



Province of Alberta

## SURFACE RIGHTS ACT

# **SURFACE RIGHTS ACT GENERAL REGULATION**

### **Alberta Regulation 195/2007**

With amendments up to and including Alberta Regulation 186/2015

### Office Consolidation

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Alberta Queen's Printer  
7<sup>th</sup> Floor, Park Plaza  
10611 - 98 Avenue  
Edmonton, AB T5K 2P7  
Phone: 780-427-4952  
Fax: 780-452-0668

E-mail: [qp@gov.ab.ca](mailto:qp@gov.ab.ca)  
Shop on-line at [www.qp.alberta.ca](http://www.qp.alberta.ca)

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(Consolidated up to 186/2015)

**ALBERTA REGULATION 195/2007**

**Surface Rights Act**

**SURFACE RIGHTS ACT GENERAL REGULATION**

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Schedules

**Definition**

**1** For the purpose of section 27(3) of the Act, “major power transmission line structures” means any structures which are part of a transmission line, as defined in the *Hydro and Electric Energy Act*, that

- (a) transmits electric energy in bulk from generating plants to major substations, and
- (b) is classified by the Alberta Utilities Commission as a 69 kilovolt transmission line or larger, and

are situated on agricultural land.

AR 195/2007 s1;254/2007

**Application for right of entry order**

**2** An application for a right of entry order must be in the form shown in Schedule 1.

**Land other than Crown land**

**3** Where an application for a right of entry order pertains to land other than Crown land, the application must be accompanied by a certified copy of the certificate of title for the land.

**Crown land**

**4** Where an application for a right of entry order pertains to Crown land, the application must be accompanied by

- (a) a search from the department or other body charged with administering the land, and
- (b) if there is a certificate of title for the land, a certified copy of the certificate of title.

**Additional approvals and permits**

**5(1)** Where an application for a right of entry order pertains to a well site, the application must be accompanied by a copy of the well licence issued with respect to the well by the Alberta Energy Regulator under the *Oil and Gas Conservation Act*.

**(2)** Where an application for a right of entry order pertains to a battery site, the application must be accompanied by a copy of the approval for construction and operation issued by the Alberta Energy Regulator under the *Oil and Gas Conservation Rules* (AR 151/71).

**(3)** Where an application for a right of entry order pertains to a pipeline, the application must be accompanied by a copy of the licence or permit granted by the Alberta Energy Regulator or the Alberta Utilities Commission, as the case may be, under the *Pipeline Act*.

**(4)** Where an application for a right of entry order pertains to a power transmission line, the application must be accompanied by a copy of the approval granted by the Alberta Utilities Commission under the *Hydro and Electric Energy Act*.

**(5)** Where an application for a right of entry order pertains to a telephone line, the application must be accompanied by a copy of the certificate of approval granted by the Minister under section 31 of the *Water, Gas and Electric Companies Act*.

**(6)** Where an application for a right of entry order pertains to a coal mine, the application must be accompanied by a copy of the licence granted by the Alberta Energy Regulator under the *Coal Conservation Act*.

AR 195/2007 s5;254/2007;188/2010;89/2013

**Plan required with application**

**6** An application for a right of entry order must be accompanied by a plan of survey prepared by an Alberta land surveyor and affixed with his or her signature or stamp showing the location, dimensions and acreage of the land required coloured or outlined in red, except that where the land required is for a pipeline, power transmission line or telephone line, the location, dimensions and acreage of land must be coloured or outlined in green.

AR 195/2007 s6;188/2010

**7 and 8** Repealed AR 188/2010 s4.

**More than one plan**

**9** Where an application for a right of entry order has more than one plan attached, the application must refer to each plan by letter or number and the plans must be identified by the corresponding letter or number.

**10** Repealed AR 188/2010 s4.

**Termination of right of entry order**

**11(1)** A request under section 28 of the Act for an order terminating a right of entry order as to the surface of the land or any part of it must be in writing.

**(2)** A copy of the request referred to in subsection (1) must be given,

- (a) if the operator makes the request, by the operator to each respondent currently named in the right of entry order, and
- (b) if a respondent makes the request, by the respondent to the operator and to any other respondents currently named in the right of entry order.

**(3)** Where a request under section 28 of the Act is for an order terminating a right of entry order as to the surface of a part of the land and the land in the right of entry order is defined by a plan or map, the request must be accompanied by a plan or map showing the location, dimensions and acreage of

- (a) the part of the land for which the right of entry order is to be terminated coloured or outlined in yellow, and
- (b) the part of the land for which the right of entry order is to be retained coloured or outlined in red, except that where

the land to be retained is for a pipeline, power transmission line or telephone line, it must be coloured or outlined in green.

(4) Repealed AR 188/2010 s5.

AR 195/2007 s11;188/2010

#### **Local distribution system**

**12(1)** For the purposes of this section, “local distribution system” means a rural electric distribution system or a rural telephone distribution system.

(2) An operator of a local distribution system is hereby exempted from the requirements of sections 19 and 20 of the Act with respect to the operator’s operations in connection with the local distribution system.

**13** Repealed AR 188/2010 s6.

#### **Forms**

**14(1)** A notice under section 15(4) of the Act must be in the form shown in Schedule 2.

(2) A letter of consent under section 15(4) of the Act must be in the form shown in Schedule 3.

#### **Repeal**

**15** The *Definition Regulation* (AR 60/2003) is repealed.

#### **Expiry**

**16** For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on November 30, 2017.

AR 195/2007 s16;188/2010;186/2015

### **Schedule 1**

#### **Surface Rights Act (Section 15)**

#### **APPLICATION FOR RIGHT OF ENTRY**

**1** Land Description: (Insert short legal land description, including Certificate of Title number, if applicable)

**2 Applicant:** (Insert name as it appears on the approval, permit or licence)

**3 Respondents:**

(a) Owner(s) in whose name a certificate of title to the land is issued under the *Land Titles Act*:

Name: (as it appears on Certificate of Title)	Address: (as it appears on Certificate of Title)	Other Address(es): (if applicable)
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(b) Owner(s) if no certificate of title to the land is issued:

Name: (the Crown or other body administering the land)	Address:	Other Address(es): (if applicable)
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(c) Occupant(s) other than the owner who is (are) in actual possession of the land:

Name:	Address:
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(d) Occupant(s) on a certificate of title under the *Land Titles Act* as having an interest in the land:

Name: (as it appears on Certificate of Title)	Address: (as it appears on Certificate of Title)	Other Address(es): (if applicable)	Registration No.:
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(e) Occupant(s): an operator granted right of entry in respect of the land pursuant to a right of entry order:

Name: (the operator as it appears on the current right of entry order)	Current Address:	Registration No.: (if applicable)	Right of Entry Order No.:
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(f) Occupant: in the case of Crown land, a person shown on the records of the department or other body administering the land as having an interest in the land:

Name:	Address on Record:	Other Address(es): (if applicable)
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**4 The Applicant has the right to apply to the Surface Rights Board for a right of entry order by:**

Approval/Permit/Licence No.:	Date:	Issued By:
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**5** This application is for a right of entry order in respect of the surface of the land above described as outlined or coloured in the prescribed colour on the attached certified plan (if applicable).

**6** The total area applied for on this application is \_\_\_\_\_ acres and the area has been approved by \_\_\_\_\_ (insert approving authority).

**7** The Applicant requires the land for the following purpose(s):  
(from applicable section of the *Surface Rights Act*) \_\_\_\_\_

**8** The Applicant has made a written offer to the Respondent(s) \_\_\_\_\_ on \_\_\_\_\_ and has been unable to reach an agreement for the acquisition of the required interest in the surface of the land with the Respondent(s) \_\_\_\_\_ for the following reason(s): \_\_\_\_\_

**9** The Applicant requires immediate right of entry.

**10** The Applicant's address for service is: \_\_\_\_\_

Dated \_\_\_\_\_  
at \_\_\_\_\_, Alberta

\_\_\_\_\_  
Signature of Applicant/Agent

TO The Surface Rights Board  
(give full address of the Board)

AR 195/2007 Sched 1;188/2010

## Schedule 2

### Surface Rights Act (Section 15(4))

#### NOTICE TO RESPONDENTS

TAKE NOTICE that an application in the form attached has been made to the Surface Rights Board pursuant to the *Surface Rights Act* for a right of entry order;

The Board may issue the order applied for after **14 CLEAR DAYS** from the date of service of this Notice and without any further notice to you;

If you wish to object to the Board issuing an order granting right of entry, you may do so in writing, including reasons for the objection, to the Board at:

\_\_\_\_\_
Insert full address of the Board

Surface Rights Board File No. \_\_\_\_\_
AR 195/2007 Sched 2;188/2010

Schedule 3

Surface Rights Act
(Section 15(4))

LETTER OF CONSENT TO RIGHT OF ENTRY ORDER

(A separate Letter of Consent is required for each Respondent consenting)

Surface Rights Board File No. \_\_\_\_\_

I, (Name of Respondent), being a Respondent in the Application for right of entry

- 1 Have received a copy of the filed Schedule 1 Application and filed Schedule 2 Notice to Respondents.
2 Consent to an order issued by the Surface Rights Board granting right of entry in accordance with the application.
3 Understand that signing this Letter of Consent does not affect my right to compensation.

Dated \_\_\_\_\_ at \_\_\_\_\_, Alberta.

Signature of witness

Signature (Seal) of Respondent

Printed name of witness

Address of witness







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