

March 2, 2020

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
DISTRICT LOT 8329 CARIBOO DISTRICT
(The "Lands")

BETWEEN:

Keith Robinson and
Madelene Robinson

(APPLICANTS)

AND:

Ironstone Mining Corporation

(RESPONDENT)

BOARD ORDER

The Applicants seek an order for costs pursuant to section 170 of the *Petroleum and Natural Gas Act* which provides that the Board may order a party to pay all or part of the actual costs incurred by another party in connection with an application. In accordance with section 168 of the *Act*, "actual costs" include, without limitation, actual reasonable legal fees and disbursements, actual reasonable fees and disbursements of a professional agent or expert witness and other actual reasonable expenses incurred by a party in connection with a board proceeding.

The Applicants seek costs of \$42,839.28 comprised of legal fees of \$33,566.70, fees to Exton Dodge Surveying of \$4,476.38, fees to Cariboo Envirotech of \$3,292.80, mileage of \$1,499.40 and bank fees of \$4.00 to transfer fees for reports. No detail is provided with respect to the legal work or mileage claim.

The Board invited the Respondent to respond to the application. It did not.

The Applicants sought an order for compensation for damages to the surface of the Lands caused by the entry, occupation and use of the Lands by the Respondent for mining activities. By order dated December 9, 2019, the Board ordered the Respondent to pay to the Applicants the sum of \$272,135.66. The Board gave weight to survey evidence provided by Exton and Dodge Surveyors and the report prepared by Cariboo Envirotech in determining causation and quantum of damage. The Applicants were wholly successful in their claim.

I find the Applicants should recover part of their actual costs. They may recover the fees to Exton and Dodge Surveyors and Cariboo Envirotech in full, half of the legal fees claimed and the bank charges incurred in transferring fees for reports as follows:

Legal fees	\$16,783.35
Exton and Dodge	\$ 4,476.38
Cariboo Envirotech	\$ 3,292.80
Bank fees	\$ 4.00
Total	\$24,556.53

ORDER

Ironstone Mining Corporation must forthwith pay to Keith and Madelene Robinson the sum of \$24,556.53 in costs.

DATED: March 2, 2020

For the Board



Cheryl Vickers, Chair