

Notice to landowners and municipalities concerning the existence of a claim

Requirement

Section 65 of the Mining Act requires a claim holder to notify the local municipality, the landowner, the State lessee and the holder of an exclusive lease to mine surface mineral substances of the claim obtained, within 60 days after registering the claim in the register of real and immovable mining rights, and in the manner determined by regulation.

Section 8.1 of the Regulation respecting mineral substances other than petroleum, natural gas and brine provides that the notice must be given using the form specified by the Minister. The claim holder may elect either to notify the parties concerned individually, or to publish the notice in a newspaper distributed in the region in which the claim is located. In the latter case, a map showing the location of the mining title, which can be used to situate the claim, must be published with the notice.

A claim cannot be exercised unless this notice has been given. The mining title of a claim holder who does not comply with this condition may be suspended or revoked.

What to do

The claim holder must identify the owners of the private land and the lessees of the public land to which the title applies.

The claim holder may notify the owners or lessees either individually or by publishing a notice in a newspaper.

Personal notice

The claim holder must, within 60 days after registering the claim:

- Complete the “Notice of obtaining a claim” form for each private landowner or State lessee;
- Send the notice by mail or by courier, or deliver the original of the notice in person, to every private landowner or State lessee, at their last known address;
- Keep a copy of the notice and proof of delivery.

Public notice

The claim holder may elect to publish the notice in a newspaper distributed in the region in which the claim is located. In this case, the claim holder must, within 60 days after registering the claim:

- Complete the “Notice of obtaining a claim, for publication” form, including a map showing the location of the claim in relation to local municipal boundaries;
- Publish the notice and the map in a newspaper distributed in the region;
- Keep a copy of the published notice in the newspaper, showing the publication date.

Identification of landowners and lessees

Claim holders may identify the owners of private land by searching the municipality’s property assessment roll, or by conducting a search at the registry office. If the landowner is an individual, the address shown in these registers is the last known address. If the landowner is a company or partnership, the last known address is the one that appears in the Québec Enterprise Register.

In the case of a lease granted by the State for the land to which the claim applies, the claim holder may contact the regional county municipality, if it is responsible for land management in its territory (and vacation management in particular) through a delegation agreement, or the Land Sector of the *Ministère de l’Énergie et des Ressources naturelles* in all other cases.

Exclusive leases to mine surface mineral substances are listed in GESTIM on the website of the *Ministère de l’Énergie et des Ressources naturelles*. The names of the lease holders, along with their last known address, are also shown in GESTIM.

Proof

The claim holder must be able to prove that the notice has in fact been sent or published. The *Ministère de l’Énergie et des Ressources naturelles* may ask claim holders to prove that they have met this condition for the exercise of their claims.