

File No. 1875
Board Order No. 1875-1

December 7, 2015

SURFACE RIGHTS BOARD

IN THE MATTER OF THE PETROLEUM AND NATURAL GAS
ACT, R.S.B.C., C. 361 AS AMENDED

AND IN THE MATTER OF
LOT 3 SECTION 11 AND 12 TOWNSHIP 86 RANGE 15 WEST OF THE 6TH
MERIDIAN PEACE RIVER DISTRICT PLAN 23435
(The "Lands")

BETWEEN:

Kenneth Ott

(APPLICANT)

AND:

Sun Oil Fund Ltd.

(RESPONDENT)

BOARD ORDER

This is an application brought under sections 164 and 176 of the *Petroleum and Natural Gas Act*.

The Applicant, Kenneth Ott is the owner of the Lands described as: LOT 3 SECTION 11 AND 12 TOWNSHIP 86 RANGE 15 WEST OF THE 6TH MERIDIAN PEACE RIVER DISTRICT PLAN 23435. The Respondent, Sun Oil Fund Ltd., is the operator of a well located on the Lands known as Sun Oil et al W Boundary 09-11-86-15 with Well Authorization Number 21780. The Respondent's right of entry to the Lands for the purpose of operating the well is pursuant to a surface lease dated July 18, 2006 between Kenneth Ott and Titan Exploration Ltd. (the Surface Lease).

Pursuant to the Surface Lease, Sun Oil Fund Ltd., is required to make annual payments of \$4,600 to Kenneth Ott. Sun Oil Fund Ltd. failed to make the annual payment required by July 18, 2015.

Sun Oil Fund Ltd. failed to appear at telephone conference calls scheduled by the Board to deal with this application, and failed to comply with the Board's Order of November 25, 2015 requiring it to show cause why the Board should not issue an order for payment.

The Board finds that Sun Oil Fund Ltd has failed to pay rent owing under a surface lease. Pursuant to section 176 of the *Petroleum and Natural Gas Act*, the Board determines that Sun Oil Fund Ltd. owes Kenneth Ott \$4,600 in unpaid rent, and orders as follows:

1. Sun Oil Fund Ltd. shall forthwith pay to Kenneth Ott the sum of \$4,600.00 plus interest calculated in accordance with the *Court Order Interest Act* from July 18, 2015.
2. Kenneth Ott is entitled to his costs of this application.

DATED: December 7, 2015

FOR THE BOARD



Cheryl Vickers, Chair