

File No. 2046
Board Order No. 2046-1

January 15, 2019

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 ½ OF SECTION 35 TOWNSHIP 85 RANGE 15 WEST OF THE 6TH
MERIDIAN PEACE RIVER DISTRICT
(The "Lands")

BETWEEN:

Donna Victoria Velandar

(APPLICANT)

AND:

Sun Oil Fund Ltd.

(RESPONDENT)

BOARD ORDER

This is an application brought under sections 164 and 176 of the *Petroleum and Natural Gas Act*.

The Applicant, Donna Victoria Velander, is the owner of the Lands described as: THE NORTH ½ OF SECTION 35 TOWNSHIP 85 RANGE 15 WEST OF THE 6TH MERIDIAN PEACE RIVER DISTRICT. The Respondent, Sun Oil Fund Ltd., is the operator of a well located on the Lands known as Titan W Boundary 13-35-85-15. The Respondent's right of entry to the Lands for the purpose of operating the well is pursuant to a surface lease dated December 2, 2005 between Donna Victoria Velander and Titan Exploration Ltd. (the Surface Lease).

Pursuant to the Surface Lease as amended, Sun Oil Fund Ltd., is required to make annual payments of \$6,705.00 to Donna Victoria Velander. Sun Oil Fund Ltd. failed to make the annual payments required by December 2, 2017 and December 2, 2018.

Although given the opportunity to do so, Sun Oil Fund Ltd. has not provided the Board with any documentation or information to dispute this claim.

The Board finds that Sun Oil Fund Ltd. 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 Sun Oil Fund Ltd. owes Donna Victoria Velander \$6,705.00 in unpaid rent plus interest from December 2, 2017 and from December 2, 2018. The Applicant is entitled to costs of this application.

The Board orders as follows:

1. Sun Oil Fund Ltd. shall forthwith pay to Donna Victoria Velander the sum of \$6,705.00 plus interest calculated in accordance with the *Court Order Interest Act* from December 2, 2017.
2. Sun Oil Fund Ltd. shall forthwith pay to Donna Victoria Velander the sum of \$6,705.00 plus interest calculated in accordance with the *Court Order Interest Act* from December 2, 2018.

DATED: January 15, 2019

FOR THE BOARD



Cheryl Vickers, Chair