



Mineral Titles

Information Update

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

Revision Date: March 22, 2019

MINERAL TENURE ACT AND MINERAL TENURE ACT REGULATION

Changes to the *Mineral Tenure Act* (the Act) and the Mineral Tenure Act Regulation governing notice requirements for mining activities on private land and *Land Act* leases came into force on June 2, 2008.

In March 2007 the Legislature approved amendments to Section 19 of the *Mineral Tenure Act* (Act) that require a person to notify landowners before entering private land **prior to conducting any proposed mining activity**. The Act amendments extend notice requirements to include holders of *Land Act* leases and provide authority to make regulations that prescribe the timing and details of the notices. Additional changes to the Mineral Tenure Act Regulation (the Regulation) allow costs related to serving notice to be used to satisfy work requirements for claims. Amendments to the Act and the Regulation took effect June 2nd, 2008.

The [Regulation](#) specifies that a recorded holder must not begin exploration and development or production work until eight days **but within 12 months after** giving 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;
- Dates on which the work will occur;
- Description of the work that will occur; and
- Number of people expected to be working on site.

If there are substantial changes to proposed work described in the notice, or if the dates in which the work will occur changes 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 given.

Notices may be mailed, e-mailed, sent by facsimile transmission or hand delivered to the owner. If the owner is the government, notice must be given to the Chief Inspector of Mines. Be aware that provision of notice does not obviate the need to obtain any permits that may be required under the *Mines Act* or other statutes.

Where 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 notice requirement. A person seeking exemption must apply in writing to the Chief Gold Commissioner and provide evidence supporting the application. A form that may be used for applications is available at:

¹ 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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Mineral Titles

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<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 area.

The province has prepared online tools to help Free Miners determine the location of private land and *Land Act* leases and contact information for land owners. These tools may be accessed at:

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

Details on functions and use of the online tools are included in the Factsheet entitled:
INFORMATION FOR FREE MINERS AND MINERAL TITLE HOLDERS, NOTICE FOR ACCESS ON PRIVATE LAND.

This Factsheet also details the changes to the Act and Regulation, describes the rights and obligations of free miners regarding access to private land and suggests methods for determining land ownership and serving notice on landowners. The Factsheet is available on this website:

http://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

For more information please contact Mineral Titles Branch.

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 will always prevail.