

Exploring the FUTURE

MINING AND MINERAL EXPLORATION IN BRITISH COLUMBIA

A certain amount of mining activity in British Columbia takes place on private land. In most cases, the property owners have surface title. The Province retains the rights to subsurface minerals and may transfer them to free miners – defined under provincial law as any person who holds a valid free miner certificate.

Occasionally, miners and land owners disagree on the details and processes of mining-related activities. When this happens, the Mediation and Arbitration Board can help. Its mandate is to balance both parties' interests, allowing resource development to occur while ensuring the consideration of private rights and concerns.

MEDIATION AND ARBITRATION PROCESS

Steps in the Mediation and Arbitration Process

When an individual or company with a valid free miner certificate needs access to private land, the first step is to contact the local Gold Commissioner. The commissioner will contact the land owner and provide details of the miner's plans. In many cases, the Gold Commissioner is able to resolve any issues that arise between the parties.

If this approach is not successful, either the land owner or the miner may apply to the Mediation and Arbitration Board. The process works as follows:

- The Gold Commissioner prepares a report, detailing mineral and placer issues and the consultation required to reach a settlement. The parties submit the report as part of their application to the board.
- The Board Administrator reviews the application, holds discussions with the parties and encourages them to reach a settlement. If this approach is not successful, the case proceeds to mediation.
- The parties present their respective cases at a mediation hearing. Depending on the situation, the mediator may dismiss the case, order additional hearings, refuse additional hearings or issue an order granting the miner access to the land.
- If an order is granted, the miner will pay an agreed-upon amount to the land owner and a security deposit, which is held by the board. The miner will also comply with any stated conditions for entry, which may include such things as hours of operation or the use of specific equipment. The parties may continue to negotiate any outstanding issues.
- If the parties cannot reach a mediated agreement, either may request that the case go to arbitration. The case is heard by a panel, including at least two members of the Mediation and Arbitration Board. Witnesses may be called and either party may choose to involve legal counsel. After reviewing the evidence, the arbitrator issues a final decision which is binding on both parties.

For more information, contact:

Ministry of Energy and Mines, Mineral Titles Branch
302 - 865 Hornby Street, Vancouver, British Columbia V6Z 2G3
Phone: 604 660-2672 Fax: 604 660-2653
www.gov.bc.ca/em



Ministry of Energy
and Mines

FACT SHEET