



Application Guide and Information Package

Recovery of Compensation
(Rental Recovery)
Section 36 of the Surface Rights Act

Land and Property Rights Tribunal

Fact Sheet – Surface Rights Applications

Tribunal Background

The Land and Property Rights Tribunal (LPRT) is an independent tribunal under the Government of Alberta. It makes decisions and recommendations on matters such as surface rights, expropriation, property assessment, land-use planning, and annexations.

All LPRT decisions are in writing and are based on the evidence and arguments provided by the parties. Information about application volumes and decision timelines is available in LPRT's quarterly [performance reports](#) on its website.

To support transparency, the LPRT publishes its decisions and orders online through public databases, including [CanLII](#) and its own [searchable database](#) available on its website.

To help resolve disputes prior to a formal hearing, the LPRT provides dispute resolution and mediation services to parties at no cost.

Most disputes the LPRT decides fall under the *Surface Rights Act* (the Act). A summary of common application types appears below.

Right of Entry (s. 12)

The LPRT grants operators the right to enter private and Crown land for activities allowed under the Act. These activities can include mining, drilling, and construction of pipelines, power lines, or telephone lines. Compensation for right of entry is determined by the LPRT through a compensation order.

Recovery of Compensation (s. 36)

When a landowner or public land occupant is owed money by an operator under a surface lease agreement or compensation order, they may apply to the LPRT to recover the unpaid amount.

Damages (s. 30)

The LPRT may award up to \$50,000 in compensation for loss or damage to land, livestock or personal property caused by an operator's activities.

Rate of Compensation Review (s. 27)

The Act allows parties to a surface lease agreement or right of entry order to renegotiate the annual compensation rate every five years from the effective date. If the parties cannot agree on the rate, either party may apply to have the LPRT determine the rate.

Request for Reconsideration (s. 29)

If a person disagrees with an LPRT decision or order, they may ask for it to be reviewed. Requests for reconsideration must meet criteria and deadlines set out in the LPRT's [Surface Rights Rules](#).

Related Online Resources:

LPRT applications, forms, and resources
<https://www.alberta.ca/lprt-applications-forms-and-resources>

Find an LPRT decision
<https://www.alberta.ca/lprt-find-a-decision>



Recovery of Compensation Process

Surface Rights Act Section 36



Application Filed

Annual lease payment is overdue and an application is submitted to the Tribunal.



Notice to Operator

The Tribunal issues a demand for payment to the operator.



No Response Received

The operator does not pay by the required deadline.



Tribunal Action

Operator's Entry Rights Terminated

Access to the site may be suspended.



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Panel Decision to Pay

The Tribunal issues an order directing the Minister to pay.



Payment by the Crown

The Minister issues compensation to the landowner.



Payment Recovery

The Crown seeks repayment from the operator.

Land and Property Rights Tribunal

Frequently Asked Questions: Recovery of Compensation (S. 36 *Surface Rights Act*)

1. What is Recovery of Compensation?

Under the *Surface Rights Act*, if you own or occupy land and an operator has not paid the annual payment(s) owed to you under a surface lease or compensation order, you can apply to the Land and Property Rights Tribunal (LPRT) to recover the missed payment(s) by completing and submitting a Recovery of Compensation application form. If the tribunal confirms the money is owed, it will direct the Minister of Environment and Protected Areas to pay you.

2. When can I apply?

You can apply after the annual payment due date has passed. You do not have to:

- wait for the payment
- contact the operator
- hire a lawyer or representative
- go to court

3. Do I have to wait for the site to be abandoned or assigned to the Orphan Well Association for reclamation before I can apply?

No. You can apply any time after a payment becomes due and remains unpaid paid, regardless of what is happening at the site.

4. Can I apply for multiple lease/well-sites on the same application?

No, a separate application is required for each lease/well-site.

5. What if the operator hasn't paid me for several years?

That's okay. You can apply for multiple unpaid years in one application.

6. If the operator has made a partial payment, can I request compensation for the unpaid portion?

Yes. Operators will sometimes make a partial payment of the total amount owed to you. You can apply to recover the unpaid portion.

7. Do I need a lawyer? Should I contact the operator?

No. The application is easy to complete and file. You don't need to attend a hearing or contact the operator prior to filing an application.

8. Does it cost anything to apply?

No, there are no application fees. The LPRT will complete all necessary searches to verify your application at no cost (Well License, Land Titles, Corporate Registry).

9. How do I apply?

The fastest and most convenient move is through LPRT's Surface Rights E-File Portal (Alberta.ca account required). Benefits include:

- step-by-step instructions
- faster processing
- ability to track your application

You can also apply by downloading and completing a Recovery of Compensation application form from LPRT's website and submitting it via email, regular mail, courier, or in-person drop-off at LPRT's Edmonton office.

10. Can I get help with completing my application?

Yes, there are multiple on-line resources available on LPRT's website, including instructional video, filing information, and access to the tribunal's Surface Rights E-File Portal. Tribunal staff are available to answer your questions over the phone, by email, or in-person at LPRT's south Edmonton office. Walk-ins are welcome, however, it's best to call/email in advance to make an appointment.

11. What information do I need to provide with my application?

You need to provide:

- the land description of the site
- proof of the lease or agreement
- proof of the annual payment amount

Helpful documents to verify this information may include:

- a copy of your lease
- the plan of survey
- a rental review letter
- a cheque stub

If you do not have these documents, you may be able to request them from the operator or check your Certificate of Title for a registered caveat of the surface lease or right of entry.

Recovery of Compensation Automatic Filing

Simplifying Returning (Repeat) Application Process for Landowners

What's changing?

The Land and Property Rights Tribunal (LPRT) has streamlined the application filing process under section 36(7) of the *Surface Rights Act*. The new process is intended to **speed up payments** and **reduce red tape** for eligible landowners/public land occupants by eliminating the requirement to file a returning (repeat) application for each year an annual payment becomes owing/unpaid under a surface lease or compensation order.

Who is eligible for automatic filing?

You are eligible if you have previously applied for and received a payment from the Government of Alberta under section 36, there are **no changes** to the ownership of the land or the operator, and the site has not been reclaimed.

How does it work?

If you meet the eligibility criteria (see above), you will receive a *Notice of Automatic Returning Application* notifying you that a returning application will be processed after the payment due date set out in your surface lease agreement or compensation order.

After you receive this notice, it's important to notify the LPRT if there are changes to your mailing address or if you received payment from the operator. If you do not want to participate in the automatic process, you will have 60 days to opt-out from the date of the notice. After your return is processed, you will receive a Direction to Pay Order. Payments resulting from the order are processed by the Ministry of Environment and Protected Areas.

Your responsibilities

After you receive a notice, please review the application details. If correct, no action is required from you – the application will be processed automatically.

If the notice is incorrect, or you have received a payment from the operator for the year in question, or you have changed your mailing address, please notify the LPRT **within the 60-day notice period**. Please remember to include your file number from the notice in your correspondence.

Questions?

For further information or assistance, please contact us. LPRT contact information is below.



**LAND &
PROPERTY
RIGHTS
TRIBUNAL**

Telephone: 780-427-2444
Fax: 780-427-5798
Email: LPRT.Recovery@gov.ab.ca
Website: www.LPRT.alberta.ca

INTERNAL USE ONLY

RECOVERY OF COMPENSATION

Section 36 of the Surface Rights Act

Land and Property Rights Tribunal
1229 - 91 Street SW
Edmonton AB T6X 1E9

☐ First Year Applicant ☐ Returning Applicant Previous File #: _____

You must use a separate form for each surface lease agreement or Tribunal order and ensure that the anniversary date of your original agreement has passed before you submit an application to recover any missed payment owed.

Part 1 - Contact Information

APPLICANT(S) (Person(s) entitled to compensation)

Name (Last)		(First)		Telephone Number ((000) 000-0000)	
Business Name (if applying as a corporation or partnership)					
Address (Street, PO Box, RR)		(Suite, Apartment)		(Town/City/Village)	
				(Province)	
				(Postal Code)	
E-mail address (By providing an e-mail address I consent to receive documents by e-mail):				Applying as Business ☐ Individual ☐	

AGENT INFORMATION AND CONFIRMATION (If Applicant is Represented by an Agent)

☐ Lawyer	☐ Land Agent	☐ Personal Representative		
Name (Last)		(First)	Telephone Number ((000) 000-0000)	
Business Name				
Address (Street, PO Box, RR)		(Suite, Apartment)		(Town/City/Village)
				(Province)
				(Postal Code)
E-mail address (By providing an e-mail address I consent to receive documents by e-mail):				

I (We) hereby authorize _____ to act on my (our) behalf for this application.

Signature of Applicant(s)

Date

Signature of Applicant(s)

Date

Part 2 - Recovery of Compensation

Land Description: (Quarter)	(Section)	(Township)	(Range)	(Meridian)	(Legal Subdivision)

Well or Facility License Number (Example: Well License #0123456 or Facility License #98765)

The Agreement is for: ☐ wellsite ☐ wellsite and roadway ☐ roadway ☐ pad site ☐ other;

Date of Original Agreement: (YYYY/MM/DD)

Current Compensation Rate:

Payment Information

Year Requested (YYYY)	Amount Claimed	Comments

Part 3 - Supporting Documentation (required for the First Year Applicant)

You must include a photocopy of at least **one** of the following as evidence to support your claim. (Ensure that any separate pages are attached when submitting your application by e-mail.). If you are unable to provide documented evidence to support your application and would like to proceed without it, use the space below to indicate your reasons. If you run out of space, please attach a separate page to the application.

- ☐ A copy of the original Agreement, including the survey plan (if available) OR reference to the Tribunal order granting right of entry.
- ☐ A copy of the most recent amendment to your Agreement, referencing the date of the original Agreement, the land description and the compensation that is currently payable.
- ☐ A copy of the annual letter you received from the operator the last time you were paid, referencing the date of the original Agreement, the land description and the compensation that is currently payable.
- ☐ Other documents that can be related to each other to form the whole picture, i.e. documents with only part of the information that have the same file number.

Part 4 - Declaration

It is important that you fill out the statements in this part of the application accurately and completely and that ALL persons entitled to the compensation sign the application form. Personal representatives are not permitted to sign the application on behalf of the applicant(s).

In support of my/our application,

I DO SOLEMNLY DECLARE THAT:

1. The surface lease agreement, consent of occupant agreement, or Tribunal order described in Part 2 of this application is still in effect;
2. I am (choose one):

- ☐ the person entitled to the payments under that agreement or order.
- ☐ a representative of the corporation entitled to the payments under that agreement or order, and I have personally informed myself of the relevant and material records and information pertaining to the corporation's application;
3. ☐ I (or the corporation I am representing) have not, nor has anyone on my behalf (or on the corporation's behalf) received any of the compensation claimed in Part 2 of this application form
4. ☐ I understand that by signing this form, I confirm that I have not provided incorrect information or false or misleading evidence.
5. ☐ I understand that the Direction to Pay Order will be issued to all parties listed on the Certificate of Title or Consent of Occupant

Signature

Signature

Print Name

Print Name

Date

Date

AUTOMATIC FILING (Returning applicant for Unpaid Annual Compensation)

The Land and Property Rights Tribunal (LPRT) is implementing measures to streamline the application process under section 36(7) of the Surface Rights Act. Automating the returning application process is intended to speed up payments and reduce administrative burden for eligible landowners and public land occupants. This process removes the need to submit a new application each year for unpaid annual compensation owing under a surface lease or compensation order.

If you wish to opt out of automatic processing, please check the box below and sign the declaration.

Opt-Out Option

Applicants may opt out of automatic processing by checking the box below and signing. By opting out, the Applicant acknowledges that:

1. The Applicant must submit a section 36 (s. 36) returning (repeat) application each year to receive payment for unpaid compensation.
2. The Applicant is responsible for tracking the annual compensation due date.
3. Processing and payment timelines may be longer compared to automatic processing.

☐ I wish to opt out of automatic application processing.

Signature: _____

Applicant

Acknowledgment

1. By checking the box and signing above, you confirm your decision to opt out and acknowledge your responsibility to submit a s. 36 returning (repeat) application annually to receive payment for unpaid compensation.

The personal information collected is for the purpose of setting up application/appeal proceedings, which will be provided to those who may be affected by your application/appeal and will be considered a public record. Your contact information will be used to send a follow-up survey designed to measure satisfaction with the tribunal proceedings. The personal information you provided is collected under the authority of section 4(c) of the Protection of Privacy Act. If you have any questions about the collection of personal information, you may contact the Land and Property Rights Tribunal, 1229-91 Street, SW, Edmonton, Alberta T6X 1E9, (780) 427-2444 (Outside of Edmonton call 310-0000 to be connected toll free) or by email to LPRT@gov.ab.ca.

PART 1 CONTACT INFORMATION

➤ **TYPE OF APPLICANT**

Tell the LPRT whether this is:

- your first time applying for this site, or
- you are a returning applicant (and provide your previous Tribunal file number).

➤ **APPLICANT(S) (who is owed the money)**

This section is required. You must enter the information for the person (or people) entitled to the compensation.

- If more than one person is owed the unpaid money, add each person.
- If the compensation is owed to a corporation, enter the corporation's details.
- Indicate whether you are applying as a Business or Individual.

➤ **AGENT INFORMATION (if someone represents you)**

Complete this section if you appoint a lawyer, licensed land agent, or another individual as your representative.

Important: If you appoint a representative, the LPRT will send correspondence about your application to your representative, not to you.

If you appoint an agent, all applicants who want that agent to act for them must sign and date the agent section.

PART 2 RECOVERY OF COMPENSATION (your claim details)

This information is required to establish the details of your claim. Do not leave blanks—missing information may delay processing.

➤ **LAND DESCRIPTION AND LEASE ACTIVITY**

- Write the full legal land description, including the surface legal subdivision (LS) where the lease is located.
- Select the type of activity the agreement is for (for example, wellsite and roadway). This is especially important if you do not include a survey plan.

➤ **ORIGINAL AGREEMENT AND COMPENSATION**

- Provide the date and year the agreement or Board order started
- If you know your Board order number, include it.
- Enter the current compensation rate payable under your agreement.

➤ **PAYMENT INFORMATION (what is unpaid)**

- Compensation is typically due on or by the anniversary date of your surface lease agreement or Board order (unless your documents say otherwise).
- List each year the compensation was due and the amount still unpaid.
- If you are claiming more than one year, add additional lines/fields as needed.

If you are applying for unpaid compensation that is not an annual lease payment, explain it in the comments section and include the document that proves the amount is owed (for example, a Tribunal order). The guide gives examples such as compensation from a damage claim (section 30) or an unpaid amount awarded following a section 27 review.

PART 3 SUPPORTING DOCUMENTATION (evidence)

➤ THE TRIBUNAL TYPICALLY LOOKS FOR DOCUMENTS SHOWING:

- that a valid agreement exists,
- when it was signed,
- what it covers, and
- how much was agreed to be paid.

Submit complete documents where possible. (The package refers to an “Important Information” sheet for examples of evidence).

➤ IF YOU HAVE NO DOCUMENTS

If you do not have any documents to support your application, you must explain why. The Tribunal cannot begin processing your application unless you clearly confirm you want to proceed without documents.

Returning applicants are not required to provide supporting documentation.

PART 4 DECLARATION AND SIGNATURES

➤ DECLARATION (read carefully)

- Read and understand each statement in this section.
- In statement 2 (“Who is applying?”), choose only ONE option.
 - Select the first box if you are the only person entitled to the compensation.
 - Select the last box if the applicant is a corporation and you are signing on its behalf (the signer must have knowledge of the corporation’s financial and other records relevant to the site).
- For statements 3–5, you must read and check ALL boxes.

➤ SIGNING THE APPLICATION

- At least one person entitled to the compensation must sign the application form.
- Each person who signs should print their name under their signature and include the date the form was signed.
- If the people applying cannot sign at the same time, contact the Tribunal for assistance.

Returning applicants are not required to provide supporting documentation.

AUTOMATIC FILING (Returning Applications for Unpaid Compensation)

The Land and Property Rights Tribunal (LPRT) is implementing an automatic filing process under section 36(7) of the Surface Rights Act.

This process is designed to speed up payments and reduce administrative work for eligible landowners and public land occupants.

If you qualify, you will not need to submit a new application each year for unpaid annual compensation under a surface lease or compensation order.

➤ **OPT-OUT OPTION**

If you do not wish to participate in automatic filing:

- Check the opt-out box and sign to confirm your decision.
- By opting out, you acknowledge that you will be responsible for submitting a section 36 returning (repeat) application each year to receive payment for unpaid compensation.

WHERE TO FIND MORE INFORMATION

The guide references section 36 of the Surface Rights Act and provides a link to Surface Rights Act resources.

QUICK CHECKLIST (before you submit)

- ☐ One application per lease agreement or order
- ☐ Applicant details completed (who is owed the money)
- ☐ Land description and compensation details completed
- ☐ Unpaid years and amounts listed
- ☐ Supporting documents included (or “no documents” section completed)
- ☐ Declaration completed correctly (only ONE option in statement 2; ALL boxes checked for statements 3–5)
- ☐ Application signed, names printed, dates included
- ☐ Sent by mail or email to the LPRT