



# Mineral Titles *Information Update*

## No. 29b – Notice Requirements for Mining Activities on Private Land and *Land Act* Leases

Revision Date: November 4, 2015

### MINERAL TENURE ACT AND MINERAL TENURE ACT REGULATION

**Changes to the *Mineral Tenure 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 for any mining activity. The Act amendments also extend the 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 (Regulation) allow costs related to serving notice to be used to satisfy work requirements for claims. Amendments to the Act and the Mineral Tenure Act Regulation took effect June 2<sup>nd</sup>, 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 the planned 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 give an amended notice. Work related to the amended notice may 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 may be given to the chief inspector as defined in the *Mines Act*. 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 requirements. 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 <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>

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<sup>1</sup> 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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Costs related to determining the ownership of land and serving notice can be used to satisfy exploration and development work requirements for claims. The costs may be registered on the claims for which the land ownership and notice work was done. If the work is done for land on which claims do not exist, the work can be registered on claims which are subsequently acquired in the area.

The provincial government has prepared online tools to help miners determine the location of private land and *Land Act* leases and contact information for land owners. The 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 **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 miners regarding access to private land and suggests methods for determining land ownership and serving notice on landowners. The Factsheet is available on our 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\\_on\\_miners.pdf](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_on_miners.pdf)

For more information contact Mineral Titles.

*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 regulation or other applicable legislation, the provisions of the legislation will always prevail.*