



**CLAIM FOR UNFORESEEN DAMAGE
COMPENSATION ORDER**

(INITIAL APPLICATION FORM)

Instructions

Welcome to the Northwest Territories Surface Rights Board (NWT SRB) *Claim for Unforeseen Damage Order Initial Application Form*. The purpose of this *Claim for Unforeseen Damage Application Form* is to provide applicant owners or occupants of surface or subsurface land and/or water in the NWT to whom compensation is or was payable under an Access Order of the Board, wishing to obtain an Order awarding additional compensation for damage caused to non-designated land, designated land or Tlicho land, as a result of the exercise of a right of access referred to in the access order that was unforeseen at the time that the Order was made, to initiate the process set out in the *Northwest Territories Surface Rights Board Act* (S.N.W.T. 2014, c.17) and the NWT SRB *Rules of Procedure*.

Section 61 of the *Act* states:

“61. If compensation is payable to a designated organization or the Tlicho Government under an access order of the Board, including one that is no longer in effect, the Board shall, on application by the designated organization or the Tlicho Government, make an order setting out the amount of additional compensation to be paid to the designated organization or the Tlicho Government, as the case may be, for any damage that was caused to designated land or Tlicho lands – as a result of the exercise of a right of access referred to in the access order – and that was unforeseen at the time that order was made.”

Section 75 of the *Act* states:

“75. If compensation is payable to an owner or occupant under an access order of the Board, including one that is no longer in effect, the Board shall, on application by the owner or occupant, make an order setting out the amount of additional compensation to be paid to the owner or occupant, as the case may be, for any damage that was caused to the non-designated land – as a result of the exercise of a right of access referred to in the access order – and that was unforeseen at the time that order was made.”

The *Claim for Unforeseen Damage Initial Application Form* may be found online at <https://nwtsrb.ca/contact-us>, by postal mail at P.O. Box 2580 Yellowknife, NT, X1A 2P9, via telephone at (867) 766-2822 or via fax at (867) 766-2823 and requesting a copy of the Form. Upon completion, the Form may be submitted to the NWT SRB via any of the above methods. Please note that separate NWT SRB application forms are also available for Applications for Access to Land Orders, Applications for Review/Amendment of existing NWT SRB Orders, Applications for Termination of NWT SRB Orders and Applications for Enforcement of NWT SRB Orders.

When submitting a *Claim for Unforeseen Damage Application Form* Applicants are encouraged to complete the *Claim for Unforeseen Damage Application Form* in as much detail as possible. Upon receiving the *Claim for Unforeseen Damage Application Form*, the NWT SRB will review the Form for completeness. In the event that the NWT SRB determines that it requires additional

information, the Board will contact you using the contact information which you provide on the Form, and request such information. The *Claim for Unforeseen Damage Application Form* will not be considered complete until the Board is satisfied that it has received all required information.

Once the NWT SRB determines that the *Claim for Unforeseen Damage Application Form* is complete, it will provide the Applicant with stamped copies (paper and electronic) of the filed completed *Claim for Unforeseen Damage Application Form*. Pursuant to the NWT SRB *Rules of Procedure*, the Applicant is required to personally serve a filed and stamped copy of the *Claim for Unforeseen Damage Application Form* to all Parties, and to provide proof of service satisfactory to the NWT SRB. In the event that the Applicant is unable to effect personal service of the filed and stamped *Claim for Unforeseen Damage Application Form*, the Applicant may make an application to the NWT SRB for an Order of Substitutional Service of the document.

Once the NWT SRB determines that the *Claim for Unforeseen Damage Application Form* is complete, it will publish the *Claim for Unforeseen Damage Application Form* on its website for public viewing.

1. Applicant Information

Name: _____

(If a corporation please include full corporate name and attach current Certificate of Incorporation)

Address: _____

Telephone: _____

Fax: _____

E-Mail: _____

Website: _____

Contact: _____

2. Respondent Information

(Respondent is person from which a Claim for Unforeseen Damage Order is being sought)

Name: _____

Address: _____

Telephone: _____

Fax: _____

E-Mail: _____

Website: _____

Contact: _____

3. Third Party Information (if known)
(3rd Party is any person directly affected by this Claim for Unforeseen Damage Order)

Name: _____

Address: _____

Telephone: _____

Fax: _____

E-Mail: _____

Website: _____

Contact: _____

Name: _____

Address: _____

6. Details of Unforeseen Damage to the Land and/or Water for which an Access Order was Previously Made

Please provide details of the Unforeseen Damage to the land and/or water for which an Access Order was previously made by the NWT SRB (attach additional pages if required):

7. Negotiations and Mediation

Section 29 of the NWT *Surface Rights Board Act* states:

29. (1) Subject to subsection (2), the Board is not authorized to consider an application for an order unless, in accordance with rules made under paragraph 90(a), the applicant has attempted in good faith to resolve the matter in dispute by negotiation and is unable to bring about a resolution of the dispute within a reasonable period.

(2) In the case of an application in respect of Tlicho lands, the Board is not authorized to consider the application unless the applicant has attempted in good faith to resolve the matter in dispute by mediation in accordance with 6.4 of the Tlicho Agreement and is unable to bring about a resolution of the dispute.

Sections 8.1 and 9.1 of the NWT SRB *Rules of Procedure* state:

8.1 The NWT SRB is not authorized to consider an Application for an Order involving non-Tlicho lands unless, in accordance with these Rules of Procedure, an Applicant has attempted in good faith to resolve a matter in dispute by negotiation and is unable to bring about a resolution of the dispute within a reasonable period.

