



Issue: Mining Act provisions which allow mining activities to take place on private lands for which the Crown controls mineral rights

Action: All municipal Councils pass the attached motion in support of AMO's position and forward your motion to the Premier, the Minister of Northern Development and Mines, AMO and Tay Valley Township

Background:

In parts of eastern, southern and northern Ontario there is a significant number surface-rights only (SRO) properties. These private land owners own only the surface of their properties and the Crown holds the sub-surface mineral rights. Under the *Mining Act, 1990*, licensed prospectors have a statutory right to stake mining claims and conduct assessment work on these lands even if the surface rights are privately held.

As a result, an increasing number of SRO properties in several parts of the province have been subject to extensive mining activity. Many of these lands are home to residences, cottages, farms, lakes, roads and other local infrastructure and many in areas of significant cultural, heritage and recreational areas. Under Section 78 of the *Mining Act*, the holder of the mining claim only has to inform the surface-rights owner regarding future mining assessment activities once, just prior to assessment work begins. Because legal searches are limited to forty years, finding the prospectors stakes is often the first time landowners are made aware of their property's SRO status. Assessment work may involve excavation and surface stripping, imposing considerable property damage and risk to the water table. This activity proceeds with no authorization from the municipality, conservation authority, with no environmental review and no approval from the landowner.

Mining is an important economic driver for many Ontario communities. However, given that Crown lands cover 87 per cent of the province, there are abundant opportunities for the mineral mining industry that does not intrude on private SRO lands, in eastern, southern and northern Ontario. Reunification of mining and surface rights through transfer or sale of these lands would resolve provide some resolution to this situation. The *Mining Act* provides for Ministerial discretion and the ability to cancel or annul the forfeiture of any lands or mining rights.

Lanark County Council passed a resolution calling on the Minister of Northern Development and Mines to reunify SRO property and mining rights. The issue has also received support from the Eastern Ontario Wardens' Caucus. On June 24, 2007 AMO passed a motion to petition the Premier and Minister of Northern Development and Mines for action.

Tay Valley Township Council

more detail available at www.tayvalleytwp.ca

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Council Meeting

Date: July 10, 2007
Moved By: S Freeman
Sec'd By: C Rawling
Motion: # 7A-07-201

WHEREAS Ontario's municipal governments recognize the importance of Ontario's mining sector to the Ontario economy and to the economies of mining communities; and
WHEREAS Canadian law has traditionally recognized as a fundamental freedom, the right of the individual to the enjoyment of property, a right not to be deprived thereof; and
WHEREAS the Mining Act of Ontario recognizes separate mining and surface rights on many private lands, bringing about a state of affairs where there may be two owners to one property; and

WHEREAS mining activities on these properties have frequently resulted in property damage, environmental degradation, and unmapped mining hazards, disturbing residents' quiet enjoyment of the land and risking public health and safety; and

WHEREAS mining activities, prior to advanced exploration, are not subject to any municipal authority, conservation authority, environmental review, nor the approval of the landowner; and

WHEREAS municipal governments in regions with an abundance of surface-rights only (SRO) properties have previously called on the Ministry of Northern Development and Mines to reunite surface and mining rights on SRO properties to resolve the situation; and
WHEREAS many of these properties are on residential, cottage, recreational lands and some in areas of Environmental, Cultural and Heritage significance where mining is incompatible with established land use practice; and

WHEREAS the Mining Act provides for Ministerial discretion and the ability to cancel or annul the forfeiture of any lands or mining rights under the Act;

THEREFORE BE IT RESOLVED THAT in support of AMO's position, Tay Valley Township petition the Premier and the Minister of Northern Development and Mines to reunite surface and mining rights on SRO properties when requested by the SRO property owner or the municipality in order to effectively resolve this issue.

Carried

K Kerr
Head of Council

Addresses

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