

# FIVE FAQs ABOUT MINERAL RIGHTS

7 Comments / FAQ / By webmaster

Most landowners have a clear understanding of their property boundaries – north, south, west, and east. But when it comes to ownership of what’s beneath the surface of their land, it might not be so simple. Many landowners may find themselves asking the following questions.

## *1. How does land ownership work?*

In Alberta, there are two types of property ownership – surface rights and mineral rights. Surface rights owners own the surface of the land and the air above it (although others can use the airspace, such as airlines), as well as materials such as sand, clay, or gravel.

Mineral rights owners own mineral substances found on and under the property. A mineral rights owner may own one specific mineral, several defined minerals, or all the minerals on the land.

Most land titles have now been separated into “surface only” and “minerals only” titles. The Land Titles Offices are required to issue Mineral Certificates, which certify the minerals owned in a specific parcel of land and by whom.

## *2. Who owns mineral rights?*

There are often different surface rights and mineral rights owners on the same land. The Alberta Crown (government) owns approximately 81% of the mineral rights in the province. The other 19% are “freehold” mineral rights, owned by private individuals and companies.

The Crown always owns gold and silver mineral rights.

## *3. Can I buy or sell mineral rights?*

Like other types of property, mineral rights can be bought or sold. According to the Freehold Owners Association (FHOA), members may list their mineral rights for lease or sale on the FHOA website. The association recommends that freeholders lease rather than sell their mineral rights to get fair value.

Mineral rights owners have the right to explore for and recover the minerals. But, they must do this in a reasonable manner so as to not significantly affect use of the surface.

The Alberta Surface Rights Board may get involved to assist landowners and operators in resolving disputes.

#### *5. Where can I go for help?*

Freehold mineral rights owners may want to consider becoming a member of FHOA. Their mandate is to provide information and education to freehold owners, and to act as a common voice for the freehold owner community.

Surface rights owners may want to consult the Alberta Surface Rights Board, should the mineral rights owner wish to extract the minerals.

Legal counsel can also help landowners understand surface and mineral rights, as well as lease agreements and land titles.

#### **More information:**

Government of Alberta: Energy

Service Alberta: Surface and Mineral Rights

Freehold Owners Association