

File No. 2021
Board Order No. 2021-1

December 19, 2018

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

THE NORTH WEST ¼ OF SECTION 32 TOWNSHIP 82 RANGE 17 WEST OF THE
6TH MERIDIAN PEACE RIVER DISTRICT EXCEPT PLAN EPP3784
(The "Lands")

BETWEEN:

Irma Bartlett

(APPLICANT)

AND:

Predator Oil BC Ltd.,
Phillip Dean Bruvold and
Penny Sandra Bruvold

(RESPONDENTS)

BOARD ORDER

Heard by telephone: December 18, 2018
Appearances: Patricia McIver, Holly Ann Penny and Irma Bartlett, for the Applicant
Peter Connelly and Wayne Pridham, for Predator Oil BC Ltd.
Penny Bruvold and Phillip Bruvold, on their own behalf

This is an application brought under sections 164 and 176 of the *Petroleum and Natural Gas Act*. The Applicant seeks an order for payment of unpaid rent and seeks an order suspending right of entry to the Lands until the rent has been paid.

The Respondents, Phillip Dean Bruvold and Penny Sandra Bruvold, are the owners of the Lands described as: THE NORTH WEST ¼ OF SECTION 32 TOWNSHIP 82 RANGE 17 WEST OF THE 6TH MERIDIAN PEACE RIVER DISTRICT EXCEPT PLAN EPP3784. The Respondent, Predator Oil BC Ltd (Predator) is the operator of a well located on the Lands. Predator's right of entry to the Lands for the purpose of operating the well is pursuant to a surface lease dated September 20, 1956 (the Surface Lease). The Applicant, Irma Bartlett, is entitled to receive rent payable under the Surface Lease pursuant to an Assignment of Rents dated March 25, 1992 registered against the Title to the Lands (the Assignment).

Pursuant to the Surface Lease and the Assignment Predator is required to make annual payments of \$4,000.00 to Irma Bartlett. Predator failed to make the annual payment required by September 20, 2018.

The Board finds that Predator 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 Predator owes Irma Bartlett \$4,000.00 in unpaid rent plus interest from September 20, 2018.

Mr. Connelly advised that the well is capable of production but that it is not presently economic to produce from this well. He advised Predator would be suspending and securing the well and has since confirmed that work has been completed. The Applicant agreed that the well should be properly suspended prior to the right of entry being suspended. Pursuant to section 176 of the *Petroleum and Natural Gas Act*, the Board suspends the right of entry on terms set out in the Order below.

The Board orders as follows:

1. Predator Oil BC Ltd. shall forthwith pay to Irma Bartlett the sum of \$4,000.00 plus interest calculated in accordance with the *Court Order Interest Act* from September 20, 2018.
2. Predator Oil BC Ltd.'s right of entry to the Lands granted under the Surface Lease is suspended until rent owing under the Surface Lease has been paid or until further order of the Board subject to entry being required in an emergency or to comply with an order of the Oil and Gas Commission.

3. The Applicant is entitled to her reasonable costs. The Board retains jurisdiction to determine the amount of costs payable in the event the parties cannot agree.

DATED: December 19, 2018

FOR THE BOARD



Cheryl Vickers, Chair