



Surface Rights Board
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FORM 4 – SUMMONS

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FORM 4 – SUMMONS

IN THE MATTER OF AN APPLICATION TO THE SURFACE RIGHTS BOARD OF BRITISH
COLUMBIA

BOARD CASE NO.:

INVOLVING:

APPLICANT(S)

AND

RESPONDENT(S)

Pursuant to Section 148 of the *Petroleum and Natural Gas Act*, Section 34(3) of the
Administrative Tribunals Act, and Rule 3.3.2 of the Board's Rules (see attached)

TO:

You are **ORDERED** to attend to testify as a witness at the below time, date, and place.
You are further ordered to bring with you all documents in your possession or power
relating to the matters in question in this proceeding.

TIME:

DATE:

Month

Day

PLACE:

This Order is subject to the following terms and conditions:

Member, Surface Rights Board

Petroleum and Natural Gas Act, Section 148

148 Sections 1 to 11, 13 to 15, 17 to 21, 26, 27, 28(1), 29 to 33, 34(3) and (4), 35 to 42, 44, 46.3, 48 to 52, 53(1) to (3) and (5), 55 to 57, 59, 60(a) to (c) and 61 of the *Administrative Tribunals Act* apply to the board.

Administrative Tribunals Act, Section 34(3)

34 (3) Subject to section 29, at any time before or during a hearing, but before its decision, the tribunal may make an order requiring a person

(a) to attend an oral or electronic hearing to give evidence on oath or affirmation or in any other manner that is admissible and relevant to an issue in an application, or

(b) to produce for the tribunal or a party a document or other thing in the person's possession or control, as specified by the tribunal, that is admissible and relevant to an issue in an application.

Request for Summons, Rule 3.3.2

3.3.2 (1) A party may apply to the Board in writing, at least fourteen (14) calendar days before the first day of the arbitration requesting an order for a Summons requiring a person to attend an arbitration as a witness or to provide evidence, documents or other information. The submissions requesting a Summons must be copied to the other parties, and include:

- a) the witness' contact details;
- b) the reason the witness' attendance is required;
- c) any attempts made to have the witness voluntarily attend the arbitration or provide documents or other information;
- d) a description of any documents or other items which the witness is requested to bring to the arbitration; and
- e) the reasons why the witness' evidence, documents or other items are relevant to the issues in the arbitration.

(2) If the Board is satisfied that the witness has relevant evidence or documents that might not be available at the arbitration unless they attend, the Board may issue a Summons requiring the attendance on such form and on such terms and conditions as it sees fit.

(3) If the Board issues a Summons, the party who applied for the Summons must deliver the summons within a reasonable time before the witness is required to appear.

(4) A party may deliver a Summons, together with witness fees calculated using Schedule C unless the Board orders differently.

(5) A witness who is summoned to appear at an arbitration may apply to the Board in writing before the first day of the arbitration, or in person at the arbitration, for the Summons to be vacated or varied.

(6) The Board may cancel or vary the Summons if it is satisfied that the evidence of the witness is not relevant, may be obtained through some other means, is protected by privilege, the witness is not able to provide the information sought, or the attendance of the witness will be unduly inconvenient.