



## **APPLICATION FOR ACCESS ORDER**

### ***INITIAL APPLICATION FORM***

## **Instructions**

Welcome to the Northwest Territories Surface Rights Board (NWT SRB) *Application for Access Order Initial Application Form*. The purpose of this *Application for Access Order Form* is to provide applicants wishing to obtain an Order from the NWT SRB granting access (including compensation) to surface or subsurface land and/or water in the NWT 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*.

The *Application for Access Order 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 Claims for Unforeseen Damage Orders, Applications for Review/Amendment of existing NWT SRB Orders, Applications for Termination of existing NWT SRB Orders and Applications for Enforcement of NWT SRB Orders.

When submitting an *Application for Access Order Form*, Applicants are encouraged to complete the *Application for Access Order Form* in as much detail as possible. Upon receiving the *Application for Access Order 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 *Application for Access Order 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 *Application for Access Order Form* is complete, it will provide the Applicant with stamped copies (paper and electronic) of the filed completed *Application for Access Order Form*. Pursuant to the NWT SRB *Rules of Procedure*, the Applicant is required to personally serve a filed and stamped copy of the *Application for Access Order Form* to all persons from which the Applicant wishes to obtain access to land, and to provide proof of service to the NWT SRB. In the event that the Applicant is unable to effect personal service of the filed and stamped *Application for Access Order 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 *Application for Access Order Form* is complete, it will publish the *Application for Access Order 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 with legal interest in land and/or water for which Access Order is being sought)*

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Telephone:** \_\_\_\_\_

**Fax:** \_\_\_\_\_

**E-Mail:** \_\_\_\_\_

**Website:** \_\_\_\_\_

**Contact:** \_\_\_\_\_

**3. Third Party Information**

*(3<sup>rd</sup> Party is any person directly affected by this Application for Access Order)*

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Telephone:** \_\_\_\_\_

**Fax:** \_\_\_\_\_

**E-Mail:** \_\_\_\_\_

**Website:** \_\_\_\_\_

**Contact:** \_\_\_\_\_

**4. Location of Land and/or Water for Which Application for Access Order is Sought**

Location of land and/or water for which Access Order is sought. Be sure to include legal description(s) (attach additional pages if required) and maps/diagrams if available:

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**5. Purpose for which Access is Sought**

Provide details of the purpose(s) for which an Access Order is sought (attach additional pages if required). In the event that an Access Order is being sought with respect to a natural resource (ie. mineral) interest, please provide details of the mineral interest (attach additional pages if required). Include reference to all regulatory approvals obtained with respect to the proposed use of this land/water.

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**6. Details of Impacts Upon the Land for which Access is Sought**

Provide details of the impact(s) upon the land and/or water which may occur as a result of an Access Order (attach additional pages if required):

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**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.*

*9.1 The NWT SRB is not authorized to consider an Application for an Order involving Tlicho lands unless the Applicant has attempted in good faith to resolve the matter in dispute by mediation in accordance with Part 6 of the Tlicho Agreement and is unable to bring about a resolution of the dispute.*

Negotiations/mediation have been carried out by the Applicant with the Respondent(s) with respect to the Applicant's Application for an Access Order in accordance with section 29 of the NWT *Surface Rights Board Act* and sections 8.1 or 8.2 of the Northwest Territories Surface Rights Board's *Rules of Procedure*.

Yes

No

If "yes", please summarize the negotiations/mediation which have been carried out to date and the outcome(s) of those negotiations/mediation (attach additional pages if required):

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If “no”, please explain why negotiations/mediation have not been carried out to date (attach additional pages if required):

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*Print Name of Applicant*

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*Signature of Applicant*

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Date