

APPLICATION GUIDE

A landowner, occupant or operator may initiate an application to the Surface Rights Board (the Board) for mediation or arbitration services.

The Board encourages parties to make all attempts to reach a resolution before proceeding with a formal application and to avoid the need for a formal hearing. However, the Board provides dispute resolution services if parties are unable to resolve their differences.

If an application is submitted to the Board, and the Board is satisfied that the parties have made every effort to resolve the dispute, the Board will review the application and provide assistance or mediation services.

Examples of matters requiring assistance from the Surface Rights Board include:

- Granting or terminating a right of entry
- Determining compensation for surface leases for the first year, annual payments, and renewals
- Resolving dispute(s) regarding the operation of, or compliance with, a term of the surface lease
- Resolving an outstanding payment of rent or compensation by the rights holder
- Reviewing abandonment or restoration of land
- Damages for tortious acts
- Matters where the *Surface Rights Act* authorizes an application (i.e. weed control, topsoil, location of access roads, etc.)

Application to the Board must include:

- Description and plan or sketch of the land showing the location of the affected area and the facilities that the operator proposed or has in place
- Statement describing the nature of the dispute
- Description of the order requested
- Street address for service where the applicant may be served with any notice required to be served under this Act
- Proof of service of notice of application to each party involved in, or directly affected by, the application

NOTE: If an application is incomplete, it may be returned.

APPLICATION PREPARATION CHECK LIST

- List contact information for all affected parties, such as:
 - Landowner
 - Occupant (If you are the Occupant, please provide confirmation of Landowner approval)
 - Operator

- Indicate specific issues involved and in need of dispute resolution:
 - Provide a detailed description of the issue with any background information that helps explain your concerns, including dates, times, and specific examples, if applicable.

- Indicate the remedy or solution desired:
 - State exactly what you want the Board to do or help you resolve.

- Describe the steps taken to resolve the matter:
 - Provide a detailed account of actions which have occurred.

- Provide a copy of the original applicable documents e.g. Surface Lease, Right of Entry Order, etc.

- Proof that the other party (ies) were served with the application must be provided or your application will not be considered. A copy of the application with supporting documentation must be sent to the parties of the application and the Board must receive the confirmation. Acceptable proof of service includes a copy of the delivery receipt from Canada Post, courier service, or affidavit of personal service on the other party (ies) must be included in your application.

For more information about your application, please review “Surface Rights in Manitoba - A Guide for Land Owners, Occupants and Operators” at:

<https://www.gov.mb.ca/iem/board/srboard.html> or contact the Surface Rights Board

Administrator at:

Phone: 204-945-1119

Toll-free: 1-800-223-5215

Fax: 204- 944-1406

E-mail: mines_br@gov.mb.ca

Forward the completed application and all required supporting documentation to:

Surface Rights Board Administrator

c/o The Surface Rights Board

360 – 1395 Ellice Avenue

Winnipeg, MB R3G 3P2