

About Mineral Ownership



Mineral Ownership refers to one's legal possession as well as the right to win, work and recover specific minerals from under a parcel of land. There are two owners of property in Alberta; a surface rights owner and a mineral rights owner, some Alberta settlers may own rights to both. The individual(s) who owns the surface rights would own the surface and substances such as sand and gravel but not the minerals. The company or individual who owns the mineral rights owns all mineral substances found on and under the property. There are often different surface and mineral owners on the same land. The mineral owner has the right to explore for and recover the minerals but at the same time must do this in a reasonable manner so as to not significantly affect use of the surface. Mineral ownership is defined in detail in the [Mines and Minerals Act](#), and its associated regulations. Mineral rights are registered in accordance with the [Land Titles Act](#).

History

In 1670, the King of England granted approximately 1 billion acres of land (about half of Canada) to two explorers that would eventually form the Hudson's Bay Company (HBC). In 1870 the Dominion government came to an agreement with HBC for approximately 4.5 million acres of land. The [Freehold Owners Association](#) offers a detailed history of mineral rights.

Early Alberta settlers could obtain mineral rights by;

- Applying for a homestead under the Dominion Lands Act (Canada) 1872, and acquiring ownership by occupying the land and performing certain improvements for a period of three years. When the homestead claim was validated the settler would gain title to the property.
 - Initially the Dominion granted title to both surface and minerals but in 1887 Canada made the decision to reserve minerals in the name of the Crown.
- Settlers also acquired mineral rights by purchasing land from railway companies. In 1880 the Government of Canada gave the Canadian Pacific Railway (CPR) a main line grant of \$25 million for construction of the transcontinental railway, the CPR also received a grant of 25 million acres (7.4 million hectares of land, 4 million hectares of which was in Alberta). Prior to 1902, the CPR sold the land to incoming settlers with no mineral reservation. After 1902 some or all minerals were reserved from sale depending on the location and by 1912, the CPR reserved all mines and minerals from most sales of land.
- World War one Veterans could apply to the [Soldier Settlement Board](#) (SSB) in 1917 for assistance to establish a farm, in 2010 Alberta Justice negotiated the transfer of mineral rights for the SSB lands from Canada to Alberta.
- The Natural Resources Transfer Act (1930) transferred 53.7 million hectares of mineral rights from Canada to Alberta.

Owners

The Province of Alberta is over 66 million hectares, the crown owns the mineral rights for approximately 81 per cent (approximately 53.5 million hectares). The remaining 19% are freehold minerals rights owned as follows;

Category (Original Grantee)	Area (hectares)	% of the Province
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Federal (National Parks, Indian Reserves)	6,093,221.50	9.20%
Companies (CPR, CN Rail, HBC...)	4,825,939.25	7.28%
Private Individuals (Homesteaders)	361,325.36	0.55%
Other	1,328,190.43	2.00%
Non-Crown Minerals total	12,608,676.54	19.03%

As of June 29, 2015

[Historical mineral ownership map](#) 

Help for Owners

To determine who owns mineral rights you can obtain a land title search by;

- Contacting an [Alberta Registry Agent](#) 
- Searching the [Alberta Land titles Spatial Information System](#) ; or
- [Search Alberta Mineral Information \(AMI\) with Energy Crown Land data support](#)
- A [sales results map](#) is published so you can determine who holds the lease.

Landowner rights

- [Farmer's Advocate office](#)  Agriculture and Forestry
- [Proposed Oil and Gas wells, pipelines and facilities, guide](#)  Alberta Energy Regulator
- [Alberta Surface Rights Board](#) 
- [Property Rights Advocate Office](#)  Justice and Solicitor General
- [Industrial Development and Reclamation](#)  Environment and Parks
- [Groundwater reports](#) , Water for Life
- Receding water can transform your landscape, this is also known as [mineral accretion](#), you can apply to have your title amended.