



National Energy
Board

Office national
de l'énergie

Right of Entry Application

(pursuant to section 104 of the National Energy Board Act)



If a company requires the use of private lands for its NEB-regulated project, it must first acquire the necessary land rights through a [land acquisition agreement](#). If the company and a landowner are unable to finalize a land acquisition agreement, the company will serve a notice to the landowner that it intends to apply for a right of entry order from the NEB.

What is a right of entry order?

The right of entry order is a legal document that enables a company to immediately enter lands once the order is registered, recorded or filed at the local land titles or registry office. The NEB has the authority to issue a right of entry order if it considers it appropriate to do so and also to specify the terms and conditions to be included with an order.

How does a company apply for a right of entry order?

When a company applies, it files its application on the Board's website. The [NEB Act](#), [NEB Rules of Practice and Procedure](#), and the NEB's [Filing Manual](#) provide the requirements and guidance for a right of entry application. The company must serve the landowner with a copy of the right of entry application.

Quick Facts

- The NEB's [Alternative Dispute Resolution program](#), offers voluntary and confidential facilitation and mediation services at no cost to the landowner.
- The right of entry order can be replaced by a mutually acceptable agreement
- Negotiations between the company and landowner can continue even after an application for an order is filed
- Either party may apply to the Minister of Natural Resources to request the services of a negotiator
- The NEB then decides whether to issue the order and determines the terms and conditions that companies must adhere to. If the NEB denies the application, the company cannot proceed onto the lands.

What happens after the company files its right of entry application?

A landowner can object to the company's application by sending a written objection to the Board within 10 days after receiving their copy of the company's application. Detailed reasons and comments on terms or conditions should be provided for the objection should the NEB decide to grant the company's right of entry application. The company has up to seven days to reply to a written objection and provide the landowner with a copy.

How does the NEB assess right of entry applications?

For each right of entry application, the Board assesses:

- Whether the company has complied with the requirements as set out in the [NEB Act](#) the [NEB Rules of Practice and Procedure](#), and the NEB's [Filing Manual](#)
- The information provided by the company in its application
- Any information provided by the landowner in a written objection
- Any information provided by the company in reply to a written objection

The NEB then decides whether to issue the order and determines the terms and conditions which companies must adhere to. An advance on [Compensation](#) is payable by the company to the owner if a right of entry order is granted, even if the final amount is yet to be determined.

If the NEB denies the application, the company cannot proceed onto the lands.

Need Help or More Information?

For more details consult the NEB if you have questions.

NEB Website: <https://www.neb-one.gc.ca/cntcts/index-eng.html>

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Web:

[Landowner Guide](#) – to help landowners understand the regulatory processes for pipeline projects.

[Landowners' Guide to Land Agreements](#) - to help landowners understand the land acquisition agreement process.

Full list of NEB [Snapshots](#)

Right of Entry Order Application Process

