



SURFACE RIGHTS BOARD

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Application Forms and information about the Board are available from any Service BC Centre (Government Agent) and Applications may be delivered to the Board either directly or through Service BC

September 2023

PRACTICE DIRECTIVE NO. 4

Filing of Surface Leases

Purpose

This Practice Directive provides instruction with respect to the filing of surface leases with the Board pursuant to section 178 of the *Petroleum and Natural Gas Act*.

Background

Section 178 of the *Petroleum and Natural Gas Act* requires a right holder who holds a right of entry under a surface lease to submit the right holder's name and address, a description of the land that is subject to the right of entry, and a copy of the surface lease, including the terms of the right of entry and any rental provisions to the Surface Rights Board within 90 days of acquiring the right of entry. The right holder must also submit a copy of any agreement amending a surface lease within 90 days of executing the amending agreement. The definition of "surface lease" in the Act includes leases, easements and right of way agreements authorizing entry, occupation or use of land to carry out and oil and gas, or related, activity or to comply with an order of the Oil and Gas Commission (now the BC Energy Regulator or BCER). The Act provides sanctions for the failure to submit surface leases as required.

Directive

Complete copies of all surface leases, easements, right of way agreements, or other agreements authorizing entry, occupation or use of private land for an oil and gas, or related, activity, or to comply with an order of the BCER, must be filed with the Board. The copies must be executed by all parties and contain copies of any schedules or appendices. The operator or company with the right of entry is responsible for providing a copy of the surface lease or other agreement to the Board within 90 days of acquiring the right of entry, usually the date upon which the agreement is executed by both parties. The name and address of the operator or company with the right of entry and the legal description of the land will usually appear in the agreement. If they do not, this information must be provided separately. Copies may be submitted to the Board by email in electronic (pdf) format.

For the Board,

Jacqueline Beltgens, Chair