

SECTION 36 – Surface Rights Act Unpaid Annual Rentals

What to Do When a Company Fails to Make Annual Surface Lease Payments

Under section 36 of the *Surface Rights Act*, a landowner may apply to the Surface Rights Board (SRB) for a Recovery of Rentals when an operator fails to make its annual rental payments or offers a unilaterally reduced payment under a private surface agreement or Right of Entry order.

(3) Where any money payable by an operator under a compensation order or surface lease has not been paid and the due date for its payment has passed, the person entitled to receive the money may submit to the Board written evidence of the non-payment.

To apply for a Recovery of Rentals, the entitled person(s) must complete the appropriate form on the SRB website and submit it with the required documents.

When an application is received under Section 36, the SRB will provide written notice to the Operator with a deadline to respond. If the Operator does not respond to the SRB before the deadline, the entitled person(s) must then sign a Statutory Declaration in the presence of a Commissioner of Oaths. The SRB Panel (1-3 members) will hold a hearing to demand payment, and suspend and terminate the Operator's right to enter the site. The SRB Panel then holds a hearing to determine if the Minister of Environment and Parks issues payment to entitled person(s) from General Revenue. This action does not terminate the lease and its associated responsibilities for abandonment and reclamation.

Each year the annual rentals are not paid the entitled person(s) must repeat the application process. The entitled person(s) are entitled to receive full annual surface lease payments until a reclamation certificate has been issued.

The FAO encourages entitled person(s) to apply to the SRB as soon as possible after the Operator is in arrears or offers a unilaterally reduced payment.

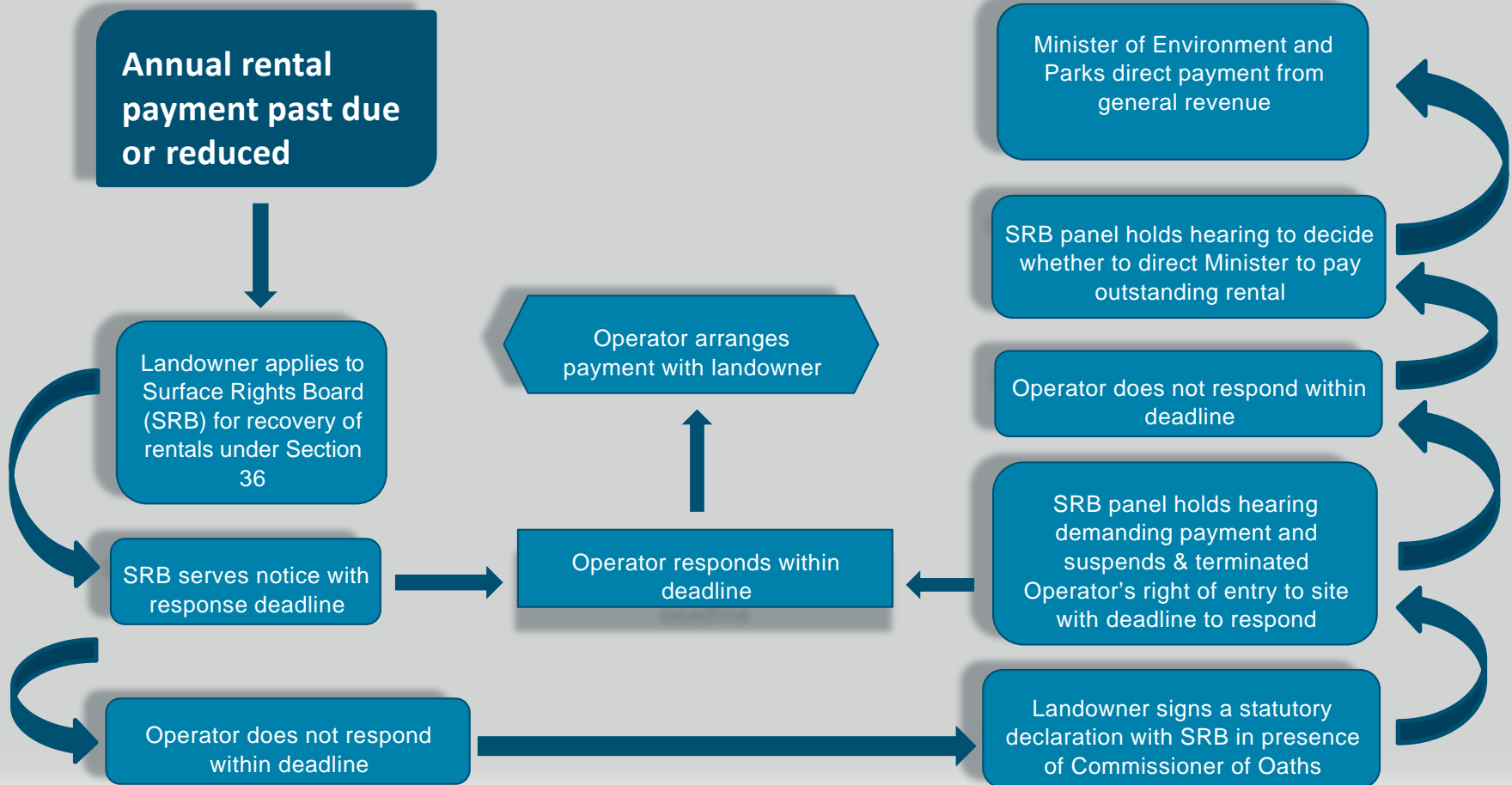
Recurring Section 36 Applications for Unpaid Rentals

The Surface Rights Board (SRB) has streamlined the approach to recurring applications for recovery of annual compensation under section 36 of the *Surface Rights Act*. This streamlined process applies in situations where the government has previously made a payment under Section 36. In the past, a Statutory Declaration sworn by a Commissioner of Oaths was required. Now the applicant may complete a form in the presence of a witness. For more information, please contact the SRB.

Contacts

- **Surface Rights Board**
Website: <http://surfacerights.alberta.ca>
E-mail: srb.lcb@gov.ab.ca
780-427-2444 (toll free by dialing 310-0000 first)
- **Farmers' Advocate Office**
Website: www.farmersadvocate.gov.ab.ca
E-mail: farmers.advocate@gov.ab.ca
310-FARM (3276)

Surface Rights Act Section 36: Recovering Rental Payments



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