



1927

c 48 Well Drillers Act

Ontario

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CHAPTER 48.

The Well Drillers Act.

Interpreta-
tion.

"Commis-
sioner."
Rev. Stat.
c. 47.

"Inspector."
Rev. Stat.
c. 47.

"Minister."

"Owner."

"Regula-
tions."

"Well."

1. In this Act,—

- (a) "Commissioner" shall mean Natural Gas Commissioner, appointed under *The Natural Gas Conservation Act*, or this Act;
- (b) "Inspector" shall mean inspector appointed under *The Natural Gas Conservation Act*, or this Act;
- (c) "Minister" shall mean Minister of Mines;
- (d) "Owner" shall include lessee;
- (e) "Regulations" shall mean regulations made under the authority of this Act;
- (f) "Well" shall mean and include any well bored for oil or natural gas. 1924, c. 75, s. 2.

Regula-
tions.

2.—(1) The Minister may make regulations,—

- (a) requiring dry and abandoned wells to be plugged and protected;
- (b) prescribing the method and requirements to be observed in plugging and protecting any well;
- (c) respecting the method of boring wells and for the proper protection of wells during boring operations;
- (d) for the issue of licenses to persons boring wells and fixing the fee to be paid for any such license, also for suspension or cancellation of the same;
- (e) requiring every person boring a well to furnish such reports and returns, geological and other information and specimens as may be prescribed by the regulations.

Regulations
may be
general or
particular.

- (2) Any regulation made by the Minister under the authority of subsection 1 may be general or particular in its application territorially or otherwise. 1924, c. 75, s. 3.

Directions
of Minister
as to bor-
ing, etc.

- 3.** The Minister may at all times give such directions in writing as he may deem necessary respecting the boring, protecting, plugging and closing of any well. 1924, c. 75, s. 4

4. A person shall not bore or undertake to bore a well unless he is the holder of a license from the Minister so to do. 1924, c. 75, s. 5. License required to bore.

5. The Lieutenant-Governor in Council may appoint a commissioner, and an inspector or inspectors, for the purpose of carrying out the provisions of this Act and any direction of the Minister made hereunder, and until any such appointment is made the Natural Gas Commissioner appointed under *The Natural Gas Conservation Act*, and the inspector appointed under the said Act shall be commissioner and inspector respectively for carrying out the provisions of this Act. 1924, c. 75, s. 6. Appointment of commissioner and inspectors. Rev. Stat. c. 47.

6. An abandoned well shall not be plugged until the owner or other person in possession or control thereof shall have given the commissioner at least two weeks' notice by registered mail of the date on which the plugging is to be done, so as to enable the commissioner or inspector to be present and approve the method of plugging; and in the case of a gas well he shall, at least two weeks immediately before such date, close in the same in such a manner that no gas may escape. 1924, c. 75, s. 7. Notice.

7. Any person in possession or control as owner, agent, manager or otherwise of any well in which natural gas has been found, shall, unless such gas is utilized within two weeks of such discovery, confine the same in such well until such time as the gas is utilized; but this section shall not apply to any well which, in the opinion of the Minister, is not producing gas in marketable quantities and is being operated as an oil well. 1924, c. 75, s. 8. Duties of owner where natural gas not utilized within two weeks after discovery.

8.—(1) Whenever any well is abandoned, it shall be the duty of the owner or the person in possession or control of such well, and of every person engaged or employed in removing the casing from or in plugging such well or in any work constituting an abandonment of such well, to plug or plug and cement the same in such manner as to keep all water in its place of origin and to prevent any fresh or salt water or other injurious substances from entering any oil or gas bearing rock, either from above or below such rock as may be further provided by regulations. Abandonment of well.

(2) Subject to the provisions of section 7 every well, which in the opinion of the inspector is not in operation, shall be deemed to be an abandoned well within the meaning of this Act. When well shall be deemed abandoned.

(3) The owner or person in possession or control of any well may, within ten days after receiving notice from the inspector that in his opinion the well is abandoned, appeal to the Minister against the decision of the inspector. Appeal to Minister.

Notice of appeal.

(4) The owner or person appealing shall give to the inspector notice in writing of the appeal.

Decision of Minister to be final.

(5) The decision of the Minister shall be final and shall not be subject to appeal. 1924, c. 75, s. 9.

Failure of owner to comply with provisions of section 8.

9. Whenever the owner or person in possession of or having the control of any well in which gas has been found fails to comply with the provisions of section 8 hereof within the time therein mentioned, the inspector appointed, as hereinafter provided, shall notify such person in writing to cause such gas to be so confined; and in the case of the failure of such person to comply with such notice within ten days of the date thereof, the inspector may enter upon the land upon which such well is situate and, either by himself, his agents or his employees, shall cause such gas to be shut in and confined in such well. 1924, c. 75, s. 10.

Where property injuriously affected by failure to plug abandoned well.

10.—(1) Whenever any person notifies the inspector in writing that any property in which he is interested, situate in the vicinity of any such abandoned well, is injuriously affected by the failure to plug any such well as provided in section 8, the inspector shall examine such abandoned well and ascertain whether it has been properly plugged according to the provisions of this Act and the regulations, and in case the inspector determines that such well has not been properly plugged he shall serve a notice on the owner thereof or upon any person having the control thereof, or upon any person who was engaged or employed in the work of removing the casing from or in plugging such well, or in any work which constituted an abandonment of such well, requiring that such well be plugged within ten days from the receipt of the notice and specifying the method to be followed in the plugging thereof; and unless within the ten days such well is plugged according to the directions contained in the notice, the inspector, by himself, his agents or employees may plug such well or cause the same to be plugged according to the provisions of this Act.

Inspection of well.

(2) Where the inspector is of the opinion that the casing in any well, whether the well is abandoned or not, is admitting water to such an extent as to injure adjoining property, he may order the owner or person in possession or control to remove the pump or other obstruction therein, if any, so as to enable him to test the well, and the inspector may order the owner or other person to stop the leak if there be one, within the time named by the inspector.

Inspection of main, pipe or duct.

(3) The inspector may inspect any main, pipe or duct through which natural gas may be flowing, drawn or pumped or which is intended to be used for any such purpose, and may give notice in writing to the person or owner of the main,

pipe or duct to remedy any defect found therein which permits or is likely to permit of the escape of gas.

(4) In case of default in compliance with such order within ten days after service of the same, the inspector may without further notice make such necessary alteration or repairs, or proceed to plug the well as provided in subsection 1. Where default is made.

(5) The expenses occasioned by or incidental to such examination and plugging may be recovered in the manner provided by section 11. Expenses, how recovered.

(6) The owner or person in possession or control of a well, gas main, pipe or duct, may, before the expiry of the time fixed by the inspector appeal from the order of the inspector as provided in subsection 3 of section 8, and the decision of the Minister shall be final and shall not be subject to appeal. 1924, c. 75, s. 11. Appeal from order to Minister.

11. The expenses incidental to or occasioned by the examination and repair of natural gas lines or plugging of any abandoned well, or by the confining or shutting in of the gas from any well by the inspector under the provisions of this Act, shall be paid to the inspector within ten days after notice in writing of the completion of the work and the amount of such expense has been given to the owner or other person having control of any such well, and upon failure to pay the same within such time the inspector shall give written notice of such failure to the clerk of the municipality in which such well is situate or such defect exists and of the amount payable, and the council of such municipality shall thereupon pay to the inspector such expenses and the same shall be added to the taxes upon any property of the owner of such well whether such well is situate on such property or not, unless the mineral rights in the land upon which such well is situate have been severed or reserved from such land, in which case such expenses shall be added to any taxes chargeable against the reserved mineral rights in the land upon which the well is situate or against any other property of the owner of such reserved mineral rights, and such expenses shall be entered on the collector's roll and be levied and collected in the same manner as other taxes, provided that where the municipality shall have paid or become liable for the expense of plugging an abandoned well, the corporation by its officers, servants or workmen may take possession of and remove and sell by public auction or private sale all casing, tubing, pumps and other equipment recovered from or connected with such well but any surplus proceeds of such sale over and above such expenses and costs of sale shall be repaid to the owner. 1924, c. 75, s. 12. Expenses of examination and repair how paid.

12.—(1) The inspector may by notice in writing delivered to any person who has charge or control of the removal of the casing or plugging or abandonment of any well, or who was engaged or employed in removing the casing from or in Inspector may require statutory declaration to be furnished.

plugging any such well or in any work constituting an abandonment of such well, require such person within ten days from the receipt of such notice to furnish a statutory declaration respecting such abandoned well to the inspector.

Declaration, what to contain.

(2) Such person shall within the ten days furnish such declaration to the inspector either by delivering the same into his hands or by mailing by registered post to his address; and the declaration shall identify such well and shall set out in detail the precise manner of and the materials and tools used in plugging the same. 1924, c. 75, s. 13.

Notice to owner where pipe defective.

13. Where the inspector finds that a line of pipe conveying gas from one locality to another is constructed or laid down in such a manner, or is so out of repair or otherwise defective, as to permit or be likely to permit of the escape of gas in considerable quantities, he may give to the owner or person in control of the line of pipe notice in writing to make the alteration or repairs prescribed in the notice within a stated time, and upon default in compliance with the terms of the notice, the Lieutenant-Governor in Council upon the recommendation of the Minister may suspend or revoke and annul any charter of incorporation or other authority under which the business of conveying gas in the line of pipe is carried on. 1924, c. 75, s. 14.

Right of inspector to engage agents and employees.

14.—(1) The inspector shall have authority to engage such agents or employees as he may deem necessary from time to time to carry out the requirements of this Act, and shall also be empowered from time to time and at all times by himself, his servants or employees to enter upon any land or property upon which any wells are being or have been drilled and to make such examinations, inspections, repairs and inquiries as may be necessary for carrying into effect the provisions of this Act.

No action to lie against commissioner or inspector.

(2) No action or other proceedings shall lie against any such commissioner or inspector, his agents or employees for any matter or thing done by them under the provisions of this Act. 1924, c. 75, s. 15.

Liability of persons for contravention of provisions of certain sections.

15.—(1) Every person who contravenes any of the provisions of sections 7, 8 and 13 of this Act or of any of the regulations made under this Act, or who neglects or refuses to carry out any order or direction lawfully given or made under the authority of this Act or the regulations, in addition to any costs and expenses to which he may be liable under the provisions of section 11, shall on summary conviction incur a penalty of not less than \$10 nor more than \$100.

Liability of defendant.

(2) The prosecution of any person under subsection 1 shall not affect the liability of the defendant in any action for damages or otherwise for injuries arising out of any such offence. 1924, c. 75, s. 16.