



# LMG News



## The LMG in a nutshell

The Canada Energy Regulator (CER) is committed to engaging Canadians on land matters. To that end, the Land Matters Group (LMG) was established in 2011 as a means to bring together people who have similar needs and interests.

The LMG operates as a two-way conduit of information between the CER and LMG members by providing participants with opportunities to share insight and advice on the protection of landowner rights and interests, with the ultimate goal of achieving regulatory excellence. By sharing information and real life experience, LMG members can build awareness and develop relationships across a diverse network.

LMG Advisory Committee (LMG AC) is composed of a balanced representation of the broader LMG membership consisting of landowner associations, professional services, industry and government.

## Welcome to the LMG News, an e-newsletter distributed to all registered members of the Land Matters Group (LMG).

This edition is dedicated to the following two topics:

- Pipeline related disputes – What recourse is available for landowners when they have outstanding issues related to pipeline construction, operation or abandonment on their land?
- The LMG Advisory Committee (Part I) – Who are the members? What are their priorities? Which organization do they represent, and where are they located?

### Pipeline-related disputes do happen – Support is available

The Canada Energy Regulator (CER) expects regulated companies to maintain good working relationships with the landowners whose properties are crossed by their pipelines. However, the CER also recognizes that issues and disputes between a landowner and a pipeline company can happen. In such cases, what recourse is available?

While the CER expects companies to work with landowners to resolve issues, a positive outcome is not always possible. In these cases, the CER can provide assistance through its Complaint Resolution process, with expert staff available to help parties work out mutually acceptable solutions.

Issues that have been addressed include:

- land acquisition process
- negotiated agreements
- compensation matters
- damage to property
- detailed route location
- pipeline construction methods
- pipeline crossings
- post-construction reclamation

## How to submit a complaint and what is the resolution process?

In cases where a landowner and the pipeline company are having difficulty resolving an issue or a dispute, a complaint can be filed with the CER. From the CER website, the [Complaint Form](#) can be downloaded. Alternatively, a copy can be requested by calling 1-800- 899-1265 (toll-free) or by sending an email to [info@cer-rec.gc.ca](mailto:info@cer-rec.gc.ca).

If you file a complaint with the CER against a company, CER staff will contact you and get consent to forward the complaint to the company for a response. The company typically has 2 weeks to respond to the CER and in return, you will have the opportunity to reply to the company's response.

The method(s) used to resolve a complaint may vary based on the nature and the complexity of the issues, but typically a complaint can be resolved in one of two ways:

**Alternative Dispute Resolution (ADR)** is a voluntary, interest-based, and confidential way for landowners, Indigenous peoples, and other land users to resolve disputes with CER regulated companies. A range of methods may be used to resolve the dispute, including negotiation, facilitation and mediation, depending on the nature of the issues and interests of the parties involved.

- The CER encourages parties to use ADR to resolve issues, as it helps parties explore and understand each other's interests and mutually develop acceptable solutions where possible.

Over the 20 years of its use, ADR has proven to be both effective and efficient.

The CER provides ADR services for free, and usually there are no additional costs unless the landowner chooses to retain the services of professionals such as a lawyer or a lands professional. For disputes between an individual or a group and a company, it is common for the company to pay for reasonable costs.

**Adjudication (or Commission Decision)** is a quasi-judicial process in which a panel of Commissioners who are impartial, will hear evidence from all parties in a formal process and make a decision. This process may involve multiple or complex questions of fact requiring a hearing-type process in which all sides have the opportunity to present evidence in support of their respective positions. There are no costs attached to this process, however the parties chose to hire a lawyer or another type of lands professional to represent their interests.

- This would apply in a situation where some or all of the elements of a complaint have not been resolved through ADR.

More detailed information is available on the CER website [www.cer-rec.gc.ca](http://www.cer-rec.gc.ca) about [Complaint Resolution](#) and [ADR](#). A request for information about the adjudication process is also available under [Land Matters Advisory Service](#). Information can also be requested by email at [ADR-MRD@cer-rec.gc.ca](mailto:ADR-MRD@cer-rec.gc.ca) or by phone at 1-800-899-1265.

“The pipeline crossing my property is causing some erosion problems. I've raised this issue with the pipeline company, but we still haven't come to an agreement on a plan. How can the CER help?”

*Landowner*

## Let's hear it from the LMG Advisory Committee

Here's your chance to get to know a first selection of the Advisory Committee members who speak about land related issues based on their own knowledge and the expertise acquired through their work and their involvement with various associations. More biographies to follow in the next issue.

**Frank Annau** joined the Advisory Committee in 2018, bringing to the group his expertise in agriculture, environment and science policy. He currently works in Ottawa for the Canadian Federation of Agriculture (CFA) as the Director of Environment and Science Policy. Frank holds a Bachelor's degree in Social Sciences and a Master's degree in Environment and Sustainability from Western University, London, Ontario.

**Alisha Bhura** joined the Advisory Committee in 2018. She is a Regulatory Advisor at the Canadian Energy Pipeline Association (CEPA) where she represents CEPA members in the areas of policy and regulatory advocacy and initiatives. Alisha has a Master's degree in Public Policy from the University of Calgary's School of Public Policy and has previous experience working with the Government of Alberta's Department of Energy in Market Access where her work focused on pipelines in Canada and the USA.

**Lynn Jacobson** has been a member of the Advisory Committee for the last five years. He brings to the table his experience as a Board Member of the CFA and president of the Alberta Federation of Agriculture, and he is also a member of Alberta's Action Surface Rights Association. He also brings his perspective as an active farmer in southern Alberta. Lynn resides in the Lethbridge area and is a Lethbridge College graduate.

**Graeme Wright** joined the Advisory Committee in 2019. He is located in Calgary, Alberta, and is currently employed by TC Energy in Calgary, Alberta, as Manager, Lands Projects – Canada Gas. His expertise includes project development, as well as landowner and industry engagement, which is where the principles that guide the land rights acquisition process come into play. In addition to a Bachelor of Arts degree from the University of Calgary, he holds designation as a Project Management Professional.

**Larry Yurkiw**, a five-year member of the Advisory Committee, resides in Edmonton, Alberta, and has been employed by Enbridge Inc. since 2008 where he currently manages the Shared Services Team within the Land and Right of Way Department. Larry grew up near Radway, Alberta, on a mixed farming operation that included a herd of purebred Maine Anjou cattle. Larry holds a Bachelor of Science (Agriculture) degree from the University of Alberta and is a Registered Professional Agrologist.

## CER Website Renewal

On October 1st, 2020, the CER updated its online presence with an improved website designed to make it easier for visitors searching for specific information. The updates are the result of extensive user experience research, including feedback provided by a wide range of stakeholders.

[www.cer.rec.gc.ca](http://www.cer.rec.gc.ca)

Some of the improvements include a new top level menu, homepage and landing pages, as well as more intuitive navigation, and better search capabilities..