



SURFACE RIGHTS BOARD INFORMATION SHEET #3

MEDIATION

In a mediation a Board member will facilitate discussion to assist the parties to resolve their dispute. Usually, we start with a teleconference to discuss the issues and potential evidence. If the issues are within the jurisdiction of the British Columbia Energy Regulator (BCER), the Board member will refer the parties to the BCER. The Board member may try to reach resolution right during the teleconference or may schedule further mediation discussions in another teleconference or in-person meeting.

Mediations are not open to the public, and discussions are confidential and without prejudice to the positions the parties may take if the dispute is not resolved and proceeds to arbitration.

The parties should bring any information that they think will be helpful to support their point of view on an issue. Documents exchanged at the mediation are also confidential. The Board member, or “mediator”, may meet with the parties individually or together.

If the parties resolve their dispute, the application may be withdrawn, and the parties may incorporate their agreement into a surface lease or right of way agreement. Alternatively, they may ask the Board to incorporate the terms of their agreement into a Consent Order.

The mediator may schedule additional mediation meetings, or if the mediator believes an application cannot be resolved, he/she may refer the application to the Board for arbitration.

Right of Entry, Terms of Access and Compensation

In the oil and gas context, if the mediator determines that the company requires the land for an oil and gas activity, the mediator may permit access through a right of entry order. If the parties do not agree on compensation, the mediator will order the company to make a partial payment to the landowner and pay a security deposit. The security deposit is to ensure the landowner is paid any future amounts that the parties agree to or are ordered by the Board. A right of entry order may be enforced by the Supreme Court.

Costs

A landowner is normally entitled to receive their costs of the mediation unless the Board orders differently. See Information Sheet #8 for more details on costs.

For questions or other Information Sheets, please contact us or see our web site at:

SURFACE RIGHTS BOARD

1270 – 605 Robson Street
Vancouver, B.C.
V6B 5J3

Telephone: 604-775-1740
Facsimile: 604-775-1742
Toll-Free Telephone: 1-888-775-1740
Toll-Free Facsimile: 1-888-775-1742

E-Mail: office@surfacerightsboard.bc.ca
Web Site: www.surfacerightsboard.bc.ca

Application Forms and Information Sheets are available from any Service BC Centre (Government Agent) and Applications may be delivered to the Board either directly or through Service BC