



Ministry of Consumer
and Commercial
Relations

Registration Division

Real Property
Registration Branch

BULLETIN NO. 99004

DATE: July 7, 1999

TO: All Land Registrars

Land Titles Act
Registry Act

Canada Company Lands
Mineral Rights

BACKGROUND

In the early 1840's the Crown patented approximately 500,000 acres of land to the Canada Company which in turn conveyed the land to settlers. In most cases the companies reserved unto itself the mineral rights in the lands when it conveyed them to individual settlers. In 1919 the company quit claimed to the Crown all right title and interest in the lands as originally patented to it. The mineral rights reserved to the company in the original conveyances thereby became the property of the Crown. Since 1922 the Crown has been, when requested, conveying the mineral rights to the present owners of the surface rights for nominal consideration. In the 1960's the Crown registered a Notice of Claim to the mineral rights under the *Investigation of Titles Act*. Bill 68, which amended the *Mining Act* by adding Section 180.1, vested in the owners of the surface rights, any interest of the Crown in the lands described in the aforementioned quit claim, subject to any encumbrances registered against the surface rights. The Bill received Royal Assent on December 18, 1997 and effectively vested the mineral rights in the owners of the surface rights.

EFFECT ON REGISTRATION SYSTEMS

Registry

Where the land is still in the Registry system, an owner who wishes that his/her title reflect the effect of the vesting can Deposit an affidavit reciting the facts that:

1. The mineral rights in the land were reserved to the Canada Company in instrument no. ____
2. The mineral rights in the land were quit claimed to the Crown by instrument no. ____
3. Notice of the claim of the Crown to the mineral rights was given by instrument no. ____
4. No other notice of Claim to the mineral rights nor any other dealings with the mineral rights has been registered since December 18, 1957.
5. Section 180.1 of the *Mining Act*, as enacted by Chapter 38, R.S.O. 1997, vested the mineral rights in the owner of the surface rights in the land on December 18, 1997.

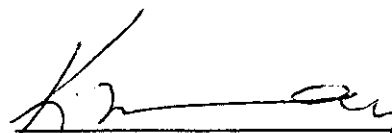
LAND TITLES

Land brought into the system by First Application should, be shown as "Surface Rights Only." An application to amend the register to delete the qualification should be made under Section 75 and be accompanied by an affidavit by a solicitor setting out the same facts as set out above in regard to land to which the *Registry Act* applies.

Similarly, for those properties that have been converted to land titles conversion qualified (LTCQ), where the Notice of Claim has been brought forward into the automated system, an application to amend the register to delete the entry as to the Notice of Claim, should be made under Section 75 and be accompanied by an affidavit by a solicitor setting out the same facts as set out above in regard to land to which the *Registry Act* applies.



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