

**Mediation and Arbitration Board
114, 10142 - 101 Avenue
Fort St. John, BC V1J 2B3**

Date: July 17, 2007

**FILE No. 1591
Board Order No. 421M**

BEFORE THE MEDIATOR:

**IN THE MATTER OF THE PETROLEUM AND
NATURAL GAS ACT, R.S.B.C. 1996, c. 361
(THE ACT)**

**SE ¼ Sec 34 Twp. 84 Range 14 W6M
(THE LANDS)**

BETWEEN:

**IMPERIAL OIL RESOURCES
("APPLICANTS")**

AND:

**EDWARD BEVERLY & NEORA NOREEN
FORRESTER
("RESPONDENT")**

MEDIATION ORDER

Applicant: Imperial Oil Resources

Respondent: Edward Beverly & Neora Noreen Forrester

Hearing: July 17, 2007

Decision: July 17, 2007

Mediator: Jim Sodergren

Board Order

Background:

A Pre Hearing Conference was held on June 29, 2007. At this time it was explained that we could only deal with what was on the application. All parties agreed they understood and Mediation was set for July 17, 2007.

Mediation took place on July 17, 2007 at the Mediation and Arbitration Board office. In attendance were Jim Sodergren (Board Mediator), representing the Applicant was Bill Trefiak, Kelsey McLeod and Brian Dunn, representing the Respondent were Edward and Neora Forrester. Also in attendance on behalf of the Respondents were Gwen Johansson and Karen Goodings. There was a lengthy discussion about the different flow lines. Edward and Neora Forrester wanted Imperial Oil Resources to use the existing line or abandon the line if they were not going to use it.

Entry, occupation or use order

19 (1) A mediator may make an order permitting, subject to the terms the mediator may specify in the order, an applicant under Section 16 to enter, occupy or use the land for a purpose stated in that section.

19 (2) Before making an order, a mediator must

(a) require the applicant to deposit with the board security in the amount, form and manner that the mediator considers necessary for the purpose of ensuring

that the owner of the land will be paid any amount ordered subsequently to be paid to them.

(b) require the applicant to pay to the owners, as partial payment of the amount subsequently ordered by the board to be paid to them, an amount of money not less than ½ the amount of the security required to be deposited, and


(c) require the applicant to serve a copy of the order on each owner of the land, and direct the manner of service.

Therefore the Board orders:

1. Pursuant to Section 19 (1) of the Petroleum and Natural Gas Act, the Applicant is granted the right to enter onto the lands, for the purpose of surveying, soil sampling, doing an archaeological assessment, construction which includes the boring of said flow line and the operation of the flow line as per the application filed May 30, 2007.
2. Pursuant to Section 19 (2) of the *Petroleum and Natural Gas Act*, the Applicant must deposit with the board, security in the amount of \$ 0.00.
3. Pursuant to Section 19 (2) of the *Petroleum and Natural Gas Act*, the Applicant must pay to the landowners a partial payment in the amount of \$ 0.00.
4. Pursuant to Section 19 (2) of the *Petroleum and Natural Gas Act*, the Applicant must serve a copy of this order to the Respondent prior to entry onto the land.
5. Upon the completion of survey, the applicant shall address the monetary value of the flow line right-of-way with the respondent. If the parties cannot reach a mutually satisfactory agreement, it will be sent to Arbitration to decide the monies to be paid to the respondent.
6. Under Section 20 of the *Petroleum and Natural Gas Act*, this matter shall proceed to Arbitration unless both parties report in writing that they consent to the terms of this order within 30 days of the date of this order.

MEDIATION AND ARBITRATION BOARD
UNDER THE PETROLEUM AND NATURAL GAS ACT

DATED JULY 18, 2007


James Sodergren Board Member