



## **SURFACE RIGHTS BOARD INFORMATION SHEET #3**

# **MEDIATION**

The Board is required to mediate most disputes and parties to the dispute must participate in mediation. In a mediation, a Board Member will facilitate discussions to assist the parties in resolving their dispute.

Mediations are held by teleconference or video conference. Mediations are not open to the public, and discussions are confidential and without prejudice to the positions the parties may take if the dispute is not resolved and proceeds to arbitration.

The parties should bring any information that they think will be helpful to support their point of view on an issue. Documents exchanged at the mediation are also confidential. The Board member, or “mediator”, may meet with the parties individually or together.

If the parties resolve their dispute, the application may be withdrawn, and the parties may incorporate their agreement into a surface lease or right of way agreement. Alternatively, they may ask the Board to incorporate the terms of their agreement into a Consent Order.

The mediator may schedule additional mediation meetings, or if the mediator believes an application cannot be resolved, may refer the application to the Board for arbitration.

### **Right of Entry, Terms of Access and Compensation**

If a mediator determines that a rights holder requires private land for its exploration or development activity, the mediator may make a right of entry order to permit access. If the parties do not agree on compensation, the mediator will order the company to make a partial payment to the landowner and may order payment of a security deposit. The security deposit is to ensure the landowner is paid any future compensation agreed by the parties or ordered by the Board. A right of entry order may be enforced by the Supreme Court.

### **Costs**

A landowner is normally entitled to receive their costs of the mediation unless the Board orders differently. See Information Sheet #8 for more details on costs.

For questions or other Information Sheets, please contact us or see our web site at:

#### **SURFACE RIGHTS BOARD**

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Application Forms and Information Sheets are available from any Service BC Centre (Government Agent) and Applications may be delivered to the Board either directly or through Service BC