



Ontario

Ministry of
Consumer and
Commercial
Relations

Property
Rights
Division

BULLETIN NO. 75021

DATE: April 10, 1975

TO:

ALL LAND REGISTRARS

THE PUBLIC LANDS ACT, R.S.O. 1970
C. 380 S. 63
THE LAND TITLES ACT, R.S.O. 1970
C. 234 S. 181

CROWN PATENTS AND RESERVATIONS
OF ORES; MINES AND MINERAL

Section 63 subsection (1) of The Public Lands Act provides that in the case of land patented before May 6, 1913, the mines and minerals therein shall be deemed to have passed to the patentee and every reservation thereof contained in the letters patent or by statute is void.

Section 181 of The Land Titles Act provides that upon receipt of a certificate, in accordance with subsection 4 of The Public Lands Act, the Land Registrar shall delete the reservation, transfer or condition.

Questions have arisen as to the availability of certificates with respect to land patented prior to May 6, 1913. The following are some guidelines which we have received with regard to this matter from the Ministry of Natural Resources.

Regardless of the number of transactions which occurred prior to May 6, 1913, as of that date any separation between surface rights and mineral rights reserved to the Crown, merged.

It is the manner in which the patented land was transferred after May 6, 1913 which determines whether a certificate can be applied for.

- a) If the individual on title was the owner on May 6, 1913 or his/her estate, then section 63(1) of The Public Lands Act applies and a certificate may be issued.
- b) If the patented land was conveyed in fee simple (without words of reservation) after May 6, 1913 and successive conveyances have not separated surface and mineral rights, The Public Lands Act would apply and a certificate may be issued to whomever applies for one.

- c) If the patented land was conveyed after May 6, 1913 subject to a specific reservation of the mineral rights other than the original reservation to the Crown, then The Public Lands Act does not apply and no certificate may be issued.

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ALB:pc