



# Mineral Titles *Information Update*

## No. 6 – Applying for a Placer Lease

Revision Date: November 4, 2015

A placer claim holder must apply to convert a placer claim to a placer lease if the holder wants to produce more than 20,000 m<sup>3</sup> of pay dirt in any year. Title to a lease is only issued when the ground and title to be held by the leaseholder has been verified to a higher standard than that required for a claim. This is typically accomplished by conducting a professional ground survey. As the decision to issue a lease has the potential to impact First Nations rights and title, consultation and possible accommodation with potentially impacted First Nations is required as input prior to a decision to issue a lease.

There are two types of placer claims, legacy and cell. Legacy claims are those that were acquired by locating (staking) on the ground. Cell claims are those that are acquired by map selection through Mineral Titles Online, which was implemented on January 12, 2005.

### 1. PREPARATION

If your placer claim(s) that you wish to apply for a lease are in a placer lease designated area, log on to Mineral Titles Online (MTO) and register an application for a placer lease on the legacy and/or cell placer claims. There is a non-refundable registration fee of \$100 per application.

There is no limit to the number of adjoining placer claims that can be taken to a lease, but the ownership of all titles must be identical, i.e., each placer claim in the group must be held by the same recorded holder(s) and in the same percentage.

After a placer lease application is registered in MTO, Mineral Titles Branch will conduct a review of the area and provide the applicant with a technical plan of the proposed lease area.

The applicant needs to review and confirm their agreement on the boundary of the proposed lease area by dating and signing and returning the technical plan to the Mineral Titles Branch.

Once the dated and signed technical plan is returned to the branch and approved by branch staff, Mineral Titles will proceed with processing the application, including First Nations consultation.

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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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**NOTE:** In the event that you subsequently decide to revise the claims related to this application in any manner—such as wanting to include additional titles, amalgamating cell claims, converting legacy claims to cell claims, or transfer any interest in the claims to another recorded holder—it will necessitate a new application. The regulations do not allow for a refund of the application fee(s) paid.

## **2. POSTING AND ADVERTISING OF THE APPLICATION**

After First Nations consultation is complete, Mineral Titles Branch will advise the lease applicant to continue with the lease application process by:

- Arranging for publication of the lease application notice in two consecutive issues, not more than 14 days apart, of a newspaper in general circulation in the geographic area of the lease; and
- Posting, on the ground, a copy of the lease application notice at the physical site location of the application area, and if possible, take a photograph of the posted notice.

Upon completion of the posting and advertising, you must submit the following to the Vancouver Mineral Titles Branch:

- A copy of the full newspaper pages of both newspaper issues containing the published lease application; and
- A photograph of the lease application notice posted at the site location of the lease area, or, a Statutory Declaration stating the date on which you posted the lease application notice on the site.

## **3. ISSUANCE OF THE PLACER LEASE**

Once Mineral Titles Branch is in receipt of the posting and advertising submissions, no contest or challenge is received, and the review of the application is complete, the Chief Gold Commissioner will make a decision on whether or not to issue the lease. If a decision is made to issue the lease, the Vancouver Mineral Titles Branch will prepare the Placer Lease record for signing by the lessee.

Upon return of the signed record, the Chief Gold Commissioner will sign and date the lease for issuance. [Section 45\(2\)](#) of the *Mineral Tenure Act* stipulates that the lease cannot be issued sooner than 28 days after the date of the posting of the Notice.

The lease is issued for a term of up to 10 years and is renewable in accordance with the *Mineral Tenure Act*. The date of issuance of the lease corresponds to the date the record is signed by the Chief Gold Commissioner. This becomes the expiry date (anniversary date)

of the lease. On or before the expiry date each year the lessee must submit an annual rent of \$20.00 per hectare.

**NOTE:** If the rent is not paid on or before the expiry date, a notice is sent to the recorded holder requiring payment that must be registered in MTO within 30 days, or the lease will forfeit by Order of the Chief Gold Commissioner.

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For more information on *Placer Claim and Placer Lease*, please review [Information Update No. 16](#)

For more information on *Mining and Placer Lease Survey Procedures*, please review [Information Update No. 31](#).