



Surface Rights Board

2025/2026 Annual Report
Covering the period April 1, 2025,
through to March 31, 2026



BOARD CHAIR'S MESSAGE

I am pleased to present the Annual Report of the Surface Rights Board of the Province of British Columbia for the fiscal year April 1, 2025, to March 31, 2026. The Report is submitted in accordance with section 59.2 of the Administrative Tribunals Act.

This Annual Report captures the important work of the Board with a mandate as an independent, neutral arbiter of disputes respecting compensation and terms of access between private landowners and companies requiring surface access to private land to explore for, develop or produce subsurface resources.

The Board acknowledges the Indigenous peoples on whose traditional territories the various members of this Board sit and recognize the historic relationships Indigenous peoples have had and continue to have with the land.

This past year has been relatively quiet for the Board, with fewer initiatives and applications requiring its attention than in previous years. The Board has continued to fulfill its governance and oversight responsibilities and remained available to address matters as they arose. Looking forward, the Board is committed to focusing on sound governance, responsible oversight and the long-term interests of the Board and the stakeholders it serves.

As Chair, I thank all Board members and staff for their ongoing commitment and willingness to contribute their time and experience. It is a privilege to work with each of them and to be of service to the Province of British Columbia.

Jacqueline Beltgens, Chair
BC Surface Rights Board

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BOARD MANDATE

The Surface Rights Board is a quasi-judicial administrative tribunal established under the *Petroleum and Natural Gas Act*. The Board has jurisdiction to resolve disputes under the *PNGA*, *Mining Right of Way Act*, *Mineral Tenure Act*, *Geothermal Resources Act*, and *Coal Act*. The Board has authority under the *Petroleum and Natural Gas Act* to resolve disputes respecting compensation and terms of access between private landowners and persons or companies requiring surface access to private land to explore for, develop, or produce subsurface resources.

The Board is accountable to the Attorney General but is independent of the Minister and Ministry in its decision-making capacity and in the management of applications before it.

In British Columbia, the majority of subsurface rights are owned by the Crown. Most landowners do not own subsurface rights to petroleum, natural gas, or minerals. The government can issue rights to resource companies and free miners for the exploration and development of subsurface resources on private property. The resource company or free miner must compensate landowners for loss or damage caused by entering and using their land to access subsurface resources.

When a landowner and a resource company or free miner are unable to reach an agreement on right of entry to the land and the compensation that should be paid to the landowner for that right of entry, either party may apply to the Board for mediation and arbitration of the dispute. The Board may make an order allowing a person or company to enter private land if the Board is satisfied they need the land to explore for, develop, or produce a sub-surface resource. The Board does not have jurisdiction to determine whether a proposed subsurface installation is appropriate or complies with the legislation and regulations.

If damage to land is caused by an entry for the purpose of exploring for, developing, or producing a subsurface resource, the landowner may apply to the Board for mediation and arbitration of damages payable by the subsurface holder.

If the parties to a surface lease cannot agree to terms for rent renegotiation after a certain period, either party may apply to the Board for mediation and arbitration of their dispute. The Board also has jurisdiction to resolve disputes about whether the terms of a surface lease have been complied with.

The Board does not have jurisdiction to determine if a requested oil and gas activity meets regulatory requirements or to deal with landowner's concerns respecting placement of an installation, environmental impact, or safety – these are matters within the jurisdiction of the BC Energy Regulator (BCER). Other than for geothermal resource exploration which by regulation requires otherwise, the Board will generally require parties to resolve issues within the jurisdiction of the BCER prior to issuing an entry order.

An overview of the Board process is attached to this Annual Report as **Appendix A**.

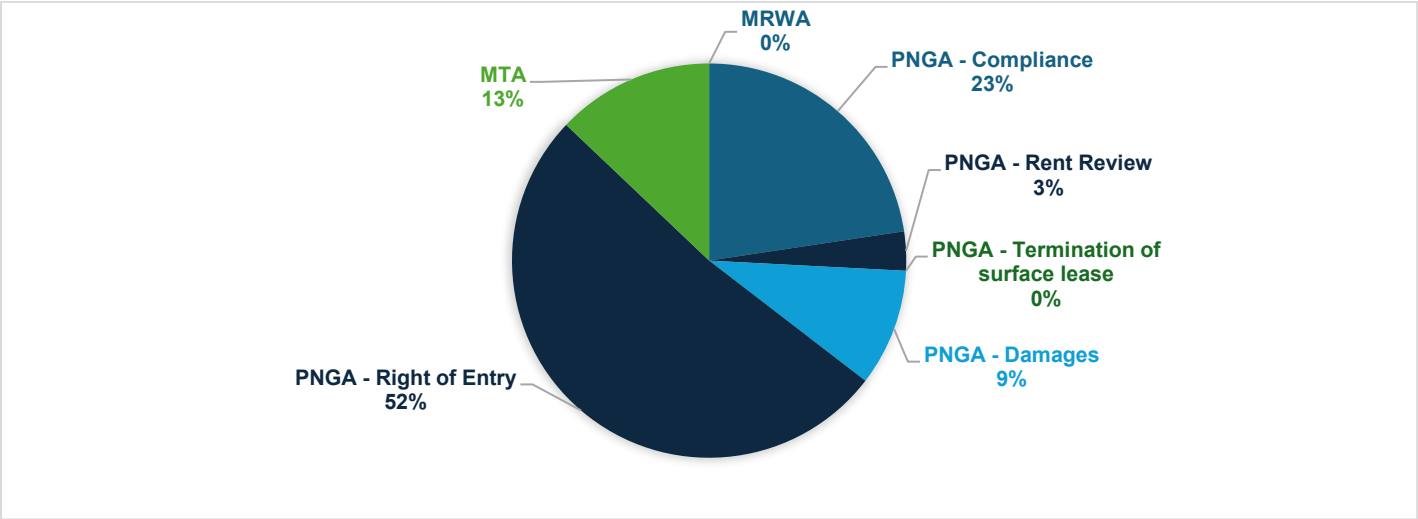
BOARD OPERATIONS

The Board has a part-time Chair, Vice Chair and Deputy Registrar and may have up to five additional part-time members. Members and staff strive to carry out the Board’s mandate of resolving disputes respecting compensation and terms of access between private landowners and people or companies requiring surface access to private land to explore for, develop, or produce subsurface resources. The biography and term of appointment for each of the Board members is attached to this Annual Report as **Appendix B**.

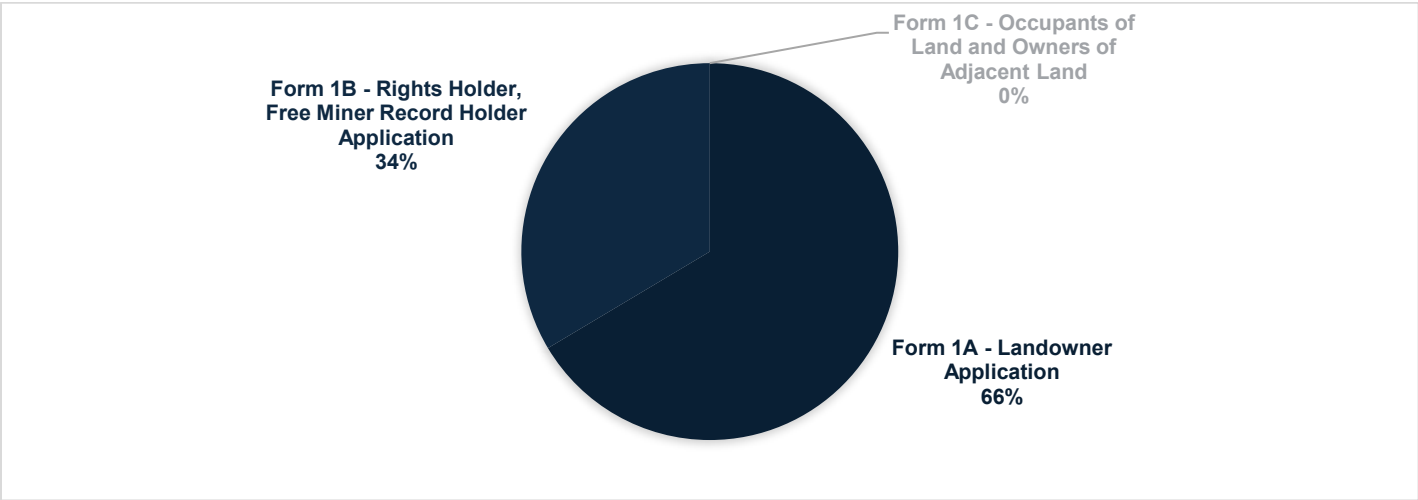
In addition to dispute resolution activities, the Board collects and maintains security deposits and maintains a record of surface leases.

a. Dispute Resolution Activities

From April 1, 2025, to March 31, 2026, the Board received nine new applications under either the *Petroleum and Natural Gas Act (PNGA)*, the *Mineral Tenure Act (MTA)*, and the *Mining Right of Way Act (MRWA)*. The Board had 22 outstanding cases carried over from previous years. The following chart shows the nature of active applications from April 1, 2025, to March 31, 2026:



In this fiscal, the Board introduced new application forms. The following chart shows the types of applications received from April 1, 2025, to March 31, 2026:



During the reporting period, the Board completed 13 cases as indicated by the table below:

Case Completions:	Current year	Previous year
Abandoned	1	2
Settled by mutual agreement	2	7
Completed by Arbitration	0	0
Withdrawn	1	1
Dismissed	3	2
Summary payment orders (s. 176)	5	5
Total completed	13	17

The following table shows the level of dispute resolution and other activities in the reporting period compared to the previous year.

Dispute Resolution & other activities:	Current year	Previous year
Mediations	7	6
Right of entry orders	2	3
Arbitrations	0	0
Cost orders	1	0
Other Board decisions *	4	5

* Includes decisions on jurisdiction and whether to re-open cases upon reconsideration.

b. Decisions of Note and Judicial Reviews

During this reporting period, the Board issued three decisions of note summarized as follows:

Jurisdiction

Price v. ARC Resources Ltd., 2025 BCSRB 5 (Board Order 2227-1, April 1, 2025)

The Applicant Landowner has land adjacent to that on which the Respondent operated an oil and gas installation. The Applicant brought an application to the Board under section 163 of the *Petroleum and Natural Gas Act* (PNGA) claiming the oil and gas installation caused noise and disturbance. While denying that its operations failed to comply with regulated noise levels, the Respondent submitted the Board did not have jurisdiction to hear an application that seeks to enforce regulatory noise requirements on the operation of a wellsite. The Applicant landowners submitted they were seeking compensation. The Board found that it did not have jurisdiction to assess whether the Respondent's oil and gas activity was compliant with applicable noise regulations. However, the Board did find that it has jurisdiction to assess a) whether the Applicants are the owners of land immediately adjacent to a right of entry; b) whether there is a loss to the Applicants as a result of the right of entry; and c) the amount of compensation payable for that loss. The Board found that it has jurisdiction to assess these factors regardless of whether the Respondent's operation was compliant with regulations.

Right Holder Tenure

Roberts v. Whitecap Resources Inc., 2025 BCSRB 6 (Board Order 2038-1, June 27, 2025)

The Applicant landowners brought an application to the Board under section 158 of the PNGA claiming the Respondent did not have proper tenure to their lands for its oil and gas operations and required a right of entry order to continue occupation and use of their lands for oil and gas activities. The Applicants also claimed compensation. Following an analysis of the original crown grants to the lands, the Board found they were "very clear" in granting the lands subject to a right of way to a corporation for oil and gas activities. It found the right of way had subsequently been assigned to the Respondent. The Board found the Respondent had proper tenure and compensation was not required.

Costs

Roberts v. Whitecap Resources Ltd., 2025 BCSRB 11 (Board Order 2038-2, November 5, 2025)

Having successfully defended the claim described above regarding tenure, the Respondent sought a portion of its legal costs (\$10,000 of a total expense of \$85,000) from the Applicant landowners. The Respondent claimed that the Applicants, through their representative, unreasonably delayed proceeding with the applications in a timely manner and unreasonably lengthened the proceedings and process, thereby greatly increasing the costs incurred by the Respondent. The Applicants' claim had been initiated in 2018 but was not adjudicated until 2025. While the Board found some of the delay in dealing with the application could be attributed to the intervening covid pandemic and to the Board not taking a firmer hand allowing the Applicants adjournments to research the question of title, it found that the Applicants' representative had not been transparent with the Board in continuing to advise the Board the BCER was investigating the issue of tenure when the representative knew it was not. The Board found it had been entirely appropriate for the Respondent to engage legal counsel, given the issue raised by the Applicants was a legal one, that the claim the Respondent did not have tenure was completely unfounded and could have been resolved much earlier with appropriate advice. In all of the circumstances, the Board found it reasonable to require the Applicant landowners to pay a portion of the Respondent's costs and ordered payment of \$5,000.

c. Other Board Activities

(i) Administration:

The Surface Rights Board has one staff person, the Deputy Registrar. The Deputy Registrar supports the business administration and operations of the Building Code Appeal Board (BCAB), Safety Standards Appeal Board (SSAB), Surface Rights Board (SRB), and Property Assessment Appeal Board (PAAB). Communication can be made directly with the Surface Rights Board through the Deputy Registrar via email, toll-free phone or fax.

(ii) Security Deposits:

The Board collects and maintains security deposits. The Board collected \$2,500.00 in security deposits in this reporting period of April 1, 2025, to March 31, 2026.

The Ministry of Finance is holding \$230,850 (as of March 31, 2026) in security deposits that the Board ordered paid prior to entering land. The Board did not process any applications for the return of security deposits during the review period.

(iii) Surface Leases:

Section 178 of the *PNGA* requires the holders of surface rights to provide the Board with copies of surface leases and right of way agreements. While the Board does receive copies of surface leases in accordance with this requirement, it is not confident that all companies are complying with the legislation.

The Board maintains a record of surface leases and is required to make copies of surface leases and right of way agreements available for public inspection at its office. Pursuant to the Surface Lease Information Regulation, B.C. Reg. 139/2016, the Board is able to publish prescribed information contained in surface leases and right of way agreements. The Board has established an electronic searchable database where the public can access copies of surface leases and right of way agreements filed with the Board pursuant to section 178 of the *Petroleum and Natural Gas Act*. The leases have been redacted to exclude any information that is not prescribed by regulation.

FINANCIAL DISCLOSURE

The Board's budget for this fiscal period was \$105,000.00. Table 1.1 reflects the Board was under budget by \$34,051.64.

Table 1.1

Expenditure Type	Budget	Actuals	Variance
Salaries*	\$32,000.00	\$30,183.82	\$1,816.18
Benefits*	\$8,000.00	\$7,666.68	\$333.32
Board Member fees and expenses	\$44,000.00	\$18,891.48	\$25,108.52
Information systems	\$15,000.00	\$10,305.84	\$4,694.16
Office and business	\$5,000.00	\$3,900.54	\$1,099.46
Legal & Professional Support Services & Travel	\$1,000.00	\$0.00	\$1,000.00
TOTAL EXPENDITURE	\$105,000.00	\$70,948.36	\$34,051.64

STATUTORY REPORTING AND COMPLIANCE

The operation and financial management of the Board meet the standards of the *Financial Administration Act*, RSBC 1996, c. 148.

The Board is in full compliance with Treasury Board Directive 1/24.

The Board received no complaints about its operations or the conduct of its members or staff.

The Chair will continue to monitor all performance indicators and will monitor any and all service complaints and will report immediately to the Minister if there are any signs that the Board's services are being negatively affected.

Appendix A

Overview of the Board Process

Application

An application must be made on the form prescribed by the Board in its Rules. The Board reviews applications to ensure that they are within its jurisdiction and that they are complete and comply with the Board's Rules and relevant legislation. If an application is deficient, the Board will write to the applicant to provide opportunity any deficiencies to be corrected. The Board may dismiss the application if the deficiencies are not corrected, or if an application is not within the Board's jurisdiction.

Mediation

A mediation is a dispute resolution process that attempts to facilitate resolution of the issues by agreement. Mediations may be conducted in-person or by telephone conference. A mediation is confidential and without prejudice to the positions the parties may take later in any arbitration proceedings.

If the parties have not resolved the issues at the end of the mediation session, the Board Member may schedule another mediation or refuse further mediation. If the mediator determines that access to private land is needed to explore for, develop, or produce a subsurface resource, the mediator may issue a right of entry order for the payment of a security deposit and partial payment for compensation. If the mediator makes an order refusing further mediation, the Board must arbitrate the dispute.

Arbitration

The Board must arbitrate when the parties cannot reach an agreement. An arbitration is a dispute resolution process where each party presents evidence and argument, and the Board makes a decision based on those submissions.

Before an arbitration hearing, the Board will require the parties to attend a pre-hearing conference, usually conducted by telephone. The Board Member will, in consultation with the parties, determine how the application will proceed including determining the issues to be decided, and setting dates for hearing and for the pre-production of evidence and witness lists.

The Board may conduct an arbitration hearing by telephone or video conference, by written submissions, or in-person depending on the nature and complexity of the issues.

The Board may accept any evidence that it considers relevant, necessary and appropriate with the exception of evidence that is inadmissible in court because of a privilege under the law of evidence. The Board will normally set timelines in advance of the hearing for the parties to submit documents or expert reports they intend to rely on at an arbitration.

In-person hearings are open to the public and may be presided over by a panel of one or more members of the Board. Persons giving evidence at a hearing must swear an oath or affirm that their evidence will be the truth. The panel has control over the conduct of the hearing, including how the evidence is presented, what evidence is admitted, and the issuance of summons for witnesses.

Following the conclusion of the arbitration hearing, the panel will issue a written decision with reasons.

Withdrawals or Consent Orders

A party may withdraw all or part of an application at any time, by completing a Withdrawal Form and delivering it to the Board and the other parties. If the parties settle the application, they must advise the Board and either withdraw the application or request that the Board incorporate the terms of the settlement into a Consent Order.

Costs

The Board may order a party to pay all or part of the costs of another party and, in exceptional circumstances, may order a party to pay the costs of the Board. Ordinarily, unless otherwise ordered by the Board, landowners may expect to recover their costs of the mediation process relating to applications for right of entry and associated compensation. The Board may order costs on its own initiative or on the application of a party.

Appealing the Board's Decision

Decisions of the Board may be judicially reviewed by the Supreme Court of British Columbia.

Appendix B

Our Team

The Board has a part-time Chair and may have up to five additional part-time members at one time, with one of these five members appointed as a Vice Chair. The Board also has a Deputy Registrar who is the singular staff person responsible for the day-to-day administration of the Surface Rights Board as well as the Building Code Appeal Board and Safety Standards Appeal Board.

The following Board members served during this fiscal year:

Name	Position	Appointment	Expiry
Jacqueline Beltgens	Chair	August 4, 2021	December 31, 2027
Cheryl Vickers	Vice Chair	May 4, 2023	May 4, 2027
Dale Pope, KC	Member	April 28, 2023	April 28, 2027
Bruce Turner	Member	May 18, 2023	May 18, 2027
Peter Judd	Member	May 18, 2023	May 18, 2027

Jacqueline Beltgens, Chair

Jacqueline Beltgens is a lawyer, specializing in mediation, arbitration and workplace investigation. She has a broad background in civil and administrative law, both as an in-house legal counsel and as a lawyer in private practice in Vancouver and Victoria. Jacqueline was a member of the BC Human Rights Tribunal, and a member and Acting Chair of the BC Mental Health Review Board. She is presently a member of the Law Society of BC, the Canadian Bar Association, and the Alternate Dispute Resolution Institute of BC (Chartered Mediator and Chartered Arbitrator). Jacqueline has a Diploma of Technology (Engineering) from the BC Institute of Technology, attended the University of British Columbia for undergraduate studies, and obtained a Juris Doctor. She completed her mediation training at Harvard Law School's Program on Negotiation.

Cheryl Vickers, Vice Chair

Cheryl Vickers has spent the majority of her legal career in the administrative tribunal sector. She served on the Property Assessment Appeal Board as a member from 1993 to 1995, as Vice Chair from 1995 to 2003, and as Chair from 2003 to 2015. Cheryl was appointed as Chair of the Surface Rights Board from 2007 to 2021 and continues to serve as the SRB's Vice Chair. She served as Acting Chair of the Civil Resolution Tribunal from 2013 to 2014 and as a member of the Hospital Appeal Board from 2016 to 2024. Cheryl was active in the development of the British Columbia Council of Administrative Tribunals (BCCAT) and served as a member of that organization's Board of Directors including as Secretary from 1996 to 1998 and as President from 2004 to 2006. Cheryl has assisted in curriculum development for BCCAT courses offering training to appointees of quasi-judicial boards and tribunals. She has delivered these courses and workshops on case management and alternate dispute resolution for tribunals. While in private legal practice, Cheryl practiced in a variety of fields including administrative law.

Dale Pope, KC.

Dale Pope, KC is an experienced Counsel having practised before Courts and Administrative Tribunals for over 50 years. His expertise involves regulatory and administrative board proceedings, civil litigation and public affairs advice. Dale has been appointed Standing Agent of the Attorney General of Canada and has been the Presiding Officer to many *Competition Act* administrative proceedings. Active in the community, he served as Chair for the Vancouver Public Library Trust, as a member of the Molson Indy Vancouver Advisory Group, as a board member of the Touchstone Theatre Society, as a member of the Cedar's Society Board and as a member of the Board of Odd Squad Productions an organization educating youth about the dangers of drug use. Dale holds a Bachelor of Arts and Bachelor of Laws from the University of Windsor. He is also a member of the Property Assessment Appeal Board and the Mental Health Review Board.

Bruce Turner

Bruce Turner is a former senior executive and management consultant with extensive experience in property assessment, real estate valuation, property taxation, Crown corporation governance, public-sector transformation, and stakeholder relations. As a consultant, Bruce has advised assessment agencies, governments, Crown corporations, Indigenous governments, utilities, and private-sector organizations on valuation, taxation, governance, policy, risk management, and organizational change. He has also contributed as an author, instructor, and presenter on topics including assessment, valuation, governance, Indigenous rights/Aboriginal title, infrastructure, ESG, and the future of property assessment services. Before consulting, Bruce held executive, management, project leadership, and technical roles with BC Assessment. His responsibilities included corporate services, strategic planning, performance management, risk and audit oversight, legal and legislative services, government relations, finance, information technology, human resources, and client service delivery. Bruce's governance experience includes service with the North Island College Board of Governors, the Real Estate Foundation of BC, the Real Estate Council of BC, the Real Estate Institute of BC, the Property Assessment Appeal Board, and the Comox Valley Economic Development Society. Bruce holds an MBA from Royal Roads University, where he received the Chancellor's Award, and professional designations from the Appraisal Institute of Canada and the Real Estate Institute of British Columbia.

Peter Judd

Peter Judd is a retired Civil Engineer. Peter worked in a variety of positions at the City of Vancouver from 1982 to 2015. Prior to his retirement, Peter was the General Manager of Engineering Services. Peter was responsible for all aspects of the department's work from consultation with Regional, Provincial and Federal authorities, to labour relations and collective agreement negotiation. Among other projects, Peter led the City of Vancouver's role in the 2010 Winter Olympics.