a right of entry order as to the amount of compensation payable by the operator

(a) for damage caused by or arising out of the operations of the operator to any land of the owner or occupant other than the area granted to the operator,

(b) for any loss or damage to livestock or other personal property of the owner or occupant arising out of the operations of the operator whether or not the land on which the loss or damage occurred is subject to the surface lease or right of entry order, or

(c) for time spent or expense incurred by an owner or occupant in recovering any of his livestock that have strayed due to an act or omission of the operator whether or not the act or omission occurred on the land that is subject to the surface lease or right of entry order.

(2) The Board has jurisdiction to hear and determine a dispute under this section only if

(a) the application is made in writing to the Board by a party to the dispute within 2 years of the last date on which damage is alleged to have occurred, and

(b) the amount of compensation claimed by the owner or occupant does not exceed \$5000.

(3) This section does not apply to a claim for compensation the amount of which may be determined by the Board under section 25.

(4) An order under this section may be appealed by the operator or the owner or occupant as though the order were a compensation order under section 23.