

Advisory 2020-2

Farmers' Advocate Office strongly cautions farmers and ranchers NOT to follow recommendations to “safely turn off the power to the well and safely close the valves”

The Farmers' Advocate Office has learned that a surface rights group in Alberta has issued a press release advising landowners, among other things, that:

“If you have a producing well on your farm and the company is not paying compensation for your crop damages, go safely turn off the power to the well and safely close the valves until they pay up”.

It is very important that rural Albertans understand that following this reckless advice can pose risks to personal and public safety, create environmental hazards and could result in exposure to legal claims for damages and criminal charges.

Interfering with any oil and gas infrastructure or that of an electrical distribution utility could create public safety risks including spills of liquids and gases, explosions, fires and electrocution.

Many landowners are rightfully frustrated when oil and gas operators fail to live up to their obligations under a surface lease. However, before acting, landowners should seek specific legal advice to understand their rights, responsibilities and risks prior to taking any steps to deal with contractual breaches by operators.

Note: A landowner has recourse to obtain compensation for unpaid or reduced annual rentals through the Surface Rights Board (SRB) under Section 36 of the *Surface Rights Act (SRA)*. A company cannot unilaterally decide to reduce the amount of annual compensation provided to a landowner for loss of use and adverse effect. Section 27(6) of the *SRA* entitles landowners the opportunity to negotiate with industry in good faith. Negotiations must be honest, fair and engage both parties, and recourse to the SRB for a ruling may be had if no agreement can be reached.

For more information, contact the FAO through the AG info Centre at 310-FARM (3276) or by email at farmers.advocate@gov.ab

For more information on the SRA Section 36 Recovery of Rentals process, you can reach the **Surface Rights Board at 780-427-2444** or by email at srbicb@gov.ab.ca or visit their website at <https://surfacerights.alberta.ca/>