

**Application for Compensation and Assignment of Rights to Overdue Payments Respecting an Orphan Site under [sec. 46 of the Energy Resource Activities Act](#), SBC 2008, Chapter 36 (the “Act”)**

**Applicant Information**

Landowner (person or company registered in the land title office as the registered owner of the land surface or as its purchaser under an agreement for sale or a person to whom a disposition of Crown land has been issued under the *Land Act*) (the “Landowner”):

Legal Description of Property (the “Land”):

Parcel Identifier (PID):

Mailing Address:

Residential Address (if different):

Phone Number(s):

Email Address:

Name of Contact (if different than Landowner):

**SITE INFORMATION (“Site”)**

Site Name and Location:

Site Identifier Number (Well Authorization, Permit AD, Application #, etc.):

Site type (check all that apply):

☐ Wellsite

☐ Access

☐ Facility

☐ Riser

☐ Other:

APPLICATION FOR COMPENSATION AND ASSIGNMENT OF RIGHTS

1. On or about \_\_\_\_\_ :  
(Date of agreement/SRB Order)

[Select one of a), b), or c)]

a) I/We entered into a surface lease agreement (“Agreement”) with \_\_\_\_\_  
[Company] for its entry, occupation, and/or use of a portion of the Land for the purpose of operating the  
Site.

OR

b) I/We became the assignee to an Agreement between \_\_\_\_\_  
[previous landowner(s)’s name(s)] and \_\_\_\_\_ [Company], for the  
entry, occupation or use of a portion of the Land for the purpose of operating the Site.

I/We became the Landowner(s) on \_\_\_\_\_  
(Date)

OR

c) I/We were granted/hold Surface Board Order No. \_\_\_\_\_

2. Pursuant to the Agreement, I/we are currently owed \$ \_\_\_\_\_ annually.

3. I/We are applying for overdue payment(s) for the following year(s) \_\_\_\_\_ [insert  
year(s) for all overdue payment(s)].

4. The date of the last payment I/we received under the Agreement was: \_\_\_\_\_

5. I/We am/are currently claiming a total of \$ \_\_\_\_\_ to compensate me/us under section  
46 of the Act.

6. I/We have taken the following steps to obtain payment of the outstanding amounts owed to me/us under  
the Agreement [include efforts and dates made to contact the Company including phone calls, letters, emails, and orders  
issued from the Surface Rights Board for non-payment.]:

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7. I/We request payment be made to [name one Landowner only]: \_\_\_\_\_
8. Attached to this signed document and marked as Exhibit "A" is a true copy of the Surface Lease Agreement and/or Surface Rights Board Order.
9. Attached to this signed document and marked as Exhibit "B" is a true copy of the documents that support this claim for compensation. These include:
- ☐ Cheque stub
  - ☐ Rental Review document
  - ☐ Bank statement displaying payer
  - ☐ Other: \_\_\_\_\_
10. I/We certify that all information given in this application is true and correct. I/We further understand that in the event of provision of any false or misleading statement, I/we will be required to reimburse any compensation received as a result of the application, and the BC Energy Regulator will be at liberty to prosecute me/us.
11. I/We will promptly submit written notification to the BC Energy Regulator in the event of any change in the above stated circumstances, such as changes to ownership of the Land or to my/our address.
12. I/We understand that the BC Energy Regulator's determination as to whether or not compensation will be provided on the basis of the application within is without prejudice to any further claim(s) to compensation under section 46 of the Act, which will require that I/we reapply.

#### ASSIGNMENT OF RIGHTS

13. In consideration of compensation paid and/or to be paid to me/us under section 46 of the Act, I/we hereby assign to the BC Energy Regulator my/our rights to any and all overdue payments currently due and owing or that may become due and owing to me/us under the Agreement.
- a. Nothing in or arising from this Assignment shall in any way alter or affect any other rights or claims of the Landowner under the Agreement, which may be pursued by the Landowner at its sole discretion.
  - b. This Assignment does not convey any duties or obligations whatsoever to the BC Energy Regulator under or arising from the Agreement.

\_\_\_\_\_  
Initial Initial

14. I/We have had the opportunity to seek independent legal advice, and I/we have waived my/our right(s) to obtain independent legal advice in relation to the within application including any related assignment under section 46 of the Act.

Signed on \_\_\_\_\_

(Date)

Landowner signature(s)

Witness signature(s)

\_\_\_\_\_  
Name: \_\_\_\_\_

\_\_\_\_\_  
Name: \_\_\_\_\_

\_\_\_\_\_  
Name: \_\_\_\_\_

## INSTRUCTIONS

1. Submit a separate application for each Orphan site. Multiple years of unpaid rent may be applied for in one application.
2. Examples of an energy resource activity, as required in paragraph 1 (a), (b), OR (c) include, but are not limited to a wellsite, facility, pipeline, and energy resource road.
3. A witness must be 19 years of age or older and cannot be a landowner named in the Application, nor the spouse or other family member of a landowner named in the Application.
4. Attach a complete copy of the Surface Lease Agreement and/or Surface Rights Board Order to this Application and mark the first page as Exhibit "A".
5. Attach complete copies of any documents that support this claim for compensation [for example, rent renewal statement(s), cheque stub(s), bank statement(s), and/or any agreement(s) with respect to rent renegotiation, and mark the first page as Exhibit "B".
6. Forward the completed Application and supporting documentation to the BC Energy Regulator at:

**Mail:** BC Energy Regulator  
Attn: Orphan Fund  
6534 100th Ave,  
Fort St. John, BC, V1J 8C5

or

**Email:** [orphanrestoration@bc-er.ca](mailto:orphanrestoration@bc-er.ca)

or

**Deliver to front desk:**

BC Energy Regulator		BC Energy Regulator
6534 Airport Rd.	or	#3, 1445 102 Avenue
Fort St. John, BC		Dawson Creek, BC

\*This page does not need to be included when submitting your application.