

Metis Settlements Appeal Tribunal Rules of Procedure

Introduction

General

The Metis Settlements Appeal Tribunal (MSAT) may make Rules of Procedure for the conduct of its business. This means establishing rules for receiving, investigating, and resolving appeals that are in line with the legislative requirements and self-governance goals under the *Alberta-Metis Settlements Accord*.¹

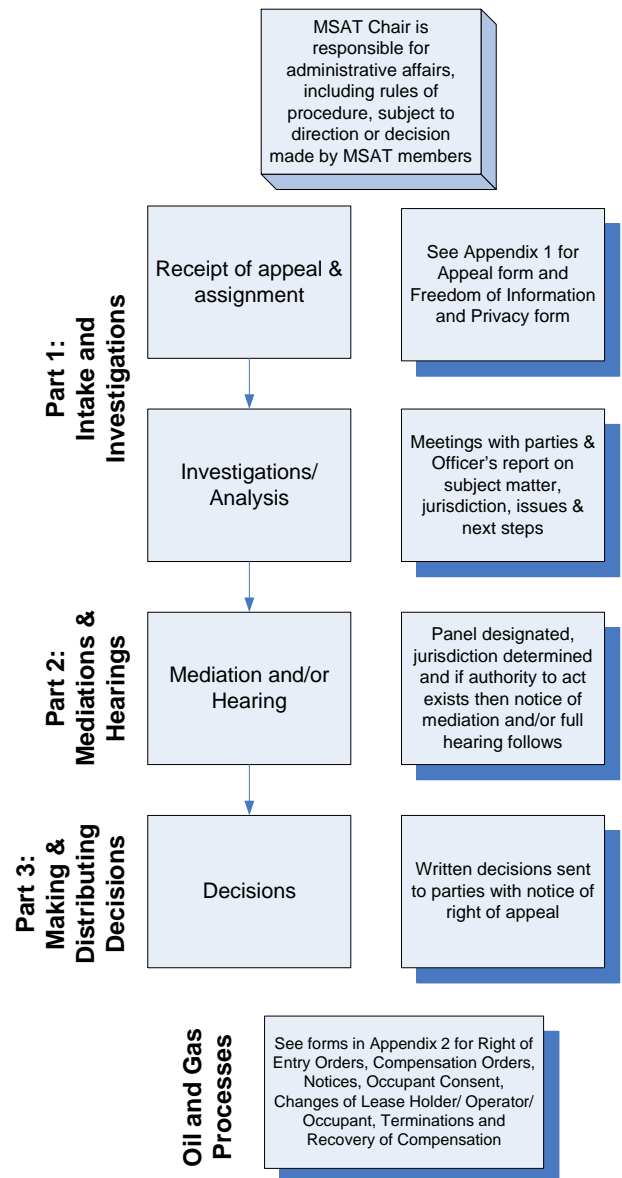
It also means ensuring that our rules are consistent with the principles of *fairness, effectiveness* and *accountability* set out in MSAT's *Code of Conduct*. This includes separating the roles of Tribunal staff—which is to receive appeals, identify issues and compile relevant information—and Tribunal members—which is to mediate and hear matters and to make decisions.

These Rules of Procedure have been approved by the Metis Settlements Appeal Tribunal Board. They are designed to serve as a guide for MSAT members,² staff, and others involved in MSAT's dispute-resolution processes. They clarify what information must be present to start an appeal and they also set out the steps that follow afterwards. As such, the Rules can be used to set direction and gauge progress on appeals.

These Rules of Procedure are organized into three parts:

- Part 1: Intake and investigations;
- Part 2: Mediations and hearings; and
- Part 3: Making and issuing decisions.³

Steps in MSAT's Dispute Resolution Process



¹ *The Accord*: Signed in 1989, the *Alberta-Metis Settlements Accord* ushered in a new era. The Accord called for joint action by the Government of Alberta and the Metis Settlements General Council to protect Settlement lands and to build viable and vibrant Metis communities with good local and collective governance systems. The Accord provided tools for developing a full body of Metis Settlement law through General Council Policies, local by-laws, and judicial (MSAT) decisions.

² MSAT members are the three Tribunal members appointed by the Metis Settlements General Council, the three members appointed by the Minister, and the Chair, who is appointed by both.

³ The Land Access Panel (LAP) may use the expedited procedures set out in Appendix 2 when it is satisfied there has been a change of existing mineral lease holder or operator, or a change of occupant. Otherwise, the Rules of Procedure set out here apply to LAP and to the Existing Leases Land Access Panel.

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The Appeal Tribunal Chair is responsible for MSAT's administrative affairs. This includes following, overseeing, and ensuring the uniform application of these Rules of Procedure.

Part 1 – Intake and Investigations

1.1 Form of appeal

Appeals must be in writing. This can be done in one of three ways:

- i. letter from appellant;
- ii. MSAT appeal form (see Appendix 1); or
- iii. contact report⁴ filled in by MSAT staff, and signed by appellant.

Whichever form of appeal is used, the following information must be present:

- appellant's name, date of birth, mailing address and phone number;⁵
- name of Settlement to which appeal relates;
- description of the issue(s) and what the appellant wants done about it; and
- date appeal submitted and signature of the appellant.

1.2 Freedom of Information and Privacy

All appellants are required to sign a Consent Form (see Appendix 1) allowing MSAT to divulge the appellant's name and nature of appeal to third parties.

1.3 Assignment and opening of MSAT file

The Tribunal Secretary will review written appeals and assign them to an MSAT Officer⁶ for further processing. This includes opening a numbered file, contacting the appellant and other parties as deem appropriate to inform them about the appeal process, and then writing to the appellant and other affected parties to confirm that a file has been opened.

⁴ A "contact report" is a summary of the appellant's issue, request for action, and contact information. Providing it is signed by the appellant, this form of appeal is allowable because not all Settlement members are able to independently express their concerns in writing. Note, however, in summarizing information, MSAT officers are not acting as advocates, but as independent note-takers.

⁵ The appellant's date of birth, mailing address, and phone number is confidential information. MSAT hearing packages will not contain the appellant's date of birth or phone number unless required by the Metis Settlements Registrar for identification purposes.

⁶ The Tribunal Secretary will consider conflicts of interest when assigning appeals to MSAT Officers.

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1.4 Analysis

MSAT Officers will independently work with appellants, affected parties and MSAT members, to verify issues and relevant information. This work includes:

i. Follow-up in communities

MSAT Officers will meet with the appellant and other affected parties whenever possible to discuss and confirm the subject matter of the dispute, the relief being sought, and to collect information⁷ relevant to the appeal.

ii. Jurisdiction

MSAT Officers will consider MSAT's authority/jurisdiction over the dispute. Questions concerning MSAT's authority over the subject matter, or gaps between receipt of an appeal and legislated appeal deadlines, will be noted in the Officer's report.

Officers will not make a decision about whether the Tribunal has authority over a matter or whether the timelines for appeal have been met. Rather, Officers will highlight legislative requirements and the relevant record that will better enable the decision-makers to properly consider the jurisdictional question.

iii. Report

MSAT Officers will prepare and submit a report to the Tribunal Secretary outlining the following information:

- logistical information – parties, Settlement, date of appeal, etc.
- summary of issue(s) and description of what the parties want done;
- notice concerning jurisdictional issues, if any;
- listing of all relevant documents/records; and
- outline of next steps in dispute resolution process, including legislative considerations for designation of mediator or hearing panel.

Following the Tribunal Secretary's review, the report will be forwarded to the Tribunal Chair.

1.5 Withdrawal of appeal

Appeals may be withdrawn in writing at any time by the appellant. The withdrawal letter must be signed and dated by the appellant.

⁷ MSAT Officers may also look at other sources of information, including, but not limited to, the Metis Settlements Land Registry.

Part 2 – Mediations & Hearings

2.1 Designations

The Appeal Tribunal Chair may designate⁸ a person (including himself) to mediate a dispute, or designate three or more MSAT members to sit as a panel of the Tribunal and naming of vice-chair or himself to preside over the hearing. In so doing, the Chair will consider:

- i. subject matter of the dispute and legislative requirements concerning designation;
- ii. expertise of MSAT members to mediate or hear the matter;
- iii. conflicts of interest; and
- iv. availability and work load of MSAT members.

2.2 Distribution and finalization of Officer's Report

A copy of the MSAT Officer's report, marked "draft," will be distributed to all parties for their comment. Once comments are received, or the deadline for submitting comments has passed, the report will be finalized, included as part of the hearing package, and redistributed to the parties and panel for their use.

2.3 Notice of mediation/hearing date

Unless health or other emergency considerations require that a matter be addressed sooner, MSAT staff will provide all parties with no less than 2 weeks notice in writing of the mediation/hearing date, time, and location.⁹

2.4 Postponements

Mediators and panel chairs will consider requests for postponements on a case-by-case basis with a view to maintaining the overall fairness and timeliness of MSAT processes.

2.5 Explaining the mediations/hearing process

The mediator or panel chair will explain the mediation or hearing process to the parties before commencing with the proceedings.¹⁰

2.6 Recordings & transcripts

Unless otherwise directed by the panel Chair, hearings will not be recorded or transcribed.

⁸ Designations will be made in writing. The Chair may also cancel designations. When cancellations are necessary, they will be done in writing.

⁹ MSAT staff will work with affected parties and MSAT members to select a date for the mediation or hearing that is most convenient. Note, however, MSAT staff is committed to selecting a date that is timely and the date selected may not always be convenient for all the parties.

¹⁰ Copies of MSAT's Rules of Procedure and Code of Conduct will be available on our website. Copies of the Rules and Code will also be forwarded to parties as part of the hearing package.

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2.7 Oaths

Unless otherwise directed by the panel Chair, parties will not be required to swear oaths.

2.8 Procedure for hearing preliminary issues¹¹

MSAT respects and protects rights of appeal¹² set out in Accord legislation. It also respects that Accord legislation places restrictions on how much time can be taken to file an appeal (appeal deadlines), the types of matters that can be appealed (subject-matter) and who can file an appeal (standing).

If an Officer's report flags potential issues/gaps concerning appeal deadlines,¹³ subject-matter, or standing, the panel assigned to the matter may direct that the issue or issues be heard at the commencement of the hearing. The purpose of hearing these issues first is to determine whether the Appellant has met the legislated requirements for appeal. In these instances, the following procedures apply:

- except for the following procedures, the rules and procedures set out in this Manual for setting and conducting hearings and issuing decisions will apply;
- all parties will be notified of the potential preliminary jurisdictional issue. The notice will advise if the hearing will be in person or by written submission. Given the cultural practice amongst Metis of working matters out in person, most preliminary hearings will be conducted in person;
- in the event, however, that a preliminary hearing proceeds by written submission, the parties will have an opportunity to request an oral hearing. There will be a deadline for all parties to make initial submissions and a second deadline for any reply submissions;
- all parties are entitled to participate, but, in most cases, only the Appellant's attendance (or written submission) is mandatory. If any party, including the Appellant, chooses not to attend (or make written submissions) the Panel is entitled to decide the issues based on the contents of the hearing package;

¹¹ Section 2.8 adopted by MSAT Board on July 23, 2009.

¹² For the purpose of this procedure, "appeals" includes applications and references that may be made to MSAT under Accord legislation, including provincial statutes, General Council Policies, Settlement Bylaws, or by contract.

¹³ If an appeal appears to have been filed after the legislated appeal deadline, the Appellant can apply to the panel responsible for the preliminary hearing for an extension of the appeal deadline through section 202 of the *Metis Settlements Act*.

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- following submissions, and subject to the next provision that follows, the panel will retire for a brief period of time¹⁴ and, upon recommencing, notify the parties of its decision to dismiss the matter or proceed with the matter;
- If the panel is unable to decide the matter in a brief period of time, it will tell the parties it needs more time to decide the matter, and forward its written decision to the parties when it is complete; and
- if the panel *dismisses* the appeal, the matter *cannot* be returned to MSAT for review, and the parties will be notified of their right to seek leave to appeal from the Alberta Court of Appeal in accordance with section 204 of the *Metis Settlements Act*.

Part 3 – Making and distributing decisions

3.1 Written decisions

Decisions of the Appeal Tribunal must be issued in writing and signed by the panel Chair.

3.2 Reasons

The Appeal Tribunal must give reasons for its decisions if a party requests them within 14 days after the date of the decision.

3.3 Distribution

Decisions will be sent by regular mail to all parties named in the appeal, and also sent to the Minister responsible for Metis relations, to the President of the Metis Settlements General Council, and to all Metis Settlement Chairs. Unless directed otherwise by the Panel Chair, decisions will also be posted on the Appeal Tribunal's website.

3.4 Right of appeal

All parties will be advised of their right to appeal MSAT decisions. A copy of Division 6 from Part 7 the *Metis Settlements Act*—Appeals to the Court of Appeal—will be included in the mail-out package containing the MSAT decision.

3.5 Closing MSAT files

MSAT files may be closed by the Tribunal Secretary when it is clear that a matter has been resolved, decided, or otherwise abandoned.

¹⁴ For the purposes of this report, 30 minutes is a brief period of time.



Appeal Form

Full Name Date of Birth
 DD/MM/YY

Mailing Address Cree Translator Needed?
 Yes No

Phone No. Settlement

Please describe your appeal on the pages that follow.

If you run out of room, attach the rest of your description to this form.

Please include in your description:

- What event you are appealing;
- What result you would like to see;
- Who the disagreement is with;
- What actions have been taken so far, and on what dates; and
- Any letters or other communication with the Settlement and/or with the other people involved in the dispute.

Please attach any documentation you think may support your case.

PLEASE REMEMBER TO SIGN THIS FORM.

Please return to: Metis Settlements Appeal Tribunal
 #1100, HSBC Bldg., 10055-106 Street
 Edmonton, AB T5J 2Y2
 Fax: (780) 422-0019
 Phone: (780) 422-1541; Toll Free: 1-800-661-8864

For Office Use Only

Date Received Officer Assigned

CONSENT FORM***Part 2, Freedom of Information and Privacy Act, RSA 2000***

The investigation you requested is to be conducted by the Office of the Metis Settlements Appeal Tribunal (MSAT). This involves conducting interviews by Officers from the Tribunal. To enable us to conduct a thorough investigation, it is necessary to divulge your name and the nature of your appeal(s) to various third parties.

Under *Part 2 of the Freedom of Information and Privacy Act, RSA 2000*, we require your consent to disclose this personal information specific to your investigation. **You can withdraw your consent at anytime.**

Please sign your name below, authorizing the Tribunal to divulge your name, and the nature of your appeal **only** to third parties, and to access any relevant files pertaining to your appeal.

Note: This consent automatically expires two years after the date of signing, unless renewed in writing.

I consent to The Metis Settlements Appeal Tribunal collecting any information that it considers relevant; and by doing so I authorize the Tribunal to divulge my name and the nature of my appeal **only** to third parties, and to access any relevant files pertaining to my appeal.

Signature of Applicant: _____

Printed Name: _____

Date of Signing: _____

Forward completed form to:

Metis Settlements Appeal Tribunal
 #1100, HSBC Building
 10055-106 Street
 Edmonton, Alberta
 T5J 2Y2



Application to the Existing Leases Land Access Panel for Right of Entry Order

Applicant Information		
Name	Address	
Company	City/Town/Settlement	Province and Postal Code
Email address	Phone Number	Fax Number
Mineral Agreement(s) - Alberta Energy		
You must be the holder of a mineral lease dated on or before November 1, 1990 from the Crown in right of Alberta, or making an application in respect of such a lease, to apply to ELLAP.		
Development Plans		
Are there any Settlement Development Plans in effect for the parcels described this application?	<input type="checkbox"/> Yes, attached	<input type="checkbox"/> No
Additional Surface Access		
Do you have a right of entry, but require additional surface access?	<input type="checkbox"/> Yes, attached	<input type="checkbox"/> No
Occupant		
Occupant means a settlement council, the person in actual possession of a parcel of land, and a person having a right or interest in patented land that is registered in the Metis Settlements Land Registry (see s. 111(h), <i>Metis Settlements Act</i> , RSA 2004).		
Notice & Consents		
Have the occupants been served with notice and consent forms concerning this application?	<input type="checkbox"/> Yes, proof of service attached	<input type="checkbox"/> No
If occupants have refused to consent, describe attempts that have been made to obtain their consent.		
Purpose of Application (Please check appropriate box.)		
<input type="checkbox"/> Well site	<input type="checkbox"/> Production facility	<input type="checkbox"/> Transmission line. Type: _____
<input type="checkbox"/> Access road	<input type="checkbox"/> Pipeline. Type: _____	<input type="checkbox"/> Other _____
Land Description(s)	Occupants	
	Attach another sheet if additional space is required	
Certification and Undertaking		
I certify the information on this application is true and undertake to comply with all applicable legislation, Metis Settlements General Council policies, Settlement bylaws, and development or land use plans		
Name of Signatory (please print)	Signature	Date

Sign, attach required documents, and mail original to:

Existing Leases Land Access Panel • Metis Settlements Appeal Tribunal • #1100, HSBC Building, 10055 – 106th Street
• Edmonton AB • T5J 2Y2 • Ph. (780) 422-1541 • Fax (780) 422-0019 • Toll Free 1-800-661-8864

The information on this form is collected pursuant to Section 33(c) of the Freedom of Information and Protection of Privacy Act (FOIP Act) and will be used by the Metis Settlements Appeal Tribunal in accordance with Section 39 of the FOIP Act in performing its quasi-judicial duties. If you have any questions regarding the collection of information on this form, please direct your inquiries to the Tribunal Secretary, Metis Settlements Appeal Tribunal, 11th Floor, HSBC Building, 10055 - 106 Street, Edmonton, AB T5J 2Y2, (780) 422-5152.

APPLICATION FOR RIGHT OF ENTRY ORDER TO ELLAP – EXPLANATORY NOTE

1. Right of entry proceeding commences with the filing of an application under section 115(1) or 115(3) of the *Metis Settlements Act*. An application must be filed using either
 - a) **Application for Right of Entry Order - ELLAP**. ELLAP deals with surface access issues involving existing mineral lease holders. An existing mineral lease holder is a resource company that holds a mineral lease granted by the provincial government before November 1, 1990 (when the Metis Settlements legislation came into effect), **or**
 - b) **Application for Right of Entry Order - LAP**. LAP deals with mineral leases granted after November 1, 1990.
2. The application must be accompanied by
 - a) Land Search Reports—no more than 30 days old—from the Metis Settlements Land Registry for all the affected parcels;
 - b) Proof of right to minerals,
 - i) a copy of Mineral Lease Agreement **or**
 - ii) a Mineral Agreement Search from Land Status Automated System (LSAS), Alberta Energy, **and**
 - iii) if applicant is not the holder of the mineral lease, proof of authorization;
 - c) Notice/Consent
 - i) proof of service of the notice and consent forms, and
 - ii) copies of signed consents if available; and
 - d) Settlement Development Plans where applicable, and confirmation that development is consistent with the Settlement Plan.
3. Where an application for a right of entry order pertains to a:
 - a) **well site**, the application must be accompanied by a copy of the well license with respect to the well issued by the Energy Resources Conservation Board pursuant to the *Oil and Gas Conservation Act*;
 - b) **production facility**, the application must be accompanied by a copy of the approval for construction and operation issued by the Energy Resources Conservation Board under the *Oil and Gas Conservation Act*; or
 - c) **pipeline, power transmission line or telephone line**, the application must be accompanied by a copy of the permit issued by the Energy Resources Conservation Board under the *Pipeline Act*, the approval granted by Energy Resources Conservation Board under the *Hydro and Electric Energy Act*, or the certificate of approval issued by the Minister responsible under section 31 of the *Water, Gas, and Electric Companies Act*.

4. An existing mineral lease holder who has a right of entry order but requires additional land, may make a new application for right of entry order with respect to the additional land. Before granting any right of entry order, ELLAP may require the existing mineral lease holder or operator to submit any additional information not contained in the application that the Panel considers necessary.

5. Plans and Surveys

a) There shall be attached to each copy of the application for the right of entry order, a copy of the plan or plans which shall, in regard to the land in question be accordance with the requirements as set out in "Content Requirements for Plans and Surveys" (see last page) and section 86(2) and (3) of the *Metis Settlements Land Registry Regulation*:

Section 86

(2) A plan of survey must

- (a) illustrate and represent the survey as made on the ground in accordance with the *Surveys Act*;
- (b) be prepared
 - (i) to the satisfaction of the Registrar, so that it contains the information and details that the Registrar considers appropriate, and
 - (ii) on a medium or material approved by the Registrar;
- (c) state the purpose of the survey;
- (d) be certified by the Alberta land surveyor who carried out the survey illustrated on the plan of survey.

(3) The illustration of a survey must include

- (a) the position and nature of all survey monuments found and placed in the course of the survey,
- (b) subject to subsection (4), the original boundary lines of any parcel of land affected by the survey and any boundary line established by the survey, and
- (c) a sufficient number of measurements,

as are necessary to enable the position of the parcels established by the survey to be located on the ground.

- b) Where an application for a right of entry order has more than 1 plan attached, the application shall refer to each plan by letter or number and the plans shall be identified by the corresponding letter or number.
- c) With each application for a right of entry order there shall be submitted 2 copies for MSAT files, 1 for the Metis Settlements Land Registry, 1 for each occupant and 1 for each Existing Mineral Lease Holder.

6. All right of entry orders must be recorded in the Metis Settlements Land Registry. Upon issuing an order, the Metis Settlements Appeal Tribunal will forward all orders to Land Registry for recording.

7. ELLAP will also notify every occupant of the parcels affected by the order of the date, time and place at which it will hear representations about who should receive compensation and how much should be paid.

CONTENT REQUIREMENTS FOR PLANS AND SURVEYS

- Final disposition plans are required to be surveyed by an Alberta Land Surveyor.
- Suggested scale (one of the following)
 - 1:5000 or greater for activities within quarter section,
 - 1:10000 for activities covering more than one quarter section,
 - 1:20000 for linear activity covering several sections.
- Title block or heading indicating:
 - legal description (township, range, meridian, section and or plan, block, lot text)
 - applicant's name
 - who prepared the plan
 - surveyor/client file # (optional)
 - purpose of activity
 - scale of plan
 - 5 cm x 7 cm wide space for Technical Service Stamp
 - signed Surveyor's certification as stated in Part E Section 5 ALSA Manual of Standard Practice
 - check box indicating final plan (versus a sketch plan)
- North arrow
- Border
- Text indicating when within unsurveyed territory
- Activity perimeter delineated by heavier linework distinct from other linework
- Bearings and distances to/from survey evidence and on all intervening courses impacting the entire activity
- Existing monuments to be shown
- Elevations (for well sites)
- Total area of activity, in hectares, within each surveyed quarter section
- Total area of activity, in hectares, within unsurveyed territory (including road allowances)
- Widths for total length of activity
- Named waterbodies and named watercourse labelled
- Show all existing dispositions, authorizations and surveys registered at Metis Settlements Land Registry adjacent to and/or through proposed activity
- All existing developments, as defined by the EUB and the Alberta Environment, be shown

Content not recommended/acceptable for application/plans and surveys

- Colour
- Fill
- Gray tones or fuzzy line work (i.e. black and white reproduction of a coloured plan)
- Air photos (except for surface mineral easements)
- Contours
- Congested plans (need room for "Indexation Stamp")

Application to the Land Access Panel for Right of Entry Order

Applicant Information		
Name	Address	
Company	City	Province and Postal Code
Email address	Phone Number	Fax Number
Authorized Project		
You must be an operator who is authorized or permitted to engage in an authorized project as defined in section 111 of the <i>Metis Settlements Act</i> , RSA 2004, to apply to LAP. If so, please attach authorization documents.		
Development Plans		
Are there any Settlement Development Plans in effect for the parcels described this application?	<input type="checkbox"/> Yes, attached	<input type="checkbox"/> No
Metis Settlements Land Protection Act		
Do you have consents of the Settlement Council and Metis Settlements General Council required under section 7 of the Metis Settlements Land Protection Act?	<input type="checkbox"/> Yes, attached	<input type="checkbox"/> No
Occupant		
Occupant means a settlement council, the person in actual possession of a parcel of patented land, and a person having a right or interest in patented land that is registered in the Metis Settlements Land Registry (see s. 111(h), <i>Metis Settlements Act</i> , RSA 2004).		
Notice & Consents		
Have the occupants been served with notice and consent forms concerning this application?	<input type="checkbox"/> Yes, proof of service attached	<input type="checkbox"/> No
If occupants have refused to consent, describe attempts that have been made to obtain their consent.		
Purpose of Application (Please check appropriate box.)		
<input type="checkbox"/> Well site	<input type="checkbox"/> Production facility	<input type="checkbox"/> Transmission line. Type: _____
<input type="checkbox"/> Access road	<input type="checkbox"/> Pipeline. Type: _____	<input type="checkbox"/> Other _____
Land Description(s)	Occupants	
	Attach another sheet if additional space is required	
Certification and Undertaking		
I certify the information on this application is true and undertake to comply with all applicable legislation, Metis Settlements General Council policies, Settlement bylaws, and development or land use plans		
Name of Signatory (please print)	Signature	Date

Sign, attach required documents, and mail original to the **Land Access Panel • Metis Settlements Appeal Tribunal • #1100, HSBC Building, 10055 – 106th Street • Edmonton AB • T5J 2Y2 • Ph. (780) 422-1541 • Fax (780) 422-0019 • Toll Free 1-800-661-8864**

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 - a) **ELLAP Form E.1.** ELLAP deals with surface access issues involving existing mineral lease holders. An existing mineral lease holder is a resource company that holds a mineral lease granted by the provincial government *before November 1, 1990* (when the Metis Settlements legislation came into effect), **or**
 - b) **LAP Form L.1.** LAP deals with authorized projects *after November 1, 1990*.
2. This application must be accompanied by
 - a) Land Search Reports—no more than 30 days old—from the Metis Settlements Land Registry for all the affected parcels;
 - b) Proof of right to minerals,
 - i) a copy of Mineral Lease Agreement **or**
 - ii) a Mineral Agreement Search from Land Status Automated System (LSAS), Alberta Energy, **and**
 - iii) if applicant is not the holder of the mineral lease, proof of project authorization;
 - c) Notice/Consent
 - i) proof of service of the notice and consent forms, **and**
 - ii) copies of signed consents where applicable; **and**
 - d) Settlement Development Plans where applicable, and confirmation that development is consistent with the Settlement Plan.
3. Where an application for a right of entry order pertains to a:
 - a) **well site**, the application must be accompanied by a copy of the well license with respect to the well issued by the Energy Resources Conservation Board pursuant to the *Oil and Gas Conservation Act*;
 - b) **production facility**, the application must be accompanied by a copy of the approval for construction and operation issued by the Energy Resources Conservation Board under the *Oil and Gas Conservation Act*; **or**
 - a) **pipeline, power transmission line or telephone line**, the application must be accompanied by a copy of the permit issued by the Energy Resources Conservation Board under the *Pipeline Act*, the approval granted by Energy Resources Conservation Board under the *Hydro and Electric Energy Act*, or the certificate of approval issued by the Minister responsible under section 31 of the *Water, Gas, and Electric Companies Act*.

4. Plans and Surveys

- a) There shall be attached to each copy of the application for the right of entry order, a copy of the plan or plans which shall, in regard to the land in question be accordance with the requirements as set out in “Content Requirements for Plans and Surveys” (see last page) and section 86(2) and (3) of the *Metis Settlements Land Registry Regulation*:

Section 86

- (2) A plan of survey must
- (a) illustrate and represent the survey as made on the ground in accordance with the *Surveys Act*;
 - (b) be prepared
 - (i) to the satisfaction of the Registrar, so that it contains the information and details that the Registrar considers appropriate, and
 - (ii) on a medium or material approved by the Registrar;
 - (c) state the purpose of the survey;
 - (d) be certified by the Alberta land surveyor who carried out the survey illustrated on the plan of survey.
- (3) The illustration of a survey must include
- (a) the position and nature of all survey monuments found and placed in the course of the survey,
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as are necessary to enable the position of the parcels established by the survey to be located on the ground.

- b) Where an application for a right of entry order has more than 1 plan attached, the application shall refer to each plan by letter or number and the plans shall be identified by the corresponding letter or number.
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5. All right of entry orders must be recorded in the Metis Settlements Land Registry. Upon issuing an order, the Metis Settlements Appeal Tribunal will forward all orders to Land Registry for recording.
6. LAP will also notify every occupant of the parcels affected by the order of the date, time and place at which it will hear representations about who should receive compensation and how much should be paid.

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- Title block or heading indicating:
 - legal description (township, range, meridian, section and or plan, block, lot text)
 - applicant's name
 - who prepared the plan
 - surveyor/client file # (optional)
 - purpose of activity
 - scale of plan
 - 5 cm x 7 cm wide space for Technical Service Stamp
 - signed Surveyor's certification as stated in Part E Section 5 ALSA Manual of Standard Practice
 - check box indicating final plan (versus a sketch plan)
- North arrow
- Border
- Text indicating when within unsurveyed territory
- Activity perimeter delineated by heavier linework distinct from other linework
- Bearings and distances to/from survey evidence and on all intervening courses impacting the entire activity
- Existing monuments to be shown
- Elevations (for well sites)
- Total area of activity, in hectares, within each surveyed quarter section
- Total area of activity, in hectares, within unsurveyed territory (including road allowances)
- Widths for total length of activity
- Named waterbodies and named watercourse labelled
- Show all existing dispositions, authorizations and surveys registered at Metis Settlements Land Registry adjacent to and/or through proposed activity
- All existing developments, as defined by the EUB and the Alberta Environment, be shown

Content <u>not</u> recommended/acceptable for application/plans and surveys
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- | |
|---|
| <ul style="list-style-type: none"> <input type="checkbox"/> Colour <input type="checkbox"/> Fill <input type="checkbox"/> Gray tones or fuzzy line work (i.e. black and white reproduction of a coloured plan) <input type="checkbox"/> Air photos (except for surface mineral easements) <input type="checkbox"/> Contours <input type="checkbox"/> Congested plans (need room for "Indexation Stamp") |
|---|

Notification of Application for Right of Entry Order

Concerning	
example: NW-00-000-00-WOM (Land Descriptions) - in - (Settlement Area)	
Between	
Applicant (insert mailing address here) - and - Occupant (insert mailing address here)	
<p>TAKE NOTICE that</p> <ul style="list-style-type: none"> an application(see attached) has been made to the Metis Settlements Appeal Tribunal for a right of entry order with respect to the land described above; the appropriate Panel of the Metis Settlements Appeal Tribunal may grant the right of entry order applied for after <i>14 calendar days</i> from the date of service of this notice <i>without</i> any further notice to you; you may consent (see attached form) to the right of entry order without affecting your right to compensation; and if you wish to object to the granting of the right of entry order, you must sign this form (see below), give written reasons for your objection, and ensure the Metis Settlements Appeal Tribunal receives your objection <i>within 12 calendar days</i> from the date of service of this notice: <div style="text-align: center; margin-top: 20px;"> Metis Settlements Appeal Tribunal 11th Floor, HSBC Building 10055 – 106th Street Edmonton, Alberta T5J 2Y2 Fax : 780-422-0019 </div>	
Name of Applicant's Signatory (please print)	Authorized Signature
Dated at _____ in the Province of Alberta this ____ day of _____, 20 ____ . <small style="display: flex; justify-content: space-between; width: 100%;"> Settlement/Town Month Year </small>	
Objection by Occupant	
<small>print name below</small>	<small>print mailing address below</small>
I, _____ of _____	
Object to the granting of a right of entry order to the applicant. I object because: _____ _____	
<small>Attach another sheet if you need more room to write your reasons for objecting</small>	
Dated at _____ in the Province of Alberta this ____ day of _____, 20 ____ . <small style="display: flex; justify-content: space-between; width: 100%;"> Settlement/Town Month Year </small>	
Name of Occupant (please print)	Signature of Occupant

The information on this form is collected pursuant to Section 33(c) of the Freedom of Information and Protection of Privacy Act (FOIP Act) and will be used by the Metis Settlements Appeal Tribunal in accordance with Section 39 of the FOIP Act in performing its quasi-judicial duties. For information, call 1-800-661-8864.

LAP: Change of existing mineral lease holder or operator

Metis Settlements Act

119 The Land Access Panel may, without a hearing, amend a compensation or right of entry order, regardless of who made it, with respect to a person named in it

- a) when the Panel is satisfied that there has been a change of existing mineral lease holder or operator...

Applicant

Name	Address		
Company	City	Province	Postal Code
Email address	Phone Number	Fax Number	

Change requested

Type of Application(s)	Date
<input type="checkbox"/> Assignment of Interest Transfer Agreement	
<input type="checkbox"/> Certificate of Amalgamation	
<input type="checkbox"/> Certificate of Amendment (name change)	
<input type="checkbox"/> Other (please describe):	

Alberta Energy, Mineral Agreement Number(s):

If you are not the holder of the mineral lease, attach proof of project authorization.

Required documentation

- Copy of agreement, certificate and supporting documentation.
- List of right of entry and/or compensation orders affected.
- Evidence must be submitted that the contractual obligations—including notice to or approval of occupants if so required—for assigning, selling or disposing of the interests have been met. Also attach any surface leases, access or development agreements, covering lands granted under the right of entry orders.

Authorized Signature	Date
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Sign, attach required documents, and mail original to:

Land Access Panel • Metis Settlements Appeal Tribunal
 #1100, HSBC Building, 10055 – 106th Street • Edmonton AB • T5J 2Y2
 Ph. (780) 422-1541 • Fax (780) 422-0019 • Toll Free 1-800-661-8864

LAP: Change of Occupant

Metis Settlements Act:

119 The Land Access Panel may, without a hearing, amend a compensation or right of entry order, regardless of who made it, with respect to a person named in it

- ...
- b) when the Panel is satisfied that there has been a change of occupant and compensation should properly be paid to the new occupant.

Change requested

Settlement	Land Description (Plan #)	ATS Description
Type of Interest		Date of Transfer
Previous Occupant	New Occupant	

Required documentation

- Land Search Report from the Metis Settlements Land Registry confirming change of occupant
- List of right of entry and compensation orders affected by change of occupant

Applicant Information

Name	Address	
	Settlement/Town/City	Province
	Phone Number	Fax Number
Applicant's Signature	Date	

Sign, attach required documents, and mail original to:

Land Access Panel • Metis Settlements Appeal Tribunal
 #1100, HSBC Building, 10055 – 106th Street • Edmonton AB • T5J 2Y2
 Ph. (780) 422-1541 • Fax (780) 422-0019 • Toll Free 1-800-661-8864
 Website: www.msat.gov.ab.ca

The information on this form is collected pursuant to Section 33(c) of the Freedom of Information and Protection of Privacy Act (FOIP Act) and will be used by the Metis Settlements Appeal Tribunal in accordance with Section 39 of the FOIP Act in performing its quasi-judicial duties. If you have any questions regarding the collection of information on this form, please direct your inquiries to the Tribunal Secretary, Metis Settlements Appeal Tribunal, #1100, HSBC Building, 10055 - 106 Street, Edmonton, AB T5J 2Y2, (780) 422-5152.

LAP: Termination of Right of Entry Order

<p><i>Metis Settlements Act, s. 120</i></p> <p>(1) On application to it the Land Access Panel may</p> <p style="padding-left: 20px;">(a) terminate or amend a right of entry order made by it or the Existing Leases Land Access Panel if the Land Access Panel is satisfied that</p> <p style="padding-left: 40px;">i) an existing mineral lease holder or operator is not using the right of entry order, or</p> <p style="padding-left: 40px;">ii) there is a good reason to terminate or amend the order,</p> <p style="padding-left: 20px;">or</p> <p style="padding-left: 20px;">(b) if the application is by an existing mineral lease holder for additional surface access or amendment of a right of entry order, grant, terminate or amend a right of entry order as required.</p> <p>(2) No decision can be made under subsection (1) without an inquiry into the matter, and a hearing if the existing mineral lease holder or operator so requests.</p> <p>(3) No decision may be made to terminate a right of entry order to which Part 6 of the <i>Environmental Protection and Enhancement Act</i> applies unless a reclamation certificate has been issued in respect of the land to which the order relates.</p>			
Applicant			
Name	Address		
Company	City	Province	Postal Code
Email address	Phone Number	Fax Number	
Nature of application			
Type of Application(s)		Supporting Documents	
<input type="checkbox"/> Reclamation Certificate, with a certified copy of a plan clearly showing (i.e., colored or outlined) the part to be terminated	Certificate Number	Date	
<input type="checkbox"/> No reclamation certificate - parties have entered into surface lease and have requested termination.	Agreement	Date	
<input type="checkbox"/> No reclamation certificate - specified land acquired or expropriated by government or by a local authority. ¹⁵	By-law Number	Date	
<input type="checkbox"/> No reclamation certificate - no surface disturbance, operator has not exercised any rights under the right of entry order.	Provide detailed explanation and attach to application.		
<input type="checkbox"/> Not using right of entry order, or good reason to terminate	Provide detailed explanation and attach to application.		
<input type="checkbox"/> Would like an inquiry into the matter, and a hearing?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Required documentation			
<input type="checkbox"/> Reclamation Certificate, agreement(s) and/or supporting documentation.			
Applicant's Authorized Signature	Date		

Please print this form, attach required documents, and mail to:

Land Access Panel • Metis Settlements Appeal Tribunal
 #1100, HSBC Building, 10055 – 106th Street • Edmonton AB • T5J 2Y2
 Ph. (780) 422-1541 • Fax (780) 422-0019 • Toll Free 1-800-661-8864
 Website: www.msat.gov.ab.ca

¹⁵ *Metis Settlements Act, s. 108(2)* A settlement may not expropriate unless the expropriation is authorized generally or in respect of specific land for the purpose of the settlement.

LAP: Recovery of Compensation

Applicant		
Name	Address	
	Settlement/Town/City	Province and Postal Code
	Phone Number	Fax Number
Compensation		
Date Compensation due (DD/MM/YY)	Name of Oil/Gas Company	
Company Phone Number	Address of Company	
Company Fax Number	City	Province and Postal Code
How much compensation is due?		
<input type="checkbox"/> List amount due per parcel		
What type of agreement was made? (please check one of the below boxes)		
<input type="checkbox"/> Right of Entry Order/Comp. Order	Provide REO Number	
<input type="checkbox"/> Lease Agreement (If checked please attach a copy of the agreement)		
<input type="checkbox"/> List affected lands (legal land descriptions)		
Attach another sheet if additional space is required		
Certification		
I certify the information on this application is true.		
Signature	Date	

Sign, attach required documents, and mail original to:

Land Access Panel • Metis Settlements Appeal Tribunal
 #1100, HSBC Building, 10055 – 106th Street • Edmonton AB • T5J 2Y2
 Ph. (780) 422-1541 • Fax (780) 422-0019 • Toll Free 1-800-661-8864