

Annual Report 2018-19



Alberta Agriculture and Forestry, Government of Alberta
Annual Report 2018-2019

Farmers' Advocate Office

Peter J. Dobbie, Q.C: Farmers' Advocate for Alberta

Janet Patriquin: Assistant Farmers' Advocate

Michele Del Colle: Energy, Utilities, and Policy Specialist

Anna Kauffman: Rural Engagement Specialist

Roseline Soparlo: Administrative Coordinator

Bernie Yakimyshyn: Farm Implement Inspector

Brenda Tangen: Appeals and Hearings Coordinator

Table of Contents

Introduction.....	4
Message from the Farmers' Advocate.....	5
Advocacy.....	6
Rural Disputes.....	9
Energy, Utilities and Surface Rights.....	12
Farm Implement Compensation Fund.....	Appendix A



Introduction

The Farmers' Advocate Office (FAO) serves as a resource for Alberta farmers, ranchers, and rural landowners. The FAO works to ensure that the rights and interests of rural Albertans are **recognized, understood, and protected**.

The FAO is committed to providing ongoing support for rural Albertans through the delivery of timely information to our clients, research, and advocacy.

Rural communities have their own unique issues. Our office understands and respects the cultural perspective of these communities. Through extension and engagement, we empower landowners to mitigate risks to their agricultural operations.

Mission

The mission of the Farmers' Advocate Office (FAO) is to create value for rural Albertans and our stakeholders by:

- ✧ Empowering rural Albertans through awareness of key issues;
- ✧ Providing objective, unbiased ideas and advice for resolving disputes;
- ✧ Representing the rural Alberta perspective on matters of concern; and
- ✧ Facilitating interaction on strategic matters among key stakeholders.

Our Vision

“To be a vital, issues-driven organization valued by stakeholders for our constructive contributions; respected for our impact on matters of concern to farmers and rural Albertans”

Message from the Farmers' Advocate

Dear Minister Dreeshen,

I am pleased to present the 2018-19 Annual Report of the Farmers' Advocate Office for your review. This report highlights some of the key undertakings and accomplishments of our office over the fiscal year. The financial statements for the Farm Implement Compensation Fund are attached as required under the *Farm Implement Act*.

Sincerely,



Peter J. Dobbie, Q.C.

Farmers' Advocate for Alberta



Advocacy

The FAO helps bridge the gap between rural Alberta and the provincial government, bringing the concerns of rural landowners to decision-makers, and advocating for legislative and policy change on behalf of the rural community. Advocacy efforts are delivered through collaboration with Synergy Groups, Committee Participation and Partnerships.

Partnerships

Alberta Energy Regulator (AER)
Alberta Utilities Commission (AUC)
Surface Rights Board (SRB)
Utilities Consumer Advocate
Rural Utilities Branch
Federation of Gas Cooperatives
Federation of Rural Electrification
Associations
Synergy Alberta
Canadian Association of Petroleum
Producers
Alberta Association of Surface Land
Agents
Olds College



Farmers' Advocate for Alberta, Peter Dobbie Presents at Synergy Alberta

Committee participation

Alberta Energy Regulator (AER)
Multi Stakeholder Engagement
Committee (MSEAC)
Alberta Industry-Government Joint
Geophysical Committee
Alberta Surface Rights Federation
Warburg Surface Rights Group
Alberta Provincial Rural Crime Watch
Association
Foundations of Administrative Justice
Agri-environmental partnership of
Alberta: Water Working Group

Synergy groups

Calumet Synergy Association
Pembina Area Synergy
Rimbey Regional Synergy Group
West Central Stakeholders
Wapiti Area Synergy Partnerships
Central Mountainview Advisory Groups
Sundre Petroleum Operators Group
Foundations of Administrative Justice

Public Outreach

This year, the FAO attended and were keynote speakers at numerous trade shows and community outreach events. These events provide a platform for our office to determine challenges currently faced by rural landowners. Engagement with landowners provides insight in to trending issues applicable to farmers. Notable interactions are documented to provide information for our team and to allow us to anticipate some future areas of concern for our clients. We engage with other departments in Government to assist them in fullfillign their obligations. For example, this year the FAO assisted in the Alberta Beef Producers Plebiscite.

Trade show Attendance

- ✘ 2019 Association of Agriculture Societies
- ✘ 2019 Agricultural Expo and Seed Fair
- ✘ Rural Municipalities of Alberta
- ✘ Alberta Provincial Crime Watch Association
- ✘ Local Government Administrative Association



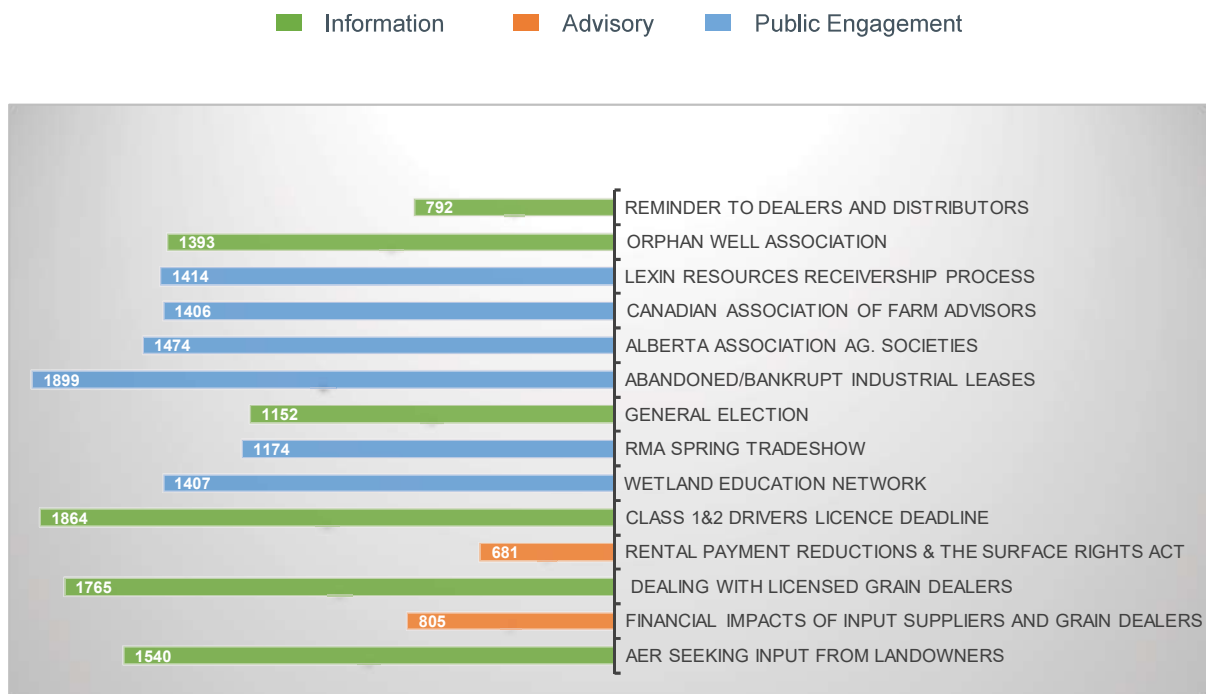
Rural Crime Watch

The Farmers' Advocate Office is one of the Alberta Provincial Rural Crime Watch Association (APRCWA) founding members and works closely with the organization as an honorary board member. Each year, the FAO attends the APRCWA annual symposium and provides one crime watch association with an award for their outstanding effort to reduce crime. In 2018, we honoured the Olds Rural Crime Watch Association.

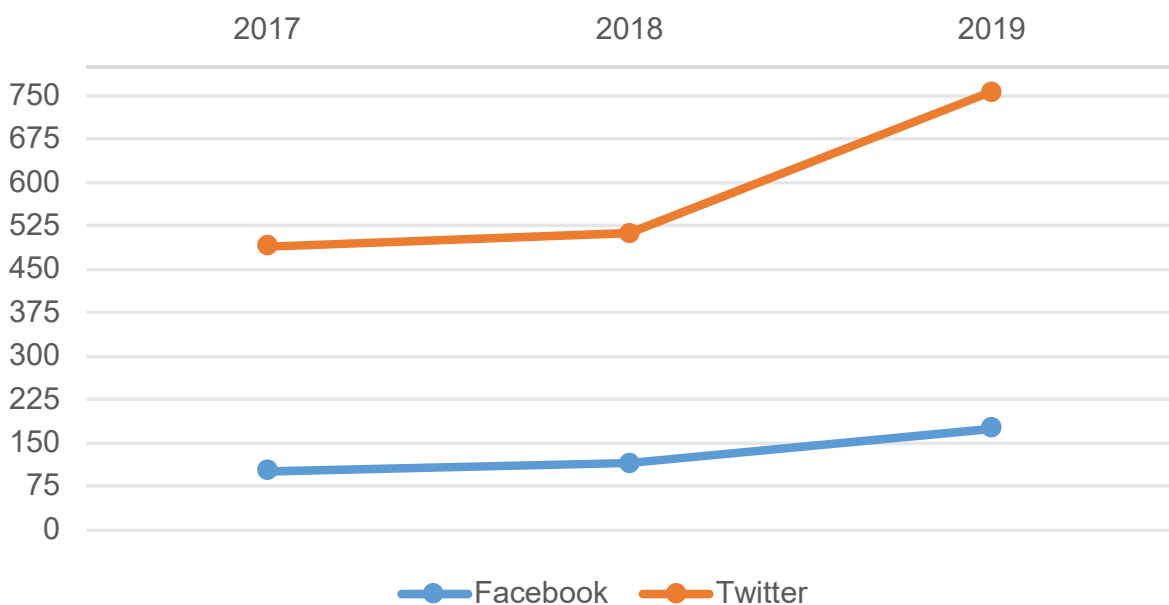
Media

The FAO uses social platforms to raise awareness about agriculture topics and issues. We aim to gain connections through media to provide information to users. All of our advisories are posted to our Twitter and Facebook page. Our publications are readily available through a link.

2018-19 Number of Views of Media Releases by Topic on Twitter



Followers on Social Platforms



Advisories

The FAO uses advisories to inform landowners in a timely manner. We release an advisory when we receive multiple accounts of landowners dealing with an issue. Information contained in advisories provides landowners with a road-map to success. We use several platforms to get our message to landowners including our email distribution list, twitter, Facebook, Call of the Land, Agri-news, and public engagement sessions. This year, the FAO issued three advisories related to oil and gas-related issues and the insolvency of grain companies.

Rural Disputes

Farmers and ranchers who experience conflicts with contracts, other landowners, neighbours, provincial or local government, or agri-businesses may contact the FAO to help resolve disputes. The FAO offers dispute resolution services on a broad variety of rural issues that are not within another resolution jurisdiction.

Farm Implement Act and Administration

The *Farm Implement Act* and the *Farm Implement Dealerships Act* were created to help protect the investment that farmers make in their machinery. The Farm Implement Inspector and Farm Implement Board help farmers in settling warranty complaints, mediating disputes, and providing assistance in situations where machinery does not perform or lease/sale agreements are breached.

The *Farm Implement Act* provides consumer protection to Albertans purchasing new farm implements by establishing minimum warranty standards, creating requirements on the availability of repair parts, and establishing a process for resolving disputes over agreements and implement performance.

All dealers selling new farm implements in Alberta must be licensed. In 2018, the FAO licensed 378 dealers. Any distributor selling products to an Alberta dealer must also be licensed. In 2018, the FAO licensed 162 distributors. These lists are publicly available on the FAO website.

FAO staff worked in collaboration with the Farm Implement Inspector to address many issues. In 2018-19, the Farm Implement Inspector had 31 client files, nine of which required site visits. Problems that cannot be resolved through direct negotiation or mediation with the farm implement inspector may proceed to the Farm Implement Board (FIB) for review and potential hearing. The FAO received one Notice of Failure to Perform. This case was heard by the Farm Implement Board in 2018-19.

Farm Implement Board Members 2019	
Brian Chomlak	Chair, Farmer Member
Robert Kennedy	Vice Chair, Farmer Member
Remi Cyr	Farmer Member
Tien Macdonald	Association of Equipment Manufacturers (AEM) - Canada
Trevor Jubenville	Agricultural Manufacturers of Canada (AMC)
Cameron Kay	Western Equipment Dealers Association
Terry Murray	Ministers Representative

Agricultural Operation Practices Act (AOPA)

Under Part I of the *Agricultural Operation Practices Act* a person aggrieved by a nuisance (odour, noise, dust, or smoke) arising from an agricultural operation may make an application to the Minister for review. The Minister has the authority to appoint a Peer Review Committee (PRC) to determine if the nuisance is arising from a Generally Accepted Agricultural Practice (GAAP.) The panel may issue a GAAP Certificate to provide the producer with assurance against complaints on the same practice going forward or make recommendations to change a practice to minimize nuisance.

The FAO had one appeal under Part 1 in 2018: a concern related to dust. A GAAP Certificate was issued to the Confined Feeding Operation after a monitoring period by the Natural Resources Conservation Board (NRCB.)

Water Issues

The FAO received many calls this year related to water control. Calls are typically forwarded to Alberta Environment and Parks (AEP). However, one emerging issue this year was concerns over *Water Act* enforcement. The FAO developed a publication called a “Brief Guide to Water Act Enforcement, Compliance and the New ‘One-Stop’ Approval System.” This was published by Alberta Pulse and will serve as an information tool for landowners who may be facing an investigation by AEP. We have worked with a number of agencies this year to assist landowners in gathering information to help them make decisions regarding water management.

Fencing and Property Rights

Farmers sometimes require information on fencing. Property lines are not always clear if they have not recently been legally surveyed and this may cause conflict between neighbours. The FAO will mediate landowners on issues that are governed by the *Line Fence Act*. However, inquiries are first referred to the Agriculture and Forestry Investigations Unit to determine if there is a breach of legislation. The FAO provides landowners with guidance with our publication “What are my Fencing Obligations.”

Alberta Financial Services Corporation Appeals

Seven AFSC AgrilInsurance appeals were conducted during the fiscal year and an eighth appeal was put on hold waiting on a reassessment by AFSC. Of the appeals held in 2018/2019, there were three regarding chickpea grading errors and one appeal dealt with uninsured causes of loss, specifically poor management and excessive weeds. Another appeal involved the Satellite Yield Insurance Program and one client disagreed with AFSC's hail assessment on their canola field. In a joint appeal, the Appeal Committee decided in favour of the appellants who had considerable damage to their canola crop from wind and hail.



Water Well Replacement or Restoration Program

The Water Well Restoration or Replacement Program (WWRRP) is a last resort for landowners who believe their water well has been damaged by industry activities. If negotiations with the company have been unsuccessful and an investigation has been completed by the Alberta Energy Regulator (AER), a landowner may submit receipts for work undertaken (only for replacement or repair costs) to the FAO for assessment. Applications are reviewed by a panel comprised of a water specialist from Alberta Environment and Parks, an appointed peer to the landowner, and the FAO as chair. The program is funded through levies paid to the AER. The intent of the program is to establish a water well equivalent to what existed previously, not create an improvement on a former system.



In 2018-19, the FAO did not receive any applications. We suspect that this is due to a lower degree of energy activity on the rural landscape.

Energy, Utilities and Surface Rights

The FAO helps bridge the gap between rural Alberta and the provincial government, bringing the concerns of farmers and ranchers to decision-makers and advocating for legislative and policy change on behalf of rural communities and groups.

The FAO investigates and manages landowner complaints and inquiries, empowers and educates our stakeholders with knowledge from our publications and advisories, and facilitate discussions to resolve concerns. We strongly encourage collaboration among landowners, occupants, industry, regulators and all provincial and municipal government.

Energy

Rural Albertans are still facing the impacts of energy insolvency throughout the province. Energy companies continue to explore options for cost reduction to prevent insolvencies. Subsequently, landowners are challenged with the outcome of changing business practices. Energy companies are experiencing unprecedented low prices for natural gas and high operational costs. As a result, energy companies were attempting to reduce landowner surface lease payments.

Landowners received notice of unilateral rental reductions, partial annual rental payments, or requests to allow the energy company to not pay rent for the year until energy market improvements. The FAO engaged with landowners, surface rights groups and synergy groups to discuss their rights and responsibilities. We reiterated the message that landowners with surface lease agreements have the recourse to obtain compensation for unpaid or reduced rentals through the Surface Rights Board (Section 36).

The Surface Rights Board has been diligently working on ways to improve and streamline their application process to deal with the influx of Section 36, *Surface Rights Act* application to recover unpaid annual rentals. The FAO has heard the following concerns and worked to advocate for change, improvement or clarity for landowners in the following areas:

- ✘ Processing time for Section 36 Recovery of Rentals applications
- ✘ Release time for published hearing decisions
- ✘ The implementation of “Condition of Site Form”
- ✘ SRB decisions citing “unjust enrichment” that reduce landowner compensation

As we saw more energy companies failing to meet their obligations, rural Albertans brought concerns with the care and custody of the lease sites, access roads and pipeline right-of ways.

Energy continued...

Aside from not receiving the annual rentals, landowners and occupants are experiencing problems with:

- ✕ Weed Control;
- ✕ Expectations for Reclamation, and;
- ✕ Service Companies for the energy industry incorrectly registering Builders' Liens on Land Titles.

Utilities

The FAO continues to work with landowners and occupants in their negotiations with new transmission lines, low-pressure gas distribution lines and renewable energy. Our partnership with the Alberta Utilities Commission (AUC) allows us to collaborate when landowner concerns with operations, customer billing issues and process questions arise. Trending issues for the year included:

- ✕ Billing and rate inquiries
- ✕ Renewable energy – adjacent landowner and community rights, AUC application process
- ✕ Right-of Way Agreement negotiations (definition of “current land use”)
- ✕ Tree removal from ROW

Surface Rights

The FAO does not comment on specific dollars of compensation, but we do spend a considerable amount of time explaining the compensation structure and the components to annual rentals.

Trending issues, inquiries and complaints:

- ✕ Negotiation of surface leases and right-of-way agreements
- ✕ Breach of terms of industry agreements/contracts
- ✕ Regulator application, hearing and complaint process inquiries
- ✕ Review of annual rental compensation



Farmers' Advocate Office
Alberta



Fao_alberta

Farmers' Advocate Office

100, 7000 - 113 street

Edmonton, AB

T6H 5T6

310-FARM

farmers.advocate@gov.ab.ca

www.farmersadvocate.gov.ab.ca

farmers'
advocate
office