



Mineral Titles *Information Update*

No. 7 – A Guide to Surface and Subsurface Rights and Responsibilities in British Columbia

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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.

INTRODUCTION

This guide provides comprehensive information regarding the rights and responsibilities of surface landowners, free miners, and recorded holders of subsurface mineral titles. This guide deals with mineral and placer mineral rights only and must not be taken as relating to other undersurface rights such as oil, natural gas, coal, or sand and gravel or Crown granted or freehold mineral rights.

Throughout this guide, the use of the term “mineral” refers to both mineral and placer minerals, and the term “mineral title” includes mineral and placer claims and leases. The rights with respect to the use of the surface are the same for a mineral title and a placer mineral title, whether issued by a claim or a lease.

The information herein can be used to provide a means for both parties to understand their rights, to potentially assist in resolving issues, and to facilitate in developing any working agreement to the mutual benefit of both parties. Should an agreement not be possible due to the circumstances, then this guide may provide direction for the parties to determine possible alternatives. A mediation and arbitration process is available to provide an independent decision to avoid the commencement of a civil action, and this process will be outlined. Finally, some commonly asked questions and the answers are contained at the back of this guide for the reader's convenience. References to offices in your area that you may need to contact are also included.

A free miner must understand the different surface and subsurface rights that exist in their area of interest, prior to applying for a claim. This can be done by using the Mineral Titles Online map (<https://www.mtonline.gov.bc.ca/>). Once your claim application is approved and a title is issued, it is important to review the [Title Overlap Report](#). The recorded holder or free miner must also take steps to ensure they know their location in the field when conducting activities. Understanding the relationship between exploration activities and surface/subsurface rights is crucial for complying with the legal requirements set out by the Mineral Tenure Act, Mining Right of Way Act and other legislation.

It is important to note that this guide is not a legal document but rather an explanation of existing provisions in the legislation. Therefore, in the event of any conflict between this guide and the text of the applicable Act, the provisions of the statute will always apply. Please refer to the applicable Acts as referenced throughout this guide for specific provisions or requirements.

ALIENATED LAND

As defined in the [Mineral Tenure Act Regulation](#), the following lands are considered ‘alienated’ lands:

- (a) land in a park established under an Act of British Columbia or Canada;
- (a.1) land in a conservancy established under an Act of British Columbia;
- (b) an ecological reserve established under an Act of British Columbia or Canada;
- (c) an area in which mining activity is prohibited under the [Park Act](#) or under an order under the [Environment and Land Use Act](#);
- (d) Indian reserve land;

Mineral claims cannot be registered over alienated land.

UNDERSURFACE RIGHTS IN BRITISH COLUMBIA

Although landowners hold title to property, their Certificate of Title rarely includes what lies beneath the surface. In British Columbia, as in the other provinces, private surface does not include mineral rights. The Government of British Columbia owns and may dispose of subsurface rights to most lands in the province. The critical question asked most often is, "How does the government respect and protect my interest as the owner of the surface?"

Concurrently, the holder of subsurface mineral rights expects the government to regulate access to and development of minerals and subsurface resources. The landowner, the mineral title holder, and the government must often work together to reach an agreement. The government provides for the rights and interests of both surface and subsurface owners and has a responsibility to prevent potential competing interests from compromising one another.

There are three different means by which a person may hold mineral rights in B.C.: freehold, Crown granted mineral claim, and a mineral title.

Freehold means that the mineral rights were granted as part of another tenure such as a surface or railway grant. There are very few freehold mineral tenures in BC, however there are significant freehold rights assigned to coal. Freehold coal rights were assigned as part of surface grants in the late 1800s when railways were first developed in BC.

A **Crown granted mineral claim** is a tenure that was originally staked as a mineral claim that was subsequently surveyed and issued as a Crown granted mineral claim. The last Crown granted mineral claims were issued in 1957. A Crown granted mineral claim holds the mineral rights either as specified in the actual grant or as were defined as "mineral" in the existing Mineral Act in force at the time of issuance of the Crown grant. The Crown grant is maintained by payment of an annual assessed mineral land tax which is administered through the Mineral Land Tax Act. Assessment work carried out on a Crown granted mineral claim may be subject to the provisions of the Mines Act.

Mineral Title means a claim or lease issued and maintained under the Mineral Tenure Act

and its predecessor Acts (the Mineral Act and the Placer Mining Act) and these are by far the most prevalent form of title to minerals. The only method of acquiring new mineral rights today requires an application to acquire a cell claim. A claim is an exploration and development tenure, and a recorded holder may convert a claim to a lease to carry out production mining. Information on the methods of claim and lease application, acquisition, and maintenance may be viewed on the Mineral Titles website. This guide deals with the rights and responsibilities of the surface owner and the subsurface mineral title holder where this subsurface right is granted by a mineral or placer claim or lease.

Treaty Rights: [Treaties](#) such as the Nisga'a Final Agreement have provided that the First Nation will own all mineral resources on their treaty lands, and so are excluded from areas where either a mineral or placer claim can be registered.

THE RIGHTS AND RESPONSIBILITIES OF A PROPERTY TENURE HOLDER

Surface rights and subsurface rights are separate and distinct in British Columbia, as they generally are in other provinces. The rights associated with private property are essentially those which were conveyed in the original Crown grant when title was passed from the government to the original owner or grantee. Whether land is privately owned or is held through some other form of tenure, the right to the occupation of the surface was originally granted by the government on behalf of the Crown, hence the term "Crown grant". Unless otherwise excluded in the property title, the landowner is entitled to soil and the sand and gravel on the property.

A landowner in British Columbia has a secure or indefeasible title, which means that it cannot be defeated, revoked, or made void, subject to any existing conditions which are contained in the original Crown grant. In normal circumstances when granting title, the government reserves the right to the subsurface which may include the rights to coal, petroleum, natural gas and all minerals, both base and precious. The rights to these substances may be granted by the government separately under other legislation specific to those resources.

Property owners generally have an inalienable right to the surface of their land which provides the exclusive right to use the land as they wish, subject to any law governing land use (i.e. Municipal Act for zoning) and those rights reserved or withheld by the government. A surface owner's rights are primarily defined by the Land Act. It is important to note that, in most cases, a surface owner is obliged to represent their rights to others independently, or through a solicitor or an appointed agent. This representation can take many forms and probably the most common is through the posting of signs or fencing to provide notice of the status of the land. A person, who disregards the rights of a landowner and enters private land without authority, may be in trespass, subject to the

Trespass Act. In civil matters, policing authorities or government agencies have little or no jurisdiction to enforce the law, in the absence of a legal order.

A free miner (or an agent or employee) who is exercising a right under the Mineral Tenure Act, is entitled to enter private lands, provided those lands are “mineral lands” as defined in [section 1 of the Act](#), subject to the restrictions in section 11(2) of the Act, and without being in contravention of the Trespass Act.

THE RIGHTS AND RESPONSIBILITIES OF A MINERAL TITLE HOLDER

The rights and responsibilities of persons involved in the exploration, development, and production of minerals, including the [application for acquisition](#) and [maintenance](#) of mineral titles, are defined in the [Mineral Tenure Act](#). The exercise of these rights is entirely predicated on having a lawful and legitimate mining intent.

To exercise some rights under the Mineral Tenure Act, a person, whether an individual or a corporation, must first obtain a [Free Miner Certificate \(FMC\)](#). Being a “free miner,” or one who holds a valid FMC, carries both rights and responsibilities.

The interest of a recorded holder of a mineral claim issued pursuant to the Mineral Tenure Act is a chattel interest and therefore cannot be registered as an interest in real property. This explains why mineral titles do not appear on the title search issued by Land Titles. It is necessary to check the [Mineral Titles Online \(MTO\)](#) map to determine the existence of a mineral title over specific ground.

All mineral claims are valid for one year after recording; the “good to date” of a mineral title is the “expiry date” in MTO. To [maintain a claim](#) the recorded holder must, on or before the expiry date of the claim, either:

- (a) perform, or have performed, exploration and development work on that claim and register such work online; or
- (b) register a payment online instead of exploration and development work.

Only work described in the Mineral Tenure Act Regulation is acceptable for [registration as assessment credit](#) on a claim. The necessary approvals and [permits under the Mines Act](#) must be obtained, and [notice provided to the landowner](#) before any disturbance of the surface of the ground is performed by, or on behalf of, the recorded holder.

RIGHT OF ENTRY AND SURFACE USE OF LANDS BY A FREE MINER

[Section 19](#) of the Mineral Tenure Act requires a person to [notify an owner](#) of land before entering private land for any mining activity. The Act also extends the notice requirements to include holders of Land Act leases and provides the authority to make regulations that

prescribe the timing and details of the notices. The Mineral Tenure Act Regulation allows costs related to serving notice to be used to satisfy work requirements for claims.

A free miner has the right under [section 11\(1\)](#) of the Mineral Tenure Act to enter upon all “mineral lands” in order to explore for minerals. “Mineral lands” are defined in [section 1](#) of the Act as those lands where the mineral rights are reserved to the government. As previously noted, the right to the minerals on almost all privately-owned land is reserved to the government; therefore, most private land is deemed to be “mineral lands.”

[Section 11\(2\)](#) of the Act stipulates that the right of entry on mineral lands does **not** extend to land which is:

- occupied by a building
- the curtilage of a dwelling house
- orchard land
- land under cultivation
- land lawfully occupied for mining purposes, except for the purposes of exploring for and locating of minerals or placer minerals as permitted by the Mineral Tenure Act
- protected heritage property, except as authorized by the local government or minister responsible for the protection of the protected heritage property
- land in a park, except as permitted by section 21

By rendering past judgments in cases requiring an interpretation of section 11, the Courts have provided clarification in situations where the surface is being used. Such precedents may inform the interpretation of section 11(2) of the Mineral Tenure Act. Therefore,

- “land occupied by a building” can be interpreted as the land directly beneath the land occupied by a structure permanently affixed to the ground.
- “curtilage of a dwelling house” is the area around a residence that is used by that residence or dwelling, and has been interpreted as generally being a 75 metre distance around a residence where the land is defined by gardens, lawns or other clear sign of use by that residence.
- “Orchard land” and “land under cultivation” have been described as lands which are producing a crop or are in a state of being cultivated.

MINING RIGHT OF WAY ACT

Recorded holders of mineral claims may need rights of way to construct and maintain mining facilities and to transport minerals or equipment and supplies to and from their mining property.

The [Mining Right of Way Act](#) provides for the right of a recorded holder to use access roads owned by a person or to use existing roads on Crown land or private land for the purpose of gaining access to a mineral title. Existing roads must have been built under the Mining Right of Way Act or another Act. Where the existing road was not built under the Mining Right of Way Act but under a different act, the recorded holder must compensate the owner or operator of the road in an amount or manner agreed on or settled between the parties. Where there is a deemed owner of an access road, the owner may require a reasonable payment in respect of the maintenance costs of the access road.

The Mining Right of Way Act also provides a recorded holder with the right to take and use private land for the purpose of securing a right of way, whether across, over, under or through the land. If the surface owner does not provide consent and the recorded holder and surface owner cannot agree, the [Expropriation Act](#) applies. For the recorded holder to take or use private land, they must additionally submit a plan for the Minister's approval before they can proceed.

The Mining Right of Way Act also addresses the issues of ownership of facilities placed in a right of way, the industrial and non-industrial use of access roads, and the consent needed to connect a road built under the Act to a forest service road.

It is important to understand that the above rights are not exclusive, in that they may be subject to other prior rights such as those of a property owner.

PRIORITY OF RIGHTS

[Section 14](#) of the Mineral Tenure Act provides a recorded holder of a mineral title with the right to use the surface of the claim or lease for the exploration and development or production of minerals and all operations related to the business of mining.

[Section 16](#) of the Act addresses the issue of priority of rights between surface and sub-surface holders. A disposition of surface rights prior to the registration of a claim over the same land has priority over a claim subsequently located on that land. It is the responsibility of the surface disposition holder to determine if or how their rights may be impacted by a subsequent registration of mineral rights.

In the case of a disposition of the surface of land over which there exists a valid mineral title, the rights of the recorded holder of the mineral title are not diminished except to the extent determined by order; for example, the Surface Rights Board has the authority to reduce the right of the mineral title holder when a surface title is granted subsequent to the mineral title. When a surface title is so granted, the Ministry of Forests, Lands, and Natural Resource Operations may require the applicant to obtain a quit claim or release

from the recorded holder, and if not granted, the surface rights may only be disposed of when the grantee has given an indemnity to the Crown.

Should the use of the surface change to one of the aforementioned categories which are excluded from a mining activity under [section 11\(2\)](#), subsequent to a mineral claim being issued in the area, the area may be excluded from mineral exploration if no active exploration is occurring or no significant activity is planned. For example, if a home were constructed in an area previously open for mineral exploration under which an existing mineral claim is located, the claim area would then become subject to the “curtilage of a dwelling” restriction and would be exempt from right of entry for exploration and development. This situation could, however, become the basis for a disagreement between the parties involved, and the provisions of section 19 of the Act could apply (refer to “Reaching a Settlement” and “Dispute Resolution/Mediation and Arbitration” sections following).

NOTICE OF WORK AND RECLAMATION PERMIT APPLICATION PROCESS

All mining activity related to the exploration, development, and production of minerals on a claim or lease must be carried out in compliance with the Mines Act. A [Notice of Work and Reclamation application](#) must be made to the Chief Permitting Officer of Mines for any proposed mining activity pursuant to [section 10](#) of the Mines Act. No disturbance of the ground or any excavation can be carried out on a claim or lease without a valid Mines Act permit. A Mines Inspector will review the proposed work and reclamation, and if the Notice of Work contains activities which may impact other resources, it is referred to other government agencies, and any other interested parties for their review. A decision to issue a Mines Act permit (i.e. Notice of Work) is a statutory decision which requires consultation with potentially impacted First Nations, in fulfillment of [Section 35 of the Constitution Act](#) of Canada. A Mines Act permit may be issued upon approval of a work and reclamation program with terms and conditions that must be complied with. A Mines inspector may require a security deposit to ensure reclamation of the surface.

[Section 19](#) of the Mineral Tenure Act specifies that a person must not begin a mining activity until eight days after giving notice to the owner of the surface area where the activity will take place. The notice must state when the activity will occur and include the names and addresses of the free miner or recorded holder and of the on-site person responsible for the mining operation. The notice must also describe the activity that will be conducted, state approximately how many people will be on site and include a map or written description of where the activity will take place. Notices may be mailed, e-mailed, sent by facsimile transmission or hand delivered to the surface owner.

If there are substantial changes to the activity described in the notice, or if the dates in which the work will occur changes by more than seven days, the person must give a surface owner an amended notice. Work related to the amended notice may not begin until eight days after the amended notice has been given.

Private landowners have the right to negotiate their own agreement with the mineral title holder under section 19 of the Mineral Tenure Act. If the title holder and a surface owner are unable to reach an agreement, either party may apply to the Chief Gold Commissioner under [section 19\(3\)](#) of the Act. This process is outlined below.

SECURITY AND COMPENSATION

As part of a negotiated agreement between a surface owner and a recorded holder, reasonable security may be required from the recorded holder, especially where surface disturbance of the property is intended. The two parties may mutually agree on any amount, but in cases where agreement cannot be reached the Chief Gold Commissioner may be able to provide advice and guidance under the provision of section 19(3) of the Mineral Tenure Act.

[Section 19\(2\)](#) of the Mineral Tenure Act establishes the liability of a free miner or recorded holder or anyone acting under the authority of a recorded holder to provide compensation to the owner of a surface area if loss or damage to the property is caused by the entry, occupation or use of that area by, or on behalf of, a free miner or recorded holder for the exploration and development or production of minerals from a claim or lease. The amount of compensation is normally determined by mutual agreement between the parties involved by assessing the extent of the damage or loss and making a reasonable determination of the value of the loss to the surface owner. If the parties are unable to agree, application may be made to the Chief Gold Commissioner under [section 19\(3\)](#).

[Section 6\(2\)](#) of the Mining Right of Way Act also provides for owners of roads and rights of way to be compensated by a person who is using the road or right of way across private land in order to access a mineral title. The deemed owner of an access road may require a reasonable payment from that person in respect of the actual maintenance costs of the access road and may also require a reasonable payment to reimburse the owner for actual capital costs incurred by the deemed owner to accommodate any special needs of the person who has taken the right.

REACHING A SETTLEMENT

Whether a person is a surface owner or the recorded holder of a mineral title, the first step in the process of dealing with another interested party is to determine the facts and

obtain information about the respective rights of the other party. The following steps are therefore suggested:

1. Determine the surface and/or subsurface status of the area

A review of the MTO map should first be conducted to determine if a mineral title underlies the property. If a search reveals that a mineral title partially or wholly underlies the property, a tenure search online will ascertain the name and address of the recorded holder.

2. Research the title

A surface owner may want to determine if there are exploration and development programs which have been previously undertaken or are being proposed. Information relating to previously registered work on an existing mineral title is available from the Mineral Titles office in Vancouver. The applicable [Regional Mines office](#) will have information regarding both current and proposed mining programs.

A prospector may want to check the status of the land prior to the location of a claim or commencement of an exploration and development program. [Landowner identification procedures](#) walk the prospector through a step-by-step guide using MTO and [the Integrated Land Resource Registry \(ILRR\)](#).

In addition, the recorded holder of a mineral title may generate a "[Title Overlap Report](#)" through MTO to identify Crown land lease owners.

[Data BC](#) offers services for researching surface rights in British Columbia either by downloading data or accessing an online government application.

3. Communication

It is important for each party to communicate with the other promptly in a professional and business-like manner for the purpose of identifying rights, responsibilities, and expectations. Written correspondence should be sent by registered mail, and it is recommended to maintain a record of all communication. Provide a reasonable period for a reply, if requesting one; normally two weeks is appropriate and specify the date upon which a response is expected rather than an arbitrary period.

4. Clarify expectations

It is appropriate for a person to provide notice to another party of each other's rights, responsibilities and expectations, and the requirements for access and operations on a property.

A recorded holder of a mineral title should fully document all activities with respect to access and surface disturbance to be in an informed position when dealing with a surface

owner. Should a surface owner seek compensation for surface damage or loss, they will need to clearly describe what is considered to have been damaged and the amount of compensation requested.

Some of the factors for consideration when determining compensation are:

- the damage to the land and in particular those instances which make reclamation and restoration expensive
- a surface owner's actual losses resulting from a mining activity
- the adverse effects on an agricultural operation, if the land is used for agricultural production or livestock
- nuisance, inconvenience, and disturbance (i.e. noise, time devoted to negotiation, and other expenses to a surface owner)

5. Reach a mutually acceptable agreement

If a mutual agreement can be reached, the next step is to develop a formal contract. It is recommended that an agreement be in writing in the form of a contract that defines the purpose and the conditions placed on both the operator and the surface owner. Any agreement should be written in plain language and clearly state expectations and obligations of both parties, amounts to be paid, and the dates for stated performance. When the content has been decided, both parties will want to endorse and date the agreement before a witness.

DISPUTE RESOLUTION/MEDIATION AND ARBITRATION

The Mineral Tenure Act and the Mining Right of Way Act provide for either a property owner or a recorded holder to apply to the Chief Gold Commissioner for advice and suggestions for settlement of a dispute. The role of the Chief Gold Commissioner is one of consultation and of attempting to have both parties settle the matter in a business-like fashion by applying reasonable judgment and impartiality. While the Commissioner's recommendation is not binding on the parties, their involvement in mediating a dispute is required before it can be referred to the Surface Rights Board ([section 19\(4\)](#), Mineral Tenure Act), and cases exist where the Board has endorsed the recommendation of the Commissioner and made it a binding order.

A request under [section 19](#) of the Mineral Tenure Act may be submitted by either the surface owner (which includes another person having a material interest in the surface) or the mineral title holder. In order for the Chief Gold Commissioner to become involved, there must be clear evidence that a dispute exists. In all cases, this means the Commissioner will require evidence of the specific issues under dispute and that the parties have attempted to resolve the dispute but have been unable to do so.

The Chief Gold Commissioner has several options available for the purpose of providing guidance and recommended solutions to the parties. A meeting may be convened as an attempt to develop grounds for agreement between the parties. The Commissioner may prepare a written report outlining the efforts used to settle the issues in dispute and indicate any agreement reached or alternatively those items upon which settlement could not be reached.

Where agreement cannot be reached by the parties after the involvement of the Chief Gold Commissioner, the matter may be referred to the Surface Rights Board by an [application](#) submitted by one of the parties; a copy of the Commissioner's report must be included.

The Surface Rights Board

The [Surface Rights Board](#) is a quasi-judicial administrative tribunal established under the Petroleum and Natural Gas Act (PGNA). The Board has jurisdiction to resolve disputes under the PNGA, Mining Right of Way Act, Mineral Tenure Act, Geothermal Resources Act, and Coal Act.

[Section 19\(4\)](#) of the Mineral Tenure Act sets out the authority of the Surface Rights Board to settle matters of dispute arising from rights acquired under the Act in respect of entry, taking of right of way, use or occupation, security and rent and compensation. Similarly, section 6 of the Mining Right of Way Act provides for the authority of the Surface Rights Board to settle disputes arising from the use of access roads for mining purposes.

QUESTIONS AND ANSWERS

The following are the most asked questions regarding surface and subsurface rights:

Q. What are the different types of activities a person can do “generally” with a FMC and with a claim? What is the difference with having a claim?

A. The MTA allows a FMC holder to enter certain land to explore for minerals.

- Generally, a FMC holder can undertake limited exploration activities – e.g., airborne geophysical surveying; baseline data acquisition, such as mapping, taking photos, and measuring water quality; and, geological and geochemical soil sampling.
- An FMC holder cannot explore for minerals in an area where a claim has been registered by someone else.

Under the MTA, a claim allows a recorded holder to enter, use and occupy land to undertake exploration and development or production of minerals (after obtaining any relevant/needed permits under the Mines Act and other legislation, as applicable).

Table: Comparison –FMC Holder and Recorded Holder

	FMC Holder on mineral lands without a mineral title	Recorded Holder
What is the authority	MTA	MTA
Where can the activities occur?	<p>Generally, on land (private or Crown) where the minerals are vested in the Crown and that is not occupied by buildings, agricultural crops, parks, protected heritage property, and existing mines.</p> <p>The MTA includes notification requirements if the FMC holder is entering private land to explore.</p>	<p>On land (private or Crown) within the area of the claim. Claims may be registered where land is available (there are no existing claims) and there are no prohibitions regarding registering a claim (e.g. a no registration mineral reserve under section 22 of the MTA).</p> <p>The MTA includes notification requirements if the claim holder is entering private land to explore.</p>
Interest in minerals	No	<p>Yes – entitled to minerals inside the claim area (chattel interest).</p> <p>Can convert a claim to a mining lease, which allows for unlimited production of ore.</p>
Exploration activities that can be undertaken without a permit under the Mines Act.)	See Information Update 38.	See Information Update 38.

Q. Can someone acquire a mineral claim over my property without my knowledge and consent?

A. Yes, assuming the land is within the definition of “mineral lands” in section 1 of the Mineral Tenure Act. However, acquiring a mineral title does not equate to having the unfettered right to enter onto the land. The provisions under section 11 of the Act provide a recorded holder of a mineral title with the right of entry, but this right of entry does not extend to land occupied by a building, the curtilage of a dwelling house, orchard land, or land under cultivation. Section 19 of the Act requires a person to notify a surface owner before entering private land for any mining activity. The recorded holder or his agent is

liable to compensate a surface owner for any loss or damage that occurs because of the entry or use of the land. Once a claim is registered, the title holder cannot legally commence work involving surface disturbance without first giving notice to the property owner. Disputes or unresolved issues concerning property entry and damage may be resolved under section 19 of the Act.

Q. As a landowner, am I entitled to place a gate on my private road to prevent entry and access by another party?

A. Yes. You may place a gate on your private property to control entry to your land. However, a free miner has a right to enter onto mineral lands, after serving notice to a surface owner. The Mining Right of Way Act gives a mineral title holder the right to access a mineral title on private property and use existing roads. Implementing these rights must take into account the rights of the surface owner in accordance with the provisions in the respective legislation. If you have questions, contact Mineral Titles.

Q. I have found a claim post on my property. Can I legally remove it?

A. No. [Section 63](#) of the Mineral Tenure Act prohibits the removal or defacement of a claim post or tag.

Q. Is mining activity allowed in the area around and under my home?

A. No. Section 11 of the Mineral Tenure Act excludes residential areas where there are buildings or a dwelling house.

Q. If there is damage done to my property caused by any type of mining activity, who pays and how is the amount determined?

A. Section 19(2) of the Mineral Tenure Act stipulates that a free miner or title holder is liable to compensate a surface owner for loss or damage caused by the entry, occupation or use of that area or right of way for exploration and development or production of minerals. If the parties cannot agree on compensation, a dispute resolution process is available by application by one of the parties. Proposed mining programs may require approval from the Chief Permitting Officer prior to commencement. As a condition of approval, an Inspector may require the mining proponent to post a bond in favour of the government to address reclamation requirements.

Q. Does a settlement agreement need to be in writing?

A. It is recommended that any agreement be in writing and parties to an agreement may wish to seek independent legal advice.

Q. How can I get my land reclaimed from mining activities which occurred many years ago?

A. Contact the [Regional Mines office](#) to assess the situation.

REFERENCES

For Mineral Titles information contact the Mineral Titles Branch office. 1-866-616-4999 or Mineral.Titles@gov.bc.ca

For information regarding approval of mineral exploration and reclamation programs contact the applicable [regional mines office](https://www2.gov.bc.ca/gov/content/industry/mineral-exploration-mining/permitting/mines-contact-info)
<https://www2.gov.bc.ca/gov/content/industry/mineral-exploration-mining/permitting/mines-contact-info>

Information on some of the other rights that are not included in private surface title can be obtained from the following agencies:

COAL – administered by the Mineral Titles Branch, Ministry of Energy, Mines & Low Carbon Innovation.

PETROLEUM AND NATURAL GAS - administered by the Tenure and Geoscience Branch, Ministry of Natural Gas Development.
<http://www2.gov.bc.ca/gov/content/industry/natural-gas-oil/petroleum-natural-gas-tenure>

FOSSILS – Fossils of a scientific or cultural significance may be protected under the Heritage Conservation Act administered by the Archaeology Branch, Ministry of Forests, Lands and Natural Resource Operations. Contact Heritage Branch, Ministry of Forests, Lands and Natural Resource Operations for information concerning the extraction of fossils.
<https://www2.gov.bc.ca/gov/content/industry/natural-resource-use/fossil-management>

WATER RIGHTS – administered by the Water Stewardship Division of the Ministry of Environment.
http://www.env.gov.bc.ca/wsd/water_rights/

TIMBER RIGHTS – administered by the Forest Tenures Branch, Ministry of Forests, Lands and Natural Resource Operation.
<http://www.for.gov.bc.ca/hth/index.htm>

For more information on Free Miner Certificates (FMC), please review [Information Update 1](#)
For more information on Renewal of a Free Miner Certificate, please review [Information Update No. 12](#)
For more information on Exploration and Development work, please review [Information update No.25](#)

Information Update 7 – Change Log

- Updated April 28, 2025.
 - Updated the Q&A to include the different types of activities a person can undertake as a free miner on mineral lands without a mineral title.
 - Updated language to clarify that, effective March 26, 2025, the only way to obtain new mineral rights is by submitting an application to acquire a claim.