



A GUIDE FOR PRIVATE LANDOWNERS WORKING WITH ONTARIO'S MINERAL EXPLORATION COMMUNITY

As society's need for minerals continues to grow, mineral exploration activity is increasingly taking place in rural and urban areas of Ontario. This has resulted in the potential for more prospecting and staking on land with privately owned surface rights. It is important that landowners know and understand their land ownership rights with respect to mineral exploration in Ontario.

LAND RIGHTS

Did you know that land rights in Ontario include surface rights, mining rights, timber rights and sand and gravel rights (to name a few)?

- In some instances the mining rights are held by the province (the Crown). Although you may own the surface rights, the mining rights on your property may be open for claim staking by prospectors, by virtue of the Ontario Mining Act.
- In other instances, properties may have more than one title holder including registered owners for surface, mining or other rights.
- If you own the mining rights, your property is not open for mining claim staking and no one can explore for minerals, perform exploratory work or develop a mine without your agreement.

Property owners may verify which rights they own by performing a title search at the local land registry office. You should know that a title search can be complicated and it may be advisable to have it done by a lawyer or other qualified professional.

- You should also direct your lawyer to inquire about specific property rights when purchasing land.

PROSPECTING AND STAKING ON PRIVATE LAND

The *Mining Act* authorizes licensed prospectors to enter private property that is deemed open for mining claim staking.

- While there is currently no notification requirement, the Ministry of Northern Development and Mines encourages prospectors never to enter private property unannounced.
- Once a claim has been staked and before a mining claim holder performs any ground exploration work for the first time, a written notice must be provided a day before entry on the land to the surface rights owner.
- Not all mining exploration activities will cause damage to the land. However, if damage occurs as a result of claim staking or mining exploration, a mining claim holder must compensate the owner of the surface rights.

Although mining rights may be held by the Crown, some parts of a private property are not open to staking or prospecting without the surface rights owner's consent. For example, the Mining Act prohibits staking on that part of a lot where certain structures such as buildings, a garden or a yard exist, without prior consent of the

owner. For a complete list of prohibited areas please contact the Ministry of Northern Development and Mines.

RESOLVING DISPUTES

The Mining Act provides a dispute resolution process before the Provincial Mining Recorder if anyone wants to challenge the validity of a mining claim.

- Disputes (apart from compensation issues) must be filed no later than 12 months after the claim was recorded.
- The details of a dispute must contain some legal argument alleging why the claim is invalid.
- If there is disagreement on any matter of compensation, the Ontario Mining and Lands Commissioner – an independent adjudicator functioning under the auspices of the Ministry of Natural Resources – will HEAR the matter. There is no time limit on filing for compensation.

The Ministry of Northern Development and Mines is currently considering a number of measures to address the concerns of surface rights owners including revising notification and consent requirements as well as reducing impacts on the environment.

CONTACT US:

Please contact the Provincial Mining Recorder if you have any questions.

TOLL FREE: 1-888-415-9845 ext. 5742

Or visit our website at
<http://www.ontario.ca/privatelands>