

1914

## c 250 Natural Gas and Oil Wells Act

Ontario

© Queen's Printer for Ontario, 1914

Follow this and additional works at: <http://digitalcommons.osgoode.yorku.ca/rso>

---

### Bibliographic Citation

*Natural Gas and Oil Wells Act*, RSO 1914, c 250

### Repository Citation

Ontario (1914) "c 250 Natural Gas and Oil Wells Act," *Ontario: Revised Statutes*: Vol. 1914: Iss. 2, Article 80.

Available at: <http://digitalcommons.osgoode.yorku.ca/rso/vol1914/iss2/80>

## CHAPTER 250.

An Act to prevent the Wasting of Natural Gas and to provide for the Plugging of all Abandoned Wells.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Natural Gas and Oil Wells Act*. Short title.  
*New.*

2. Any person in possession, whether as owner, lessee, agent or manager, of any well in which natural gas has been found shall, unless such gas is utilized within two weeks from the completion of such well, in order to prevent such gas from wasting by escape, confine the same in such well until such time as the gas is utilized; but this section shall not apply to any well while it is being operated as an oil well. Duty to prevent natural gas escaping from unused wells.  
7 Edw. VII. c. 47, s. 1.

3. Whenever the owner or any 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 2 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 case of the failure of such person to comply with such notice within ten days from the receipt thereof the inspector shall enter upon the land upon which such well is situate and, either by himself, his agents or employees, shall cause such gas to be shut in and confined in such well. Powers of inspector.  
7 Edw. VII. c. 47, s. 2.

4.—(1) Whenever any well which has been drilled for the purpose of exploring for oil or gas is afterwards 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 such well in such manner as to prevent any fresh or salt water or other injurious substances from entering the oil or gas bearing rock either from above or below such rock. Plugging abandoned wells.  
7 Edw. VII. c. 47, s. 3.

(2) Subject to section 2, every well which, in the opinion of the inspector appointed under section 9, is not in operation When wells deemed to be abandoned.

shall be deemed to be an abandoned well within the meaning of this Act.

Appeal from decision of Inspector. Rev. Stat. c. 26.

(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 mine assessor appointed under *The Mining Tax Act*.

Notice of appeal.

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

Decision of Mine Assessor.

(5) The decision of the mine assessor shall be final and shall not be subject to appeal. 3-4 Geo. V. c. 66, s. 1.

Plug to be inserted in well.

5. In every such case of abandonment, in addition to any other work necessary to the proper plugging of such well in compliance with the provisions of the next preceding section or of any regulations made by an inspector in the manner hereinafter provided, there shall be inserted in such well a round and slightly tapering plug of seasoned wood, not less than three feet in length and of such diameter as to enable it to be firmly driven and to fit tightly at the point where the casing used for the purposes of shutting off water from such well was made to rest. 7 Edw. VII. c. 47, s. 4.

Inspector upon complaint to examine abandoned well and plug same.

6.—(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 in the next preceding section provided, the inspector shall examine such abandoned well and ascertain whether it has been properly plugged according to the provisions of this Act; and in case the inspector determines that such well has not been properly plugged within the meaning of this Act 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, or may serve such notice on all of such persons, which notice shall require such well to be plugged within ten days from the receipt of the notice and shall specify the method and manner 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 either by himself, his agents or employees shall plug or cause such well to be plugged properly according to the provisions of this Act. 7 Edw. VII. c. 47, s. 5.

Stopping leak in well.

(2) Where the inspector is of 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.

(3) In case of default in compliance with such order within ten days after service of the same the inspector may without further notice proceed to plug the well as provided in subsection 1. Proceeding of Inspector.

(4) The expenses occasioned by or incidental to such examination and plugging may be recovered in the manner provided by section 7. Recovery of expenses.

(5) The owner or person in possession or control of the well may, before the expiry of the time fixed by the inspector, appeal from the order to the mine assessor as provided in subsection 3 of section 4, and the decision of the mine assessor shall be final and shall not be subject to appeal. 3-4 Geo. V. c. 66, s. 2. Appeal from Inspector to Mine Assessor.

7. The expenses incidental to or occasioned by the examination and 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 expenses 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 pay to the clerk of the municipality in which such well is situate 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 upon 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 such well is situate or against any other property of the owner of such reserved mineral rights, and such expenses shall be placed upon the collector's roll of the municipality and may be levied and collected in the same manner as other taxes are levied and collected. 7 Edw. VII. c. 47, s. 6. How expenses to be recovered by Inspector.

8. Any person found guilty of a violation of sections 2, 4, 5 or 12 shall incur a penalty of not less than \$10 or more than \$100, in addition to any costs and expenses which he may be liable to pay under the provisions of section 7; but this section shall not affect any right of action for damages for injuries arising out of any matter or thing for which this section provides a penalty. 7 Edw. VII. c. 47, s. 7. Penalty for violation of this Act. Liability not affected.

**9.**—(1) An inspector or inspectors may be appointed by the Lieutenant-Governor in Council from time to time to enforce the provisions of this Act, and assigned to such district or districts as he may deem proper.

Appointment  
of inspectors.

(2) Each inspector shall give such security as the Minister of Lands, Forests and Mines shall require for the performance of his duties and the payment over of all money received by him. 7 Edw. VII. c. 47, s. 8.

Duties of  
Inspectors.

**10.**—(1) It shall be the duty of every such inspector to see that the provisions of this Act are complied with, to keep a record of all work done, notices given, proceedings taken and money received or paid out by him under the provisions of this Act.

Powers.

(2) 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, inspection and inquiries as may be necessary for carrying into effect the provisions of this Act.

No action  
against  
inspector.

(3) No action or other proceeding shall lie against any such inspector, his agents or employees for any matter or thing done by him or them under the provisions of this Act. 7 Edw. VII. c. 47, s. 9.

Regulations  
with consent  
of Minister.

**11.**—(1) Whenever in the opinion of the inspector the conditions of any locality make it desirable he may, subject to the sanction of the Minister of Lands, Forests and Mines, make special regulations respecting the manner of plugging abandoned wells in such locality in addition to or in substitution for the method directed to be followed in this Act.

Scope of  
regulations.

(2) Such regulations may be made to apply to the whole or any portion of the district to which such inspector is assigned, and may be promulgated in such manner as the Minister shall direct, but shall not go into effect until after the lapse of six weeks from the first publication thereof. 7 Edw. VII. c. 47, s. 10.

Declaration  
to be made by  
certain persons  
respecting  
such  
wells.

**12.**—(1) The inspector may by notice in writing delivered to any person who had charge or control of the removal of casing or plugging or abandonment of any well, or who was engaged or employed in removing the casing from or in 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.

Delivery of  
declaration.

(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 material and tools used in plugging the same.

(3) Any person violating the provisions of this section without sufficient cause or excuse shall incur the penalty provided by section 8. <sup>Penalty for default.</sup> 7 Edw. VII. c. 47, s. 11.

**13.** The penalties imposed by or under the authority of this Act shall be recoverable under *The Ontario Summary Convictions Act*. <sup>Recovery of penalties. Rev. Stat. c. 90.</sup>

---