

## Frequently Asked Questions: Claims

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## 1. What rights does a Free Miner have?

As a holder of a Free Miner Certificate, you have certain rights set out in the [Mineral Tenure Act](#) and [Mineral Tenure Act Regulation](#). A free miner has the right to acquire and hold mineral titles, which acquire the subsurface rights that are available at the time of acquisition. These rights come with responsibilities. For more information, please refer to [Information Update #1 - Free Miner Certificate](#).

## 2. What is the difference between Mineral and Placer?

[Mineral](#): means an ore of metal, or a natural substance that can be mined, that is in the place or position in which it was originally formed or deposited or is in talus rock.

[Placer Mineral](#): means ore of metal and every natural substance that can be mined and that is either loose, or found in fragmentary or broken rock that is not talus rock and occurs in loose earth, gravel and sand, and includes rock or other materials from placer mine tailings, dumps and previously mined deposits of placer minerals.

## 3. I have a claim but I am not sure what I can mine for?

A mineral title is granted the available subsurface rights at the time of issuance. It is up to the recorded holder to determine what rights were available and acquired by their title.

A mineral title acquires the available mineral or placer mineral rights as defined by the *Mineral Tenure Act* except for any rights currently held by other previously issued valid tenure.

Example, a free miner may acquire a mineral tenure that is partially or wholly over a valid existing crown grant. The free miner researches and determines the crown grant holds the rights to the gold and silver. Therefore, the overlying mineral tenure holds all minerals as defined by the *Mineral Tenure Act* except the gold and silver.

## 4. Does a mineral or placer title give me the rights to the sand and gravel?

No. [Sand and gravel](#) is not defined as a mineral under the *Mineral Tenure Act*. You will need to apply for a *Land Act* tenure to acquire the rights to sand and gravel. Contact any of the [FrontCounter BC offices](#) that are situated throughout the province and they can assist you with this process.

## 5. Am I allowed to build a cabin on my claim?

No, you are not allowed to build a cabin on your claim. You may contact your local [permitting office](#) for further information.

## 6. How do I acquire claims?

[Acquisition](#) of mineral claims is done using an online application called [Mineral Titles Online](#) (MTO). [Step-by-step instructions](#) are available via our branch [MTO Help documents](#) website.

## 7. How many cells can I include in one claim?

The [Mineral Tenure Act](#) allows you to select single or multiple adjoining grid cells. Clients are limited to 100 selected cells per submission for acquisition as one claim. The number of submissions is not limited, but each submission for a claim must be completed through to payment before you can commence another registration.

## 8. What is the size of a cell?

Cells range in size from approximately 21 hectares (457m x 463m) in the south to approximately 16 hectares at the north of the province. This is due to the longitude lines that gradually converge toward the North Pole.

## 9. Can the Mineral Titles office send me the details of my new claim?

No. MTO is available to the public. Clients and others can use many of the search tools available. [Step-by-step search instructions](#) are available from our branch website.

## 10. At what time of day will claims forfeit?

All claims, whether they are existing legacy claims or new cell claims, forfeit at [midnight](#) (which is the end of the day) of the expiry (anniversary) date.

## 11. My claim forfeited last night. What happened? How can I get it back?

In order to keep a claim in good standing, exploration and development work or payment instead of exploration and development must be registered and payment received by MTO before midnight of the good-to-date of the claim. If either of these registrations is not completed, the claim forfeits at the end of the day on the expiry date of the claim.

Should your claim forfeit you can view the mineral or placer map in MTO to see if the aforementioned ground is still available. If available you can re-acquire the cell(s) as a new claim.

Note: The ground covered by the forfeited claim will not be available until 10am on the morning following forfeiture. For more information please review [Information Update No. 30](#). For more information on how to acquire a claim, refer to the [FAQ: How do I acquire claims?](#)

## 12. What time does cell claim registration commence after the forfeiture of a prior title over that ground?

When an existing cell claim forfeits (at midnight), the cell is open for registration at 10:00:01am the following day. Please review [Information Update No. 30](#) for more information. Where a

legacy claim forfeits, the overlying cell is likewise immediately open for registration unless the cell was previously acquired.

### **13. Will the time change due to the Mountain Time Zone, or if I am elsewhere in a different time zone?**

Our system has a clock that clients will view on all Mineral Titles Online (MTO) screens. This is referred to as the "[server clock](#)." The [server clock](#) is based on Pacific Standard Time.

### **14. How do I transfer claims?**

There are two parts to transferring a mineral title for which step by step instructions are available from the **MTO Help Guide**: (1) [Initiation of bill of sale](#) and (2) [completion of a bill of sale](#).

The seller registers a Bill of Sale Initiation and the purchaser must complete the Bill of Sale Completion within 30 days after the initiation or the Bill of Sale will have no effect and will be deleted and revert back to the seller. The transfer of ownership in a mineral title takes effect on acceptance and completion of the registration of the transfer.

### **15. Is it possible to transfer mineral titles to a family member who also has a free miner's certificate?**

Yes, please see our FAQs for '[How do I transfer claims?](#)'

### **16. I am purchasing a claim from someone, what should I look for before I complete a Bill of Sale?**

Before you register the [Bill of Sale](#) completion in MTO you should consider but not limited to the following:

- Review the Good to Date of the claim

Once the ownership is transferred, it is the new owner's responsibility to make sure exploration and development work (SOW) or payment instead of exploration and development (CIL) is filed in order to keep the claim in good standing.

- Review the [tenure details](#)
  - Look for a Statement of Work (SOW) registration
    - Verify with the owner that the work report for each SOW registration has been submitted and approved. If necessary, email the [Mineral Titles helpdesk](#) with detailed information to help confirm this information. *\*\*Note: If a claim is purchased from an owner that does not have an approved report (including amended reports), the Chief Gold Commissioner may order the [cancellation](#) of all or a portion of the recording of the exploration and development under Section 29 or 33.1 of the Mineral Tenure Act even after ownership has been transferred.*
    - You may wish to request copies of the previously submitted/approved work reports from the current owner for your records

- Look for a Complaint event registration

You may wish to contact the Mineral Titles helpdesk to verify the status of a registered complaint.

### **17. I bought a claim recently but it expired two days later. Why did this happen?**

The expiry date of a claim does not change due to a transfer of ownership. A title that is acquired through a Transfer of Ownership (Bill of Sale) continues to carry its original expiry date with it to the new owner.

### **18. There is a Provincial Park/Protected Area/Reserve over my claim. Am I still allowed to access my claim to work on them?**

It is best to contact the Mineral Titles Branch to inquire before proceeding. No mining activity may be done by the recorded holder until the recorded holder receives the permit, if any, required under [section 10](#) of the *Mines Act* as per [Section 14 \(2\) of the Mineral Tenure Act](#). Your work may be limited depending on the status of the area in question.

### **19. How much does it cost to maintain a mineral or placer claim?**

Section 8 of the [Mineral Tenure Act Regulation](#) describes registering exploration and development for a claim.

As per [section 8\(4\)](#) of the MTAR, The value of exploration and development required to maintain a **mineral claim** for one year is \$5.00 per hectare during each of the first and second anniversary years, \$10.00 per hectare for each of the third and fourth anniversary years, \$15.00 per hectare for each of the fifth and sixth anniversary years and \$20.00 per hectare for subsequent anniversary years.

As per [section 8\(5\)](#) of the MTAR The value of exploration and development required to maintain a **placer claim** for each year is \$20.00 per hectare.

For both mineral and placer, a payment is not required to register exploration and development work.

Section 10 of the [Mineral Tenure Act Regulation](#) describes registering payment instead of exploration and development. The required payment to maintain a **claim** for one year is double the value of exploration and development that would be required to maintain the claim under section 8(4) or (5) for the anniversary year.

### **20. How do I file work on my claims?**

You can register work on one or more claims in one statement of work event in Mineral Titles Online (MTO), as long as the claims are contiguous (adjoining). Crown Grants can be used to make your claim contiguous; however, work performed on a crown grant may not be filed on the claim(s). One report is required for a work program, regardless of the number of claims. The [Mineral Tenure Act Regulation](#) outlines registering exploration and development for a claim.

Mineral Titles Branch has online tutorials on how to record this work from the [MTO Help Documents](#).

The following Information Updates are also useful for filing work:

- [Information Update #8 - Guide to the Evaluation of Physical Work for Assessment Credit on Claims](#)
- [Information Update # 14 - Submitting Exploration and Development Work Reports](#)
- [Information Update #25 - Physical Exploration and Development Work](#)

Depending on the type of work done, a report will need to be submitted:

Physical work report submissions are required 30 days from the date of registration of work in MTO. The physical work report form is available on our website ([Physical Work Report Form](#)). This document, along with a location map of the work performed will need to be submitted.

Technical work report submissions are required 90 days from the date of registration of the work in MTO. [Schedule A](#) of the [Mineral Tenure Act Regulation](#) sets out the requirements for technical report submissions.

As reports are received they are recorded and sent out for review. Mineral Titles Branch does not send out approval notices. However, if a report requires amendments we will contact you. For more information on where to send your report please see [-FAQs: Reports - Where should I send my assessment report?](#)

## **21. Can I record this year's work on my claim if the claim expiry date is already in the future?**

Yes. As per [section 7](#) of the MTAR, Exploration & Development work can be registered within one year of the work being completed. As long as the work is registered within the year of the work being performed any number of registrations is allowed and you can advance your expiry date of your claims up to a maximum of 10 future anniversary years from the current year.

## **22. How are Payment instead of Exploration and Development (CIL) fees calculated?**

The calculation is double the work requirement. The work values are found in Section 8 of the [Mineral Tenure Act Regulation](#), and the Fees are listed in [Schedule B](#).

The fees are also listed in [Getting Started with Mineral & Placer Titles](#). For **placer**, the work value is \$20 per hectare per year. If you are making a Payment Instead of Exploration and Development the cost is double the work requirement, \$40.00 per hectare.

For **mineral** it is also double the work requirement, \$10.00 per hectare for anniversary years 1 and 2, \$20.00 per hectare for anniversary years 3 and 4, \$30.00 per hectare for anniversary years 5 and 6; and \$40.00 per hectare for subsequent anniversary years.

### **23. Can I change the name of my claim?**

No. Once you have named your claim (legacy or cell) in the original acquisition process, there is no capability to change this name.

### **24. I converted my legacy claims to cell claims; can I give the new claim a name?**

No, you cannot assign a claim name through a conversion nor does MTO carry forward a claim name from the claim being converted.

### **25. What are the pros and cons of converting my claims?**

Please review [Information Update #13 - Legacy Claim Conversion to Cell Claim](#). Contact the Mineral Titles Branch if you have any questions or concerns before you register a conversion. A conversion registration cannot be reversed.

### **26. What are the pros and cons of reducing my claims?**

Review [Section 6 of the Mineral Tenure Act Regulation: 'Reduction of Cell Claims'](#). In addition, review [Information Update number #24](#) referring to the cell status after abandoning a claim, as the same policy applies to claims that are reduced.

Pros:

1. The client has made the decision to no longer hold the acquired ground covered by the specific cells subject to the reduction. The claim title will be reduced upon completion of the reduction event and all rights associated with the cells will cease.
2. There is no fee for the submission of this event.

Cons:

1. The recorded holder of a cell claim may reduce the size of the claim in increments of whole cells.
2. Reductions can only be submitted on cell titles registered on the Mineral Titles Online system. Reductions cannot be registered on Legacy tenures, or titles registered prior to the Mineral Titles Online system.

The reduced cells are not immediately available for acquisition.

### **27. I amalgamated my claims and then I tried to apply the work I did on the old claims but the system is not allowing me. How can I apply this work?**

Refer to [Information Update #21 - Amalgamation of Cell Claims](#). Exploration and development work performed on the cell claims prior to the registration of the amalgamation cannot be registered after the amalgamation is completed. Work must be registered on the cell claims prior to the amalgamation. An amalgamation cannot be cancelled.

### **28. How do I register a document or notice on a mineral or placer claim(s), or lease(s) and what do I need to provide?**

As per [Section 13 of the Mineral Tenure Act Regulation](#), a document or notice can be submitted **with payment** to the office of the Chief Gold Commissioner. A copy of the document must be

provided for registration and must include a schedule or list of the good standing title numbers. The recorded holder of the titles must be noted in the document or notice.

There is a registration fee of \$10.00 per tenure. Payment is by cash or cheque only. Cheques should be made payable to the Minister of Finance.

**29. How do I find out the nature of an encumbrance filed against a title?**

If you wish to view encumbrance information you can do a search on the claim and view the tenure events. Click on the event number to get the event details. To see the actual encumbrance document, please contact [Mineral Titles](#) with the event number.

**30. Can I put my son's name jointly with my name on my claims so that in the event that I die the claims would go into his name?**

A claim can have multiple recorded owners as long as each recorded holder is a free miner. However, your percentage of interest in a claim will not automatically transfer to your son should you pass away.

Ensure your Will is up to date and that your Will indicates your titles are to go to your son. Upon death, all assets go to your Estate. Upon receiving a copy of your death certificate and Will (hopefully in a reasonable time), Mineral Titles Branch transfers your titles to your Estate. Upon receiving a written request from the executor of the Estate, branch staff will transfer the titles accordingly.

**31. My father has just passed and he owns a mineral claim; what do I need to do to keep the claims in good standing?**

Please submit a copy of the death certificate, the Will, and the contact information for the executor or administrator of the estate to [Mineral Titles](#) by email at [Mineral.Titles@gov.bc.ca](mailto:Mineral.Titles@gov.bc.ca) or by fax at (604) 660-2653.

The date of death of the recorded holder and the current status of the title will determine what action is needed. Our office will advise you on the necessary requirements to keep the status of the claim(s) in good standing.

**32. In case of death, is it possible to will those mineral claims to another family member who has a free miner's certificate? How?**

Yes. Upon the current recorded holder passing away, a family member or friend must submit the Certificate of death, a copy of the Will, and contact information for the executor or administrator of the estate to Mineral Titles. Mineral Titles will transfer all valid tenures of the deceased into the estate. The executor or administrator of the estate may then request the transfer of the tenures to an indicated free miner... Please see FAQ '[How do I transfer claims?](#)'

### **33. Am I allowed to bring children onto my claim?**

No. In order to qualify for a Free Miner Certificate a person must be at least 18 years of age. Children under the age of 18 are ineligible to be free miners and therefore may not enter onto a claim.

### **34. What is the difference between "Owned Tenure" and "Located Tenure"?**

*This message is shown when I perform a search and view the client details. Then, when I click on the Located Tenures link a message appears that reads "Sorry, there's no matched tenures found."*

Owned tenure refers to the owner of a claim. Prior to Mineral Titles Online, free miners used to stake (i.e. locate) claims in the field. They could also locate the tenure on the owner's behalf. The located tenure is used on legacy claims. The error message is received because there are no longer any valid 'located' claims.