



Keeping the “Know” in Nova Scotia: The facts about landowners’ rights

It's a common misconception that owning land in Nova Scotia means you own everything under the ground, including mineral and petroleum rights. In reality, mineral and petroleum rights belong to the provincial government. (There are rare exceptions in historical deeds.)

Even exploration comes with inherent risks, so it's important to understand your rights.

Your rights as a landowner:

1. You can refuse access to your land
2. You can negotiate for access to your land
3. You can take as much time as you need to review an offer
4. You can apply for a mineral or petroleum exploration licence (where applicable)
5. You can engage legal representation
6. You can sue for damages incurred
7. You can test your well water to establish a baseline for contaminants

The *Mineral Resources Act* requires a licence-holder to obtain the landowner's written or verbal consent to enter their private property and written consent for activities that will disturb the ground.

The *Petroleum Resources Act* requires a licence-holder to obtain the written consent of the landowner before entering private property for any reason.

If a landowner refuses access to their property, or a landowner and a licence-holder can't negotiate access, **the provincial government can grant surface access rights against the landowner's wishes.** The government is not *required* to grant this access, but it can *choose* to do so — as it did in January at the behest of a lithium mining company.

The provincial government and several municipal governments have the authority to expropriate land. While rare, there have been instances of land expropriation for the purposes of natural resource extraction in Nova Scotia, such as the Higgins Christmas tree farm and Fogarty's Cove.

For the full fact sheet and reference list please visit:
ecologyaction.ca/Keeping-theKnow-in-NS

