

# Orphan Site Reclamation Fund

## Compensation FAQs

**Q: How do I apply for compensation related to rental payments under a surface lease agreement when a site is designated an orphan?**

A: Please review the document 'How to Apply for Compensation' at <https://www.bcogc.ca/land-owners-and-compensation/>.

**Q: Can I apply for outstanding back payments for Predator/Ranch sites?**

A: An application for compensation for outstanding rental payments will be considered, for the period before an orphan site was designated, if the landowner submits proof of a lease agreement AND a Surface Rights Board (SRB) Order for missed rental payments. For rental payment compensation on orphan sites, after they have been designated as orphans, the Commission will consider a Surface Rights Board Order, or if applying directly to the Commission, a Statement for Compensation. Please review the document 'How to Apply for Compensation' at <https://www.bcogc.ca/land-owners-and-compensation/>.

**Q: What is the difference between what the Surface Rights Board can do and what the Commission can do with respect to compensation for overdue orphan site rental payments?**

A: The Surface Rights Board (SRB) may make a payment order against a permit holder or former permit holder with interest (which may be enforced like a court order with collection options), and sometimes may administer a security fund to satisfy payment. The Commission may make payment (without interest) under section 46 of *OGAA* from the Orphan Site Reclamation Fund administered by the Commission.

**Q: If I choose to apply to the Surface Rights Board, will the Commission also consider my application for compensation?**

A: Yes. After issuing a payment order against a former permit holder, the SRB will forward your application to the Commission for review. If payment is outstanding, the Commission will determine whether compensation is payable under section 46 of *OGAA*.

**Q: Is an application for compensation required every year?**

A: Yes, if you choose to apply to the SRB. If you choose to apply to the Commission, an application is required once. On each anniversary of the surface lease, the Commission will examine your application, and assess and determine your eligibility for further payment(s).

**Q: If I initially apply to the SRB, can I later opt for automatic assessment by the Commission to determine my eligibility on an annual basis?**

A: Yes, if you notify the Commission.

**Q: What is the reason for the ‘Assignment of Overdue Payments’ and what do the last two clauses mean?**

A: The Assignment transfers to the Commission the right to seek payment from the former permit holder for the money you receive from the Orphan Site Reclamation Fund (the Fund). In other words, instead of you pursuing the former permit holder for that money, the Commission can pursue the former permit holder for reimbursement of the money paid to you from the Fund. Any money recovered by the Commission is returned to the Fund, where it can be used to restore orphan sites, provide landowner compensation under section 46, or support other purposes of the Fund. It remains your choice to pursue any other claims you may have against the former permit holder under the surface lease.

*Clause 1: “Nothing in or arising from this Assignment shall in any way alter or affect any other rights or claims of the Assignor under the Surface Lease, which may be pursued by the Assignor at its sole discretion.”*

The clause means that the landowner remains a party to the surface lease and maintains any legal rights or claims that exist under the surface lease, other than the right to pursue payment from the former permit holder for money you receive from the Orphan Site Reclamation Fund.

*Clause 2: “This Assignment does not convey any duties or obligations whatsoever to the Commission under or arising from the Surface Lease.”*

The clause means that the Commission is not taking on any responsibilities or obligations under the surface lease as a result of the Assignment. The clause does not mean that you are waiving any rights to apply to the Commission for additional payment in the future, nor does it alter the Commission’s objective to complete restoration of orphan sites.

**Q: Is an Assignment required for both applications to the Commission and the SRB?**

A: Yes. An Assignment is required for each annual submission to the SRB, or only once with your initial application to the Commission. The Surface Rights Board version can be found at [www.surfacerightsboard.bc.ca](http://www.surfacerightsboard.bc.ca) and the Commission version can be found at [here](#).

**Q: Who at the Commission can I contact if I have further questions related to compensation?**

A: Please send email inquiries to [OrphanRestoration@bcogc.ca](mailto:OrphanRestoration@bcogc.ca), or call the main-line at 250-794-5200 and ask to be transferred to a member of the Orphan Restoration Team.