

File No. 2139
Board Order No. 2139-2

January 11, 2021

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

THE NORTH EAST $\frac{1}{4}$ OF SECTION 10 TOWNSHIP 80 RANGE 15
WEST OF THE 6TH MERIDIAN PEACE RIVER DISTRICT
(The "Lands")

BETWEEN:

Longshore Resources Ltd.

(APPLICANT)

AND:

Joseph Sean Price, Shelli Lynn Price
and Phillip Andrew Stefanyk

(RESPONDENTS)

BOARD ORDER

[1] The Respondent landowners 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.

[2] The Respondents seek costs of \$3,768.44 comprised of expenses of \$118.44, 63 hours for time spent at \$50/hour for \$3,150.00, and \$500.00 for advocate’s fees. Other than to break out the number of hours spent per month from October 2019 to July 2020, no detail is provided as to the time spent, nor is any detail or substantiation provided for the \$500 in advocate’s fees.

[3] The Board invited the Applicant company to respond to the application for costs. It did not.

[4] The Applicant applied to the Board seeking a reduction in the annual rent payable under a surface lease having unilaterally determined the rent should be decreased and paying only the reduced rent as of the annual payment date. The landowners sought an order for immediate payment of the balance of the original rent, which order was granted by the Board on July 23, 2020. In the rent review application, the landowners asked that the rent be doubled. By order dated August 27, 2020, the Board ordered the rent remain unchanged. The landowners were therefore successful in defending the company’s application to reduce the rent, but unsuccessful in their effort to have the rent increased. The landowners were likewise successful in their claim that the company was not entitled to unilaterally reduce rent without order of the Board or agreement of the landowner.

[5] I find the Respondents should recover part of their actual costs claimed in the amount of \$2,118.44. They may recover their expenses of \$118.44 and time spent in the amount of \$2,000.00 representing 40 hours at \$50/hour. The claim for advocate's fees is denied given the lack of substantiation or detail.

ORDER

[6] Longshore Resources Ltd. must forthwith pay to Sean and Shelli Price the sum of \$2,118.44 in costs.

DATED: January 11, 2021

FOR THE BOARD



Cheryl Vickers, Chair