

Before:

Metis Settlements Appeal Tribunal

Land Access Panel

Between:

Richard Villeneuve

Applicant

-and-

Paddle Prairie Metis Settlement

Respondent

-and-

Sunstar Resources Inc.

Respondent

-and-

Calver Resources Inc.

Respondent

-and-

Metis Settlements General Council

Respondent

Concerning:

Recovery of Compensation

Hearing Date:

August 30, 2016

Decision Date:

September 30, 2016

DECISION

The Hearing – parties, place and date

MSAT Panel members:

Phyllis Collins, Panel Chair
Ross Daniels, Panel Member
Lorne Dustow, Panel Member

Parties present at the hearing:

Paddle Prairie Metis Settlement, Respondent
Cory Ferguson, Councillor
Carmen Laboucane, Councillor

Observers:

Gary Gaudet
Marilyn Gaudet
Jayden Cardinal
Wilma Cardinal
Lila Kilkenny
Joey Cardinal
Joey Cardinal Sr.

MSAT staff present:

BJ Simpson, Dispute Resolution Officer

Place and date of the Hearing:

Council Chambers
Paddle Prairie Metis Settlement
August 30, 2016

[1] The Land Access Panel of the Metis Settlements Appeal Tribunal held a hearing on August 30, 2016, to consider an application under Section 121 of the *Metis Settlements Act*.

1.1 Background

[2] Richard Villeneuve, the Applicant, filed an application under s. 121 of the *Metis Settlements Act* on June 16, 2016, for the recovery of annual rental for March 20, 2016, to March 19, 2017 for \$3,100.10.

[3] The payment of arrears in annual rental is with respect to a Surface Lease Agreement dated March 20, 2006, located in L.S. 12-35 in NW 35-102-23-W5M being land held by Richard Villeneuve. The interest held is a Metis Title.

[4] The Surface Lease Agreement operates under a Joint Venture Agreement entered into by SunStar Resources Inc. and Calver Resources Inc. effective October 31, 2005.

[5] AER (Alberta Energy Regulator) identified SunStar Resources Inc. as a 51 % working interest participant in well site 12-35-102-23-W5 and looked to SunStar Resources Inc. to complete the abandonment work.

[6] Paddle Prairie Metis Settlement's Settlement Council stated AER ordered Paddle Prairie Metis Settlement for the abandonment and reclamation of the well site 12-35-102-23-W5.

1.2 Issues

[7] The issues before the Panel are:

- 1) Is there money due and payable by the Operator to the Applicant under a surface lease?
- 2) Does the evidence satisfactorily prove non-payment?
- 3) Who is the Operator as defined in s. 111(i) of the *Metis Settlements Act*?
- 4) Should the Panel direct the President of Treasury Board and Minister of Finance to pay out of the General Revenue Fund the amount of money to which the Applicant is entitled, pursuant to s. 121(2) of the *Metis Settlements Act*?

1.3 Decision

- [8] 1) Pursuant to the Surface Lease dated March 20, 2006, the amount of \$3,100.10 is payable to the Applicant by the Operator.
- 2) The evidence satisfactorily proves non-payment.
- 3) Based on the Joint Venture Agreement, dated October 31, 2005, the Panel finds SunStar Resources Inc. and Calver Resources Inc. to be the “operator”.
- 4) The Panel directs the President of Treasury Branch and Minister of Finance to pay compensation of \$3,100.10 out of the General Revenue Fund to the Applicant pursuant to s. 121(2) of the *Metis Settlements Act*.

1.4 Reasons for Decision and Findings of Fact

[9] The Metis Settlements Land Registry Land Search report shows Richard Villeneuve holds Metis Title to the NW 35-102-23-W5M. A copy of the surface lease and evidence of rental arrears is supported by documentation on file and at the hearing.

[10] The Panel finds that the total of \$3,100.10 is owing to the Applicant from the Operator for annual payment for March 20, 2016, to March 19, 2017.


[11] Based on the Joint Venture Agreement, dated October 31, 2005, the Panel finds SunStar Resources Inc. and Calver Resources Inc. to be the “operator”.

[12] The Panel notes that the Site has not been reclaimed and accordingly the Surface Lease remains in effect.

1.5 Order

[13] The Panel directs the President of Treasury Board and Minister of Finance to pay Richard Villeneuve \$3,100.10.

Dated in the City of Edmonton, in the Province
of Alberta on this 30th day of September, 2016



for Phyllis Collins
Panel Chair

APPENDIX A

Metis Settlements Act, RSA 2000, Chapter M-14

111 In this division,

...

(h) occupant” means:

- (i) a settlement council,
- (ii) the person in actual possession of a parcel of patented land, and
- (iii) a person having a right or interest in patented land that is registered in the Metis Settlements Land Registry.

(i) “operator” means the person who authorized or permitted to engage in an authorized project.

Recovery of compensation

121(1) If an existing mineral lease holder or operator fails to pay money

- (a) under a surface lease, or
- (b) ordered to be paid by the Existing Leases Land Access Panel or the Land Access Panel,

within 30 days of the date it is due, the person entitled to receive the money may submit to the Land Access Panel evidence of the failure to pay.

(2) On receipt of satisfactory evidence of failure of the existing mineral lease holder or operator to pay, the Land Access Panel may direct the President of Treasury Board and Minister of Finance to pay out of the General Revenue Fund the amount of money to which the person is entitled.

(3) If the President of Treasury Board and Minister of Finance pays money to a person under this section, the amount paid constitutes a debt owing by the existing mineral lease holder or the operator to the Crown in right of Alberta.

(4) If a surface lease and a development agreement are combined in one document, this section applies only to that part of the document concerning the surface lease.

