

File No. 2187
Board Order No. 2187-3

December 1, 2023

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
SECTION 21, TOWNSHIP 82, RANGE 25 W6M PEACE RIVER DISTRICT EXCEPT,
PART ON PLAN BCP 3636, PID 014-800-926
(The "Lands")

BETWEEN:

Eduard Frind and
Erika Rosa Frind

(APPLICANTS)

AND:

Canada Energy Partners Inc.

(RESPONDENT)

BOARD ORDER

The Applicants, Eduard Frind and Erika Rosa Frind, are the owners of the Lands described as: SECTION 21, TOWNSHIP 82, RANGE 25 W6M PEACE RIVER DISTRICT EXCEPT, PART ON PLAN BCP 3636, PID 014-800-926. The Respondent, Canada Energy Partners Inc., is the operator of a well site on the Lands. The Respondent's right of entry to the Lands for the purpose of operating the well is pursuant to a surface lease dated May 24, 2005 (the Surface Lease).

Pursuant to the Surface Lease, Canada Energy Partners Inc. is required to make annual payments of \$2,242.50 to Eduard Frind and Erika Rosa Frind.

The Applicants brought an application under sections 164 and 176 of the *Petroleum and Natural Gas Act*. By Order 2187-1 dated January 13, 2022 the Board ordered payment of rent owing as of May 24, 2019, May 24, 2020 and May 24, 2021 and ordered payment of interest pursuant to the *Court Order interest Act*. Order 2187-1 continues in full force and effect until payment has been made as ordered.

By Order 2187-2 dated December 6, 2022 the Board ordered payment of rent owing as of May 24, 2022, interest pursuant to the *Court Order Interest Act* and suspended the right of entry. Order 2187 continues in full force and effect until payment has been made as ordered.

The Applicants now seek an order for payment of unpaid rent as of May 24, 2023.

The Board finds that Canada Energy Partners Inc. 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 Canada Energy Partners Inc. owes Eduard Frind and Erika Rosa Frind \$2,242.50 in unpaid rent plus interest from May 24, 2023 in addition to any outstanding amounts ordered to be paid in Order 2187-1 and Order 2187-2. The Applicants are entitled to costs of this application.

The Board orders as follows:

1. Canada Energy Partners Inc. shall forthwith pay to Eduard Frind and Erika Rosa Frind the sum of \$2,242.50 plus interest calculated in accordance with the *Court Order Interest Act* from May 24, 2023.

DATED: December 1, 2023

FOR THE BOARD



Cheryl Vickers, Vice Chair