

## Mining Act

### ONTARIO REGULATION 455/17 TRANSITION - ELECTRONIC REGISTRATION OF MINING CLAIMS

**Consolidation Period:** From November 28, 2017 to the [e-Laws currency date](#).

**Note:** This Regulation is revoked on November 15, 2019. (See: O. Reg. 455/17, s. 13)

Last amendment: 455/17.

*This is the English version of a bilingual regulation.*

#### Definitions

1. In this Regulation,

“conversion date” means the conversion date set by the Minister by regulation under subsection 38.2 (14) of the Act; (“date de conversion”)

“pre-conversion period” means the period that begins on January 9, 2018 and ends immediately before the conversion date. (“période antérieure à la conversion”)

#### Application

2. (1) This Regulation applies during the pre-conversion period and thereafter in order to assist in the implementation of amendments to the Act enacted by Schedule 2 to the *Aggregate Resources and Mining Modernization Act, 2017*.

(2) This Regulation applies despite anything to the contrary in the Act or a regulation made under the Act.

#### Cessation of mining claim staking

3. No person shall stake a mining claim in Ontario on or after January 9, 2018.

#### Beginning of electronic registration of mining claims

4. Despite the coming into force of section 22 of Schedule 2 to the *Aggregate Resources and Mining Modernization Act, 2017*,

(a) the mining lands administration system shall not be available for electronic registration of mining claims before the conversion date; and

(b) a licensee shall not register or attempt to register a mining claim electronically through the mining lands administration system before the conversion date.

#### Suspension of certain activities

5. (1) The holder of an unpatented mining claim shall not do any of the following things during the pre-conversion period:

1. Transfer the claim in whole or in part to another person.

2. Abandon the claim in whole or in part.

3. Surrender the claim.

4. Submit an assessment work report, or otherwise file assessment work, or make a payment in place of performing assessment work.

5. Submit an application to distribute banked assessment work credits.

(2) During the pre-conversion period, no person shall,

(a) file a dispute against a recorded mining claim under section 48 of the Act; or

(b) appeal a recorder’s decision not to record a mining claim under section 112 of the Act.

(3) During the period that begins March 5, 2018 and ends immediately before the conversion date, no person shall submit an exploration plan under section 78.2 of the Act or an application for an exploration permit under section 78.3 of the Act.

#### Recording of documents suspended

6. (1) A mining recorder who receives a document for recording on the abstract of a legacy claim during the pre-conversion period, and who accepts the document for recording, shall not record the document on the legacy claim abstract

but shall stamp the date on which the document was received on the face of the document and shall hold the document until it is recorded under subsection (2).

(2) On or after the conversion date, all documents that were accepted for recording on the abstract of a legacy claim and date-stamped during the pre-conversion period shall be recorded, in the order in which they were date-stamped, on the abstract for every cell claim and boundary claim that results from the conversion of the legacy claim.

(3) Every document recorded on the abstract of a cell claim or boundary claim under subsection (2) shall be deemed to have been recorded on the conversion date.

(4) For greater certainty, a mining recorder cannot accept a document for recording against a legacy claim if the recording of the document would be contrary to section 5 or if the document fails to meet any requirement of the Act or the regulations.

#### **Applications for prospector's licence**

7. No person shall submit an application for a prospector's licence to the Provincial Recording Office during the pre-conversion period.

#### **Renewal of prospector's licence**

8. (1) If the expiry date of a prospector's licence falls within the pre-conversion period and a renewal of the licence has not been issued before the beginning of the pre-conversion period,

- (a) the licence is deemed not to expire on that date but to expire on the day that is 60 days after the conversion date; and
- (b) the licensee shall not renew or apply to renew the licence during the pre-conversion period.

(2) A holder of a prospector's licence described in subsection (1) may obtain a renewal of the licence online through the mining lands administration system at any time within the 60-day period that begins on the conversion date if he or she first successfully completes the prescribed *Mining Act* awareness program within that 60-day period.

(3) A renewal of a prospector's licence obtained under this section shall be effective as of the 61st day after the conversion date.

#### **Mining Act awareness program**

9. For the period that begins on January 9, 2018 and ends immediately before the conversion date, the prescribed *Mining Act* awareness program referred to in sections 19 and 21 of the Act is the Ministry's online educational program referred to as the *Mining Act* Awareness Program as it appears on the Government of Ontario website.

#### **Extension and exclusion of time for assessment work requirements**

10. (1) If, immediately before the commencement date of this Regulation, the next due date of a mining claim would fall on or after December 1, 2017 but before November 1, 2018, then despite anything in the Act or the regulations, on the commencement date,

- (a) the next due date of the mining claim shall be extended by one year;
- (b) the time within which work on the mining claim must be performed and reported shall be computed by excluding the period that,
  - (i) begins on the due date that immediately preceded the commencement date, and
  - (ii) ends on what would have been the next due date, were it not for clause (a);
- (c) the claim holder shall be required to perform one unit of assessment work or to make payment in place of the one unit of assessment work, and to report on the work done and on any payments made, on or before the next due date, as fixed under clause (a); and
- (d) the anniversary date of the mining claim shall be changed to be the same date as the due date of the claim.

(2) In this Regulation,

“commencement date” means the day this Regulation comes into force; (“date d’entrée en vigueur”)

“due date”, in relation to a mining claim, means the date by which a claim holder is required to make a filing with respect to assessment work in order to be eligible to receive assessment work credit for that work under section 66 of the Act, as that date may be determined in accordance with Ontario Regulation 6/96 (Assessment Work) or any succeeding regulation made under the Act. (“date d’échéance”)

#### **Assessment work credits, extension of time for filing**

11. (1) For the purposes of receiving assessment work credit for assessment work performed on a mining claim under section 4 of Ontario Regulation 6/96 (Assessment Work) made under the Act, if the end of the 60-month period or the 24-month period within which assessment work may be filed for credit falls within the pre-conversion period and the claim holder is unable to file the assessment work report during that period as a result of section 5 of this Regulation, the claim

holder shall nevertheless be eligible to receive assessment work credit for the work, so long as the claim holder submits the assessment work report within three months after the conversion date.

(2) If the end of the one-year period within which regional surveys or prospecting work is eligible to be claimed for assessment work credit under clause 8 (1) (b) of Ontario Regulation 6/96 falls within the pre-conversion period and the claim holder is unable to claim the credit during that period as a result of section 5 of this Regulation, the claim holder shall nevertheless be eligible for assessment work credit and assignment for the survey or work, as the case may be, if the claim holder,

(a) has complied with clause 8 (1) (a) of Ontario Regulation 6/96; and

(b) files a claim for the credit within three months after the conversion date.

**Election to prevent merger of legacy claims**

12. The holder of two or more legacy claims who wishes to make an election under subsection 38.2 (3) or (4) of the Act shall do so by completing the form for that purpose that is available online in the CLAIMaps system on the Government of Ontario website and submitting it to the Ministry on or before February 23, 2018.

**Revocation**

**13. This Regulation is revoked on November 15, 2019.**

**14. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION).**

Français

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