



Mineral Titles

Information Update

No. 29b – Notice Requirements Prior to Entry on Private Land and *Land Act* Leases

Revision Date: April 6, 2021

[Section 19](#) of the *Mineral Tenure Act* (the Act) requires a person to serve notice to the owner of the surface of land before any access or mining activity is proposed. An owner of the surface includes any person other than the Government and includes the owner of a lease of Crown land.

Service of the notice must be in accordance with [Section 2.1 of the Mineral Tenure Act Regulation](#) (the Regulation). The costs associated with service of notice may be claimed as part of any exploration and development activity undertaken, and as outlined in Sections 7(2.1) and 7(3) of the Regulation.

The [Regulation](#) specifies that a recorded holder must not begin a mining activity until eight days after serving notice. The mining activity must be completed within 12 months of serving notice. The notice must state:

- Name, address, and contact information of the recorded holder;
- Name, address, and contact information of the person responsible for on-site operations;
- Map, or written description, indicating where the planned work is going to occur;
- Specific dates on which the proposed work will occur;
- Description of the work that will occur; and
- Number of people expected to be working on site where the mining activity occurs.

If there are substantial changes to proposed work described in a notice, or if the dates in which the work will occur change by more than seven days, the recorded holder must serve an amended notice. Work related to the amended notice must not begin until eight days after the amended notice has been served.

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.

Ministry of Energy, Mines and Low Carbon
Innovation
Mineral Titles

4th Floor, 1810 Blanshard St. (*by appt. only*)
PO Box. 9322 Stn Prov. Gov't
Victoria, BC V8W 9N3
300 – 865 Hornby Street
Vancouver, BC V6Z 2G3

Telephone: 1-866-616-4999

Fax: 604-660-2653

Email: Mineral.Titles@gov.bc.ca

www.mineraltitles.gov.bc.ca

Prior notice must be served to the owner of the surface of any land that will be accessed as part of any proposed exploration and development activity.

Notices must be served by mail, e-mail, by facsimile transmission or hand delivered to the surface owner.

The requirement to serve notice does not relieve the requirement to obtain any necessary permits to conduct mining activity that may be required under the *Mines Act* or other statutes.

Mining Activity - means any activity related to:

- (a) the search for a mineral or placer mineral,
 - (b) the exploration and development of a mineral or placer mineral, or
 - (c) the production of a mineral or placer mineral,
- and includes the reclamation of a previously mined area and the monitoring and long-term protection, control and treatment of a previously mined area:

If a person has made reasonable efforts to [serve notice](#) but has been unsuccessful in doing so, the Chief Gold Commissioner may exempt a person from the requirement to serve prior notice. A person seeking an exemption must apply in writing to the Chief Gold Commissioner and provide evidence supporting their application. A form that may be used for applications is available at:

<http://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/mineral-exploration-mining/documents/mineral-titles/notices-mineral-placer-titles/landowner-notification/mineraltitlesbc-landownerexemptionform.pdf>

Costs related to determining the ownership of land and serving notice may be used to satisfy exploration and development work requirements on claims. The costs may be registered on the claims for which the land ownership and notice work was done. If the work is in respect of land on which claims do not exist, the work may be registered on claims which are subsequently registered in the land.

Following is a link to a web page with tools and detailed information on landowner notification including private land and *Land Act* lease identification and how to identify and contact landowners. These tools may be accessed at:

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This document is for information purposes only and does not constitute legal advice. In the event of any conflict between this document and the Mineral Tenure Act and the Regulation or any other legislation, the authority and provisions of the legislation prevail.

<http://www2.gov.bc.ca/gov/content/industry/mineral-exploration-mining/mineral-titles/news-notices-announcements/notices-mineral-placer-titles/landowner-notification>

A detailed Factsheet with information on resolving landowner disputes, the role of the BC Surface Rights Board and a Free Miner's rights and obligations is available at:

https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/mineral-exploration-mining/documents/mineral-titles/notices-mineral-placer-titles/landowner-notification/factsheet_lon_miners.pdf

If you have further questions, please contact Mineral Titles Branch.

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