

Questions and Answers

MINERALS AND PRIVATE LAND IN BRITISH COLUMBIA

Mineral Rights

Q.

How do I find out if I own the mineral rights under my land?

A.

It is unlikely that you own the mineral rights under your land. However, this is not an issue for most B.C. homeowners as mining does not occur in urban areas.

If you do want to determine if you own mineral rights to a property, you can carry out the research through the Land Titles and Survey Authority which has offices in Kamloops, New Westminster and Victoria. Contact information and maps showing street locations of the offices are posted on the Authority's website at www.ltsa.ca/ltd_contact.htm

Q.

Can I buy the rights to the minerals on my land?

A.

No, the Province does not sell mineral rights. An interest in provincial mineral rights can only be obtained through registering a mineral claim.

Q.

Can someone register a mineral claim on my land?

A.

Yes, free miners can register claims on Crown or private land. Mineral claims are no longer physically marked on the ground with stakes. Claims are registered electronically on the Mineral Titles Online system at www.mtonline.gov.bc.ca

Q.

How do I know if someone has registered a claim on my land?

A.

You can view a map of your area on Mineral Titles Online, which shows all existing mineral claims. Mineral Titles Online can be accessed at no charge at: www.mtonline.gov.bc.ca

Q.

Can I register a claim on my own land?

A.

Unless you intend to develop minerals on your property there is no reason to obtain a mineral claim. Mineral claims are intended to allow development of minerals and are not to be held for a non-mining purpose. Mineral claims can only be registered by individuals who have obtained Free Miner Certificates from the Ministry of Energy, Mines and Petroleum Resources. Residents of Canada over the age of 18 can acquire a Free Miner Certificate and can then register a mineral claim.

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Q.

What do you have to do to hold a claim?

A.

You would have to pay an initial registration fee and an annual fee to hold a claim. In addition, there is an expectation that exploration and development work will be conducted. If a specified annual work requirement is not met, an additional fee must be paid.

Furthermore, if the Chief Gold Commissioner determines a claim is being held for a non-mining purpose the claim can be cancelled. The Chief Gold Commissioner can also suspend or revoke Free Miner Certificates for non-compliance.

Access on Private Land

Q.

Can a miner come on my land without my permission?

A.

Yes, Free Miners (individuals who have obtained Free Miner Certificates from the Ministry of Energy, Mines and Petroleum Resources) may enter Crown or private land to explore for minerals that are the property of the province.

However, as of June 2, 2008, before a Free Miner accesses on private land they must provide advance notice.

Q.

How will I be notified about an intended entry?

A.

You will receive notification by mail, fax, email or personal delivery. The address used will be the address listed in the British Columbia Assessment Authority records or in the Land Title Office records. If your property is a lease under the *Land Act*, the address used for notice will be the one shown on the Integrated Land and Resource Registry.

Q.

How much advance notice am I entitled to receive before a miner can enter my land?

A.

A miner must wait at least eight days after notice has been served to enter your land.

Q.

What information must the miner provide to me?

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A.

The miner must provide you with a description of what activities will be conducted, where the activities will occur, when the activities will take place and approximately how many people will be onsite.

The notice must also provide the name of the person responsible for the work and the name of the onsite supervisor as well as contact information for both parties.

Q.

Can I refuse to allow a miner to access my land?

A.

No, a Free Miner has the right to enter private land to explore for provincial minerals.

However, Free Miners may not explore for minerals on land that is:

- occupied by a building,
- near a dwelling (the curtilage),
- orchard land,
- land under cultivation,
- protected heritage property, or
- land in a park.

Q.

What if there is any resulting loss or damage to my property?

A.

If there is any loss or damage to your property, the miner must compensate the landowner.

Q.

What if I do not agree with the settlement for loss or damages to my property?

A.

You can apply to the Chief Gold Commissioner for assistance in reaching an agreement on the compensation amount. You can contact the Chief Gold Commissioner through the Mineral Titles Branch at mineral.titles@gov.bc.ca or 1-866-616-4999.

If a settlement still cannot be achieved, one of the parties may apply to the Mediation and Arbitration Board for resolution. The Board will mediate and, if necessary, may impose a binding agreement. The Mediation and Arbitration Board may be contacted at: 310, 9900 -100 Avenue, Fort St. John, B.C., V1J 5S7
Telephone: 250787-3403 Fax: 250787-3228

Additional information on the Board can be found at www.em.gov.bc.ca/subwebs/M&ABoard/