

Frequently Asked Questions: Private Property

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1. Do I own mineral rights with my land?

Most private land owners do not own the mineral rights under the surface of their property. In some rare cases, as in [Crown Granted 2-post Mineral Claims](#), a surface owner may have rights to both the surface and subsurface. For more information, please review [Information Update #7 - A Guide to Surface and Subsurface Rights and Responsibilities in British Columbia](#).

2. How can I acquire the mineral or placer rights associated with my private property?

As long as the area in question does not fall within a [No Registration Reserve](#) or, for placer, if the area is within a [designated placer claim area](#), acquiring a mineral or placer claim over private property is the same process as on crown land.

It is suggested that you review [section 11](#) of the *Mineral Tenure Act* as there are defined circumstances where a free miner is not granted the right of entry. Additionally, you should note that the purpose of acquiring a claim is to explore for and develop the minerals. Please also review:

- [FAQ: Claims – What is the difference between Mineral and Placer.](#)
- [Section 40 \(1\)\(c\) of the Mineral Tenure Act](#)
- [Section 10 of the Mineral Tenure Act](#)
- [Information Update #7 - A Guide to Surface and Subsurface Right and Responsibilities in British Columbia](#)
- [Information Update #29A - Notice Requirements for Exploration and Development or Production of Coal](#)
- [Information Update #29B - Notice Requirements for Mining Activities on Private Land and Land Act Leases](#)

For a detailed explanation of how to acquire a claim please see the [Acquiring/Registering Claims](#) section of the branch website.

3. I own private property, how can I find out if a claim is over my property?

Go to the [MTO website](#) and open either the 'Mineral Map Viewer' or the 'Placer Map Viewer'. Mineral and Placer are two different types of tenure and therefore must be looked up separately. [Navigate](#) to your private property and look to see if there is a mineral title over it. Mineral titles are identified by a mauve/magenta (pink) color.

4. Can anyone come on my property and start mining without my permission?

A person must serve notice to the owner of the surface before conducting any exploration or mining activity on private land. [Section 11 of the Mineral Tenure Act](#) and [Section 19 of the Mineral Tenure Act](#) explain restrictions and details on how notice is served and how disputes may be resolved regarding Right of Entry on private land. The Land Owner Notification legislation came into effect on June 2, 2008. The Mineral Titles Branch has a very detailed website with this information: [Land Owner Notification](#).

5. A miner came onto my property and said that he was going to dig a hole. How do I stop him?

A free miner cannot come onto your property without first notifying you. The free miner is also liable to the land owner for any damage that may occur. Please see [Section 11](#) and [Section 19](#) of the *Mineral Tenure Act* for details. The [Land Owner Notification](#) legislation came into effect on June 2, 2008.