



January 2025

Recovering Surface Lease Rental Denied to You by the SRB/LPRT!

You may be one of the **many** landowners to whom the Surface Rights Board or Land and Property Rights Tribunal issued decisions **reducing the amount of surface lease rent monies it directed the Government of Alberta to pay you** for a Recovery of Compensation application for a surface lease of a defunct oil/gas company on your land. These applications are made under Section 36 of the *Alberta Surface Rights Act*. Please see our article “***Landowners Win Big at The Alberta Court of Kings Bench***” for the background on this important and challenging issue. In short, we went to Court to have a judge review a decision, ***Bateman v. Alberta (Surface Rights Board) 2023 ABKB 640***, whereby the SRB directed the Government of Alberta to pay our landowner client only 50% of the rental legally owed to him for such a surface lease. And we won! The Judge quashed the SRB’s decision and demanded it tell the Government of Alberta to pay our client the other 50% of the rental that was owed to him.

While we were waiting for almost two years for the results of this Judicial Review, the SRB/LPRT continued to make hundreds of similar decisions denying the full amount of rent to landowners who had submitted applications for Recovery of Rental under Section 36 of the *Surface Rights Act*. The SRB/LPRT reduced the amount of rental it directed the Government of Alberta to pay landowners by anywhere from 25% to 75%. As a result, this smaller amount is what the Government sent you a cheque for. There is, however, a solution to this problem and disrespectful treatment of landowners by the SRB/LPRT.

As a result of our ***Bateman*** win, My Landman Group Inc. submitted, on behalf of our landowner clients who were similarly “shorted” in decisions by the SRB/LPRT, applications to have the LPRT “review” these egregious decisions. We have now received decisions for these *Request for Review of Decision or Order* applications and in all of them, the LPRT has rescinded the previous decision which reduced the amount payable and **directs that the full amount of the rent now be paid to the landowner by the Government of Alberta**. As such, the case law is now clear and, most importantly, is now respected by the Land and Property Rights Tribunal in its decisions!

Landowners who require further information, assistance or representation regarding the above or any other surface rights matters are welcome to contact *My Landman Group Inc.* via email at **office @mylandman group.ca** or by phone to **403-652-8293**. We can help you recover any surface lease rent owed to you by an oil and gas operator AND, because of our success with the ***Bateman*** Judicial Review, any rent the Surface Rights Board or Land and Property Rights Tribunal has “shorted” you for a Recovery of Compensation application.