

MEDIATION AND ARBITRATION BOARD
Under the Petroleum and Natural Gas Act
114, 10142 101 Avenue
Fort St. John, BC V1J 2B3

Date: January 20, 2000

File No. 1400

Board Order No. 311A

**BEFORE THE MEDIATION AND
ARBITRATION BOARD:**

IN THE MATTER OF THE PETROLEUM
AND NATURAL GAS ACT BEING CHAPTER 361
OF THE REVISED STATUTES OF BRITISH
COLUMBIA AND AMENDMENTS THERETO:
(THE ACT)

AND IN THE MATTER OF THAT PART OF THE NE ¼ OF
SECTION FOUR, TOWNSHIP EIGHTY-FIVE, RANGE TWENTY,
WEST OF THE SIXTH MERIDIAN, PEACE RIVER DISTRICT, LYING
TO THE WEST OF A CENTRE LINE ON PLAN A1027, EXCEPT 150
FEET IN PARALLEL WIDTH LYING TO THE WEST OF SAID CENTRE
LINE (PID # 014-931-770)
NE ¼ 4-85-20
(THE LANDS)

BETWEEN:

SUNCOR ENERGY INC # A-30928
BOX 38, 112 - 4TH AVENUE, SW
CALGARY ALBERTA
T2P 2V5
(THE APPLICANT)

AND:

MARGARET ROSE HUBLEY
WAYNE HUBLEY
SKYE SHANNON HUBLEY
BOX 364
CHARLIE LAKE, BC
V0C 1H0
(THE RESPONDENT)

AND:

WADE ROBERT HUBLEY
SS # 2, COMP 8 SITE 25,
FORT ST. JOHN, BC
V1J 4M7
(THE RESPONDENT)

ARBITRATION ORDER

BACKGROUND:

On 26 November 1999, the Mediation and Arbitration Board received an application for Mediation and Arbitration and Permission to Enter from Longstaff Land Surveying Ltd.; Agent for Suncor Energy Inc., to the said lands. Entry was required for construction and operation of a flow line and riser site for the production of "Suncor W Stoddart 6-4-85-20."

A Mediation hearing was held on 16 December 1999 in the Board room of the Mediation and Arbitration Board, located within Execuplace Business Centre. The Mediator was Ivor Miller. The Mediation was unsuccessful and the outstanding issues are to be settled by an Arbitration Panel at an Arbitration Hearing to be held on January 3, 2000. Right-Of-Entry was not granted, (as per Board Order No. 311M).

During negotiations Mr. Wade Hubley claimed a wage loss settlement resulting from an unfulfilled agreement of employment between himself and Suncor's representative Bonus/Alberta Gold.

HEARING

The Arbitration Hearing was held on 3 January 2000, at approximately 10:30 a.m. in the Board room of the Mediation and Arbitration Board, located within Execuplace Business Centre, located at 10142 101st Avenue, Fort St. John BC. The Arbitration Panel consisted of Connie Shortt Chair, and Mavis Nelson, Member. Representing the Applicant was Brian Palmer of Longstaff Surveying Ltd., Arne Bessel and Tracy Wolsey of Suncor. Representing the Respondents were Wayne and Margaret Hubley. Recording for the Board was Gayle Colwell, Board Administrator.

Position of the Parties:

Applicant

Representing the Applicant, was Brian Palmer of Longstaff Land Surveying Ltd., Tracey Wolsey and Arne Bessel of Suncor. Brian Palmer presented Exhibit # 1 summarizing discussions with the Respondents and detailing the issues agreed upon. Disagreement remained on the moneys Wade Hubley claimed as wage loss. Mr. Hubley declined the original offer of \$ 1,152.45 plus all subsequent offers.

Respondent

As Wade Hubley was not present, there was general agreement to use his taped Mediation submission as evidence. Margaret Hubley and Wayne Hubley were representing themselves and agreed to answer questions concerning the negotiations. Wade Hubley's request of \$ 5,000.00 was based upon the loss of 17 days of work plus daily vehicle use.

DECISION:

The Arbitration Panel reviewed the evidence presented by both parties.

1. Mr. Wade Hubley believed he had employment on the well site; thus he had turned down other employment. His qualifications were not questioned until well into his first shift. After Mr. Hubley up-dated his qualifications he was informed he had been replaced. The Board agreed Mr. Hubley does have a claim for 13 days of lost wages plus vehicle use. The 13 days is based on the report of Bonus, owner of Alberta Gold as stated in Exhibit # 1.

13 days @ \$ 252 (average wage) = \$ 3,276.00

13 days @ \$ 60.00 (vehicle) = \$ 780.00

\$ 4,056.00

2. A current H S Alive ticket is required by Wade Hubley as part of his qualifications The board considers this to be his expense.
3. Other agreed to issues as per Exhibit "1"
 - a) Wayne Hubley to haul pipe for the flow line project.
 - b) Wayne and/or Skye Hubley to build fence on South East side of flow line Right-Of-Way.
 - c) Wayne Hubley @ a rate of \$ 6 per meter to clear Right-Of-Way of trees, pile & burn, spring clean-up of right-Of-Way [topsoil replaced & disturbed areas re-seeded (Suncor to provide seed)].
 - d) Compensation as discussed with Margaret and Wayne Hubley on November 24, 1999. See Exhibit "1."
 - e) Increase in the well site 6-4-85-20 annual rental to \$ 4,000.00. This is for the establishment of a compressor site.

IT IS HEREBY ORDERED THAT:

1. The Applicant pays to Wade Hubley the amount of \$ 4,056.00 for wage loss, due and payable on or before 20 February 2000.
2. The Applicant pays the amount of \$ 3,312.00 to the Respondents for first year compensation. Annual rental of \$ 250.00 for the Riser site will be due and payable before or on the anniversary of the making of this order. The annual rental will be due and payable on or before January 20, 2001; and on January 20 of each subsequent year.
3. Upon payment of the sums in paragraph 1 and 2 above, the Applicant shall be entitled to all the rights granted under the Petroleum and Natural Gas Act.
4. This order is subject to the completion of the referral process, conducted by the Oil and Gas Commission and the issuance of the "Permission to construct Letter."

5. Nothing in this order is or operates as consent permit or authorization that by enactment a person is required to obtain in addition to this order.

Dated at the City of Fort St. John, British Columbia, this 20th day of January 2000.

MEDIATION AND ARBITRATION BOARD
UNDER THE
PETROLEUM AND NATURAL GAS ACT

Connie Shortt, Chair

Mavis Nelson, Member