

File No. 1926  
Board Order No.1926-2

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March 16, 2017

**SURFACE RIGHTS BOARD**

IN THE MATTER OF THE *PETROLEUM AND NATURAL GAS ACT*,  
R.S.B.C., C. 361 AS AMENDED

THE NORTH EAST  $\frac{1}{4}$  OF SECTION 15 TOWNSHIP 80 RANGE 17 WEST OF  
THE 6TH MERIDIAN PEACE RIVER DISTRICT, EXCEPT PLAN 26071  
PARCEL A (PLAN 28640) OF SECTION 14 TOWNSHIP 80 RANGE 17 WEST  
OF THE 6TH MERIDIAN PEACE RIVER DISTRICT

(The "Lands")

BETWEEN:

Encana Corporation

(APPLICANT)

AND:

Peter Derek Bailey

(RESPONDENT)

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**BOARD ORDER**

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Encana Corporation (“Encana”) seeks a right of entry order to access certain lands legally owned by Peter Derek Bailey (the “Lands”).

Encana requires access to the Lands to construct, operate and maintain a pipeline and associated infrastructure.

The parties have advised the Board that they have reached agreement on the right of entry as set out below.

By way of background to their agreement, Encana advised me that after mediation conducted by the Oil and Gas Appeal Tribunal Encana and Mr. Bailey had entered into an agreement regarding this project.

As Mr. Bailey has hearing difficulties, and he does not have access to email, I contacted his advisor, Mr. Jim Collins. On the morning of March 10, 2017, Mr. Collins called me, with Mr. Bailey present. Mr. Collins reviewed the agreement, which agreed with Encana’s account of the agreement. As well, the agreement contains a number of issues beyond the Board’s jurisdiction.

Later in the day I spoke with Mr. Bailey, and again confirmed the nature of the agreement.

Accordingly, BY CONSENT, the Surface Rights Board orders:

1. Upon payment of the amount set out in paragraphs 3, **Encana Corporation** shall have the Right of Entry to and access across the portions of lands legally described as **THE NORTH EAST ¼ OF SECTION 15 TOWNSHIP 80 RANGE 17 WEST OF THE 6<sup>TH</sup> MERIDIAN, EXCEPT PLAN 26071 PEACE RIVER DISTRICT AND PARCEL A (PLAN 28640) OF SECTION 14 TOWNSHIP 80 RANGE 17 WEST OF THE 6<sup>TH</sup> MERIDIAN PEACE RIVER DISTRICT** as shown on the individual ownership plans attached as Appendix “A” (the “Lands”) to carry out an approved oil and gas activity, namely the construction, operation, and maintenance of multiple flow lines and associated works (“flow lines”).
2. **Encana Corporation’s** right of entry shall be subject to the terms and conditions attached as Appendix “B” to this right of entry Order.
3. **Encana Corporation** Encana shall pay to the Respondent, Peter Derrick Bailey, the sum of Thirty Thousand Dollars (\$30,000) as compensation payable for the negotiation and acquisition of the rights granted herein as well as all damages arising from the construction of the flow lines within the Lands.

4. Nothing in this Order operates as a consent, permission, approval, or authorization of a matter within the jurisdiction of the Oil and Gas Commission.

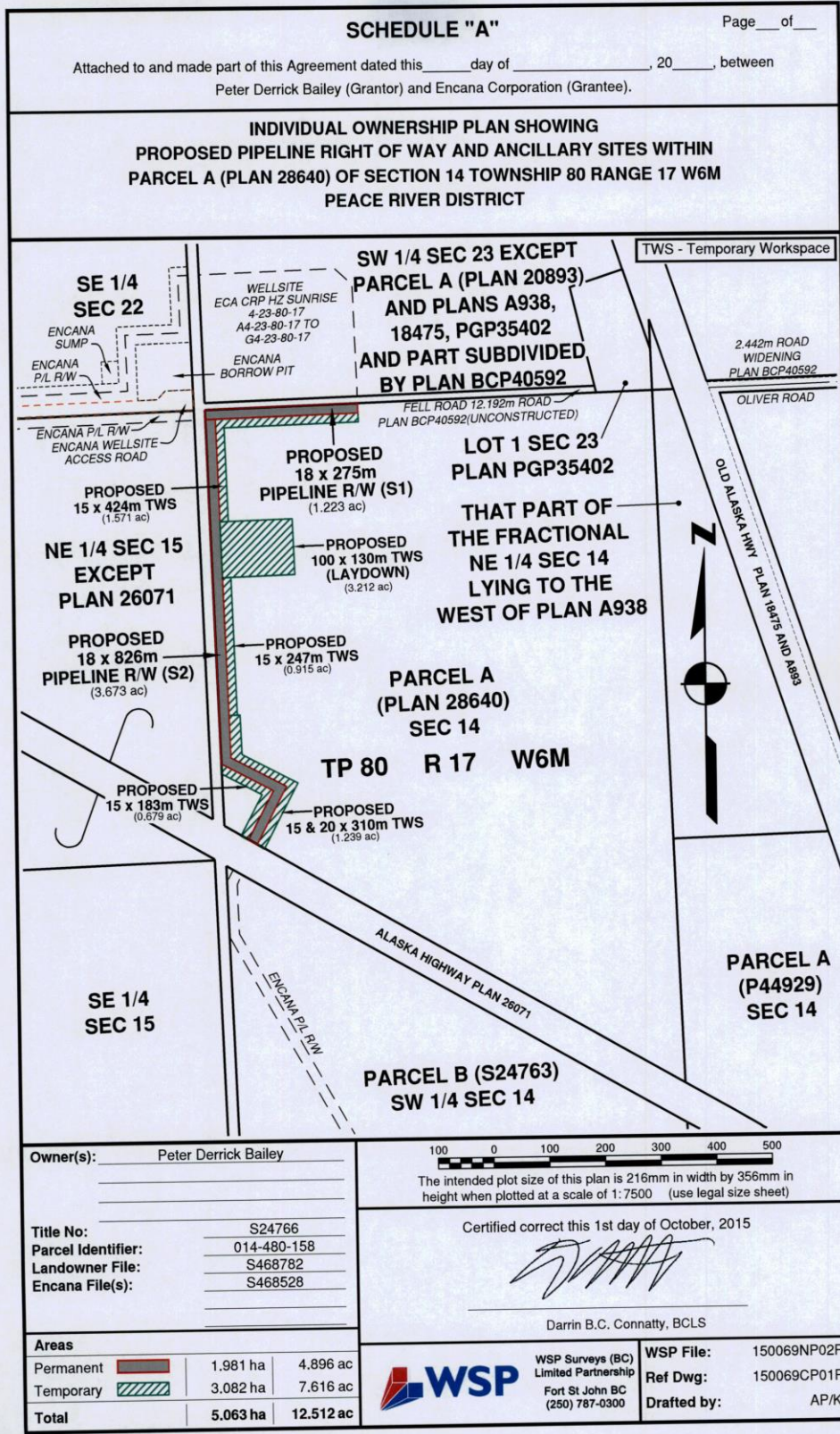
Dated: March 16, 2017

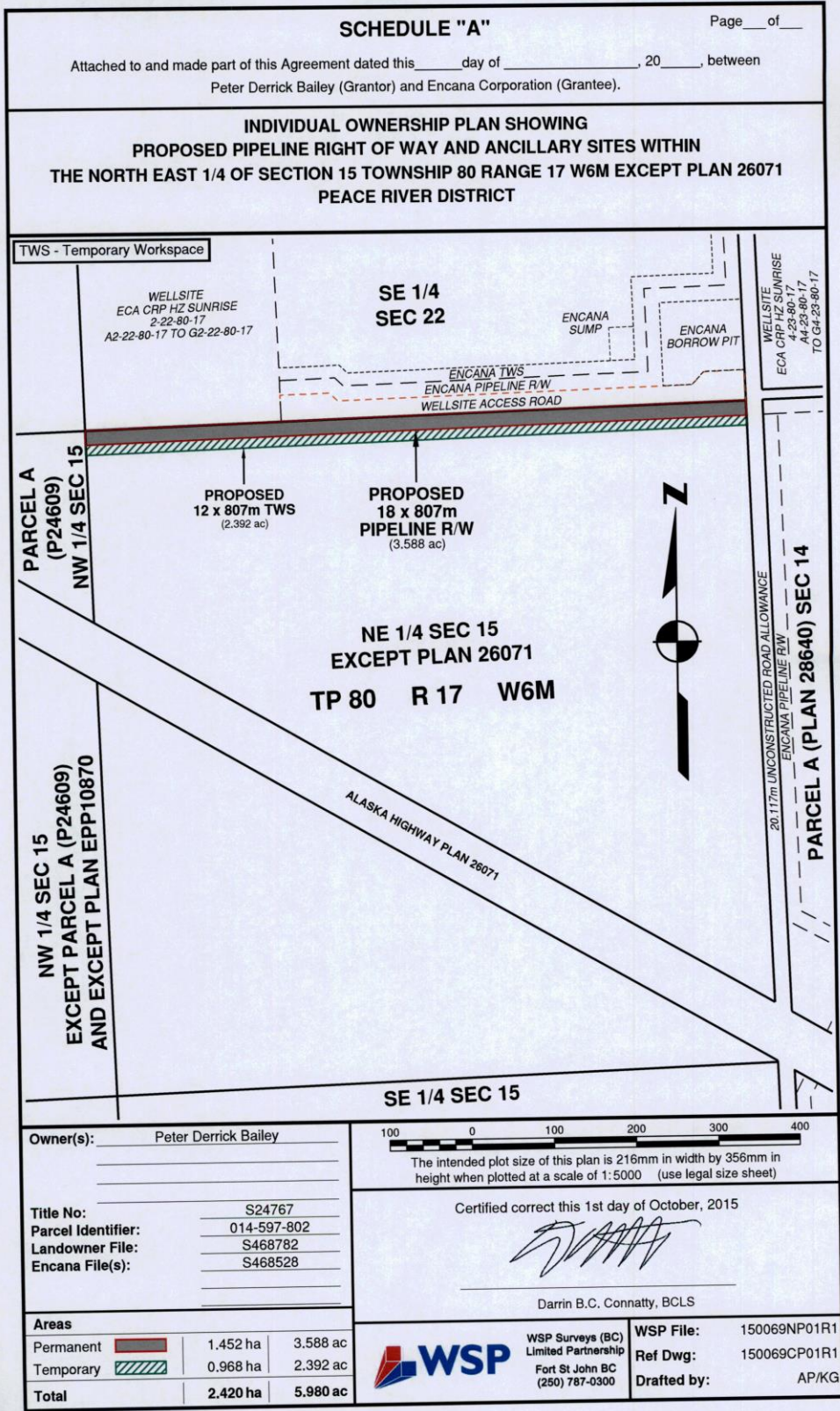
FOR THE BOARD

A handwritten signature in black ink, appearing to read "Rob Fraser". The signature is written in a cursive, flowing style.

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Rob Fraser, Mediator





## APPENDIX "B"

### Conditions for Right of Entry

1. **Encana Corporation** must notify the landowner forty-eight (48) hours prior to entry onto the Lands.