



Mineral Titles

Information Update

No. 16 – Claim and Lease

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This Information Update explains the rights held under a placer claim and placer lease issued under the *Mineral Tenure Act*. Except for the difference between mineral and placer mineral, the rights are identical to those held by mineral claims and leases.

Section 28 of the *Mineral Tenure Act (The Act)* sets out the entitlement of minerals and nature of interest for a mineral or placer claim.

28(1) Subject to this Act, the recorded holder of a claim is entitled to those minerals or placer minerals, as the case may be, that are held by the government and that are situated vertically downward from and inside the boundaries of the claim.

(2) The interest of a recorded holder of a claim is a chattel interest.

Section 14 of the Act sets out the rights pertaining to use of the surface of a claim or lease.

14(1) Subject to this Act, a recorded holder may use, enter and occupy the surface of a claim or lease for the exploration and development or production of minerals or placer minerals, including the treatment of ore and concentrates, and all operations related to the exploration and development or production of minerals or placer minerals and the business of mining.

The rights of the holder of a lease are set out in section 48 of the Act.

48(2) A lease is an interest in land and conveys to the lessee the minerals or placer minerals, as the case may be, within and under the leasehold, together with the same rights that the lessee held as the recorded holder of the claim or group of claims, but is subject to a valid charge registered against the record of the claim.

A **claim** is maintained by registering exploration and development work or making a payment instead of work as required by section 29 of the Act. If this section is not complied with on or before the expiry date of the claim, the claim forfeits to and vests in the government at the end of the expiry date. There is no advance notice of forfeiture of a claim. The exploration and development registered to maintain a claim is subject to challenge under section 40(1)(b) of the Act for a period of one year from the date of the registration of the work.

A **lease** is maintained by payment of the annual rent. If the rent is not paid by the expiry date, a notice of the rent due is sent to the recorded holder, providing 30 days for payment. If not paid, the lease may be ordered forfeited by the Chief Gold Commissioner. Forfeiture is not automatic. Leases cannot be challenged [see section 51 of the Act].

A **lease** has a set term, and the Act provides that the lessee has the right to one or more further terms provided the lessee complies with the Act, regulations and the conditions of the lease, and the Chief Gold Commissioner is satisfied that the lease is required for a mining activity.

Note: The above rental and term extension provisions only apply to a placer lease issued under the Mineral Tenure Act. They do not apply to a "PL" issued under the former Mining (Placer) Act.

In the event of a discrepancy between this information and the provisions in the *Mineral Tenure Act* and Regulation, the provisions in the statute and regulations will apply.

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