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## **Incurring Costs for Surface Rights Board (SRB) Processes**

The Farmers' Advocate Office (FAO) is advising landowners to be diligent when incurring expenses related to Surface Rights Board (SRB) processes.

"Landowners will often recruit professional assistance in filing their applications to the SRB," says Jeana Schuurman, rural engagement and communications specialist with the FAO. "While the board has the power to require the industry operator to cover these costs, a cost award is not a simple reimbursement. A SRB panel will use discretion to examine the costs incurred by landowners in preparation for their hearing,"

The SRB may consider a variety of factors in making cost decisions including:

- the reasons for incurring costs
- the complexity of the proceeding
- the contribution of the representatives retained
- the conduct of a party in the proceeding
- whether a party has unreasonably delayed or lengthened a proceeding
- the degree of success in the outcome of a process
- the reasonableness of any costs incurred

Schuurman says that, based on these factors, a landowner may receive a smaller cost award than requested.

"For example, the SRB could deem a lawyer's per hour charge of \$550 per hour is too high based on his or her expertise or contribution, and may award costs of \$350 per hour instead. Costs could also be reduced in situations where the SRB deems unnecessary work has been undertaken by an agent or lawyer," explains Schuurman.

"If you are seeking professional assistance with an SRB appeal, you should consider the possibility of a reduced costs award in your arrangements with agents or lawyers. It is important to read the contract fully and keep in mind that costs not covered by the SRB award may come out of your pocket.

For more information, call the FAO through the Ag Info Centre at 310-FARM (3276) or email [farmers.advocate@gov.ab.ca](mailto:farmers.advocate@gov.ab.ca) .

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