

Mining Act

ONTARIO REGULATION 66/18 MINING CLAIMS

Consolidation Period: From March 9, 2020 to the [e-Laws currency date](#).

Last amendment: 35/20.

Legislative History: 35/20.

This is the English version of a bilingual regulation.

Definition

1. In this Regulation,

“due date”, in relation to a mining claim, means the date by which a claim holder is required to distribute assessment work credits to the mining claim for the purposes of the system of assessment work credits described in Part IV of Ontario Regulation 65/18, as that date is determined under section 10 of that regulation.

Registration of mining claims

2. The following rules apply to the registration of a mining claim by a licensee under section 38 of the Act:

1. A mining claim shall not be registered for a cell on the provincial grid unless the mining lands administration system indicates that the cell is open for mining claim registration.
2. Up to 50 single cell claims may be registered at one time, so long as the cell of each cell claim being registered shares at least one boundary with the cell of another cell claim being registered.
3. Each multi-cell claim shall be registered separately. A multi-cell claim shall consist of a maximum of 25 cells, each of which shares at least one cell boundary with another cell in the claim.

Boundary claims becoming cell claims

3. (1) If a boundary claim becomes a cell claim under clause 38.3 (2) (b) of the Act, the cell claim shall have the same anniversary date and the same due date as the boundary claim had. O. Reg. 66/18, s. 3 (1).

(2) A claim holder who wishes to make an election to merge two or more boundary claims into a single cell claim under subsection 38.3 (3) of the Act shall do so online through the mining lands administration system in accordance with the directives made by the Minister under subsection 4.1 (2) of the Act. O. Reg. 66/18, s. 3 (2).

(3) If two or more persons hold two or more boundary claims together as a group, the boundary claims shall not be merged under subsection 38.3 (3) of the Act unless,

- (a) each person in the group holds the same proportionate interest in every boundary claim that is to be merged; and
- (b) each person in the group consents to the merger. O. Reg. 66/18, s. 3 (3).

(4) A claim holder shall not make an election to merge two or more boundary claims if, with respect to any one of the boundary claims,

- (a) a lien, mortgage, debenture, writ or note of pending proceedings appears on the abstract for the claim and is still in effect;
- (b) the claim holder has made an application for an extension of time under section 73 of the Act or for an exclusion of time under section 67 of the Act and no decision has been given;
- (c) a recorder has ordered an extension of time to submit an assessment work report for the claim but the claim holder has not yet submitted the report;
- (d) REVOKED: O. Reg. 35/20, s. 1.
- (e) the claim holder has made an application for a lease for the claim;
- (f) the claim holder has made a submission through the mining lands administration system to transfer the claim and the transfer has not yet been accepted by the transferee;
- (g) the claim is a conversion bank claim as defined in subsection 6 (1) of Ontario Regulation 454/17 (Conversion of Legacy Claims) made under the Act and there are assessment work credits remaining in the conversion bank;

- (h) an assessment work report has been submitted for the claim but the Minister has not yet determined the assessment work credits with respect to the work reported; or
 - (i) the claim holder has submitted an application for abandonment of the claim but the recorder has not yet posted a notice in accordance with clause 70 (3) (b) of the Act. O. Reg. 66/18, s. 3 (4); O. Reg. 35/20, s. 1.
- (5) If two or more boundary claims are merged under subsection 38.3 (3) of the Act, the anniversary date and due date of the cell claim resulting from the merger shall be the same as the anniversary date and due date of the boundary claim that had the latest due date. O. Reg. 66/18, s. 3 (5).
- (6) Where one or more boundary claims become a single cell claim under clause 38.3 (2) (b) or 38.3 (3) (b) of the Act, the resulting cell claim applies to the entire cell, subject to subsection (7). O. Reg. 66/18, s. 3 (6).
- (7) If, on the day a boundary claim becomes a single cell claim under subsection (6), there is land located in the cell outside of the boundary claim that is not open for mining claim registration, that land does not form part of the resulting cell claim. O. Reg. 66/18, s. 3 (7).
- (8) If land that does not form part of a resulting cell claim under subsection (7) later becomes open for mining claim registration and the resulting cell claim is in good standing with respect to the performance of assessment work or the making of payments in place of assessment work required under section 65 of the Act, the land thereupon becomes part of the resulting cell claim. O. Reg. 66/18, s. 3 (8).

Amalgamation of mining claims

4. (1) Subject to subsections (2), (3) and (4), a claim holder may amalgamate two or more cell claims that the claim holder holds if each of the cell claims shares at least one cell boundary with another cell claim being amalgamated. O. Reg. 66/18, s. 4 (1).
- (2) A claim holder shall not amalgamate two or more cell claims if the resulting amalgamated cell claim would consist of more than 25 cells. O. Reg. 66/18, s. 4 (2).
- (3) If two or more persons hold two or more cell claims together as a group, the cell claims shall not be amalgamated unless,
- (a) each person in the group holds the same proportionate interest in every cell claim; and
 - (b) each person in the group consents to the amalgamation. O. Reg. 66/18, s. 4 (3).
- (4) A cell claim shall not be amalgamated with another cell claim if,
- (a) the claim is registered with respect to land for which there is a surface rights owner and the requirements of section 46 have not been met with respect to the claim;
 - (b) a lien, mortgage, debenture, writ or note of pending proceedings appears on the abstract for the claim and is still in effect;
 - (c) the claim holder has made an application for an extension of time under section 73 of the Act or for an exclusion of time under section 67 of the Act and no decision has been given;
 - (d) the claim holder has submitted an assessment work report for the claim but the Minister has not yet determined the assessment work credits with respect to the work reported;
 - (e) a recorder has ordered an extension of time to submit an assessment work report for the claim but the claim holder has not yet submitted the report;
 - (f) REVOKED: O. Reg. 35/20, s. 2.
 - (g) the claim is a conversion bank claim as defined in subsection 6 (1) of Ontario Regulation 454/17 (Conversion of Legacy Claims) made under the Act and there are assessment work credits remaining in the conversion bank;
 - (h) the claim holder has made an application for a lease for the claim;
 - (i) the claim holder has made a submission through the mining lands administration system to transfer the claim and the transfer has not yet been accepted by the transferee; or
 - (j) the claim holder has submitted an application for abandonment or partial abandonment of the claim but the recorder has not yet posted a notice in accordance with clause 70 (3) (b) of the Act. O. Reg. 66/18, s. 4 (4); O. Reg. 35/20, s. 2.
- (5) For greater certainty, a boundary claim cannot be amalgamated with another mining claim. O. Reg. 66/18, s. 4 (5).

Amalgamation procedures, etc.

5. (1) A claim holder who wishes to amalgamate two or more cell claims shall do so online through the mining lands administration system in accordance with the directives made by the Minister under subsection 4.1 (2) of the Act.

(2) An amalgamation of two or more cell claims is effective as of the day the claim holder completes all the amalgamation procedures required by the mining lands administration system and the newly amalgamated multi-cell claim is deemed to have been registered as of that day.

(3) The mining lands administration system shall assign a new claim number to the multi-cell claim resulting from an amalgamation.

(4) The claim abstract of the multi-cell claim resulting from an amalgamation shall not include any of the entries from the claim abstracts of the cell claims that were amalgamated.

(5) Where two or more cell claims are amalgamated, the anniversary date and due date of the amalgamated cell claim shall be the same as the anniversary date and due date of the amalgamating cell claim that had the earliest due date.

Notice to surface rights owner

6. (1) Notice of confirmation of registration of a mining claim required to be given to a surface rights owner under clause 46 (1) (a) of the Act shall be given in person, by regular mail or by courier with proof of delivery to the last known address of the surface rights owner.

(2) If the notice of confirmation of registration of a mining claim is given by regular mail, it is deemed to have been received five days after the mailing date.

(3) If the claim holder is a surface rights owner of the lands to which the claim relates, the claim holder is not required to give notice of confirmation of registration to himself, herself or itself, but notice of confirmation of registration is required to be given to other surface rights owners, if any.

(4) Verification that the required notice of confirmation of a claim registration has been given shall be made online through the mining lands administration system.

(5) An application to a recorder under clause 46 (1) (b) of the Act for an order waiving confirmation shall be made online through the mining lands administration system.

Dispute of registered claim

6.1 (1) For the purposes of subsection 48 (1) of the Act, a person who wishes to file a dispute with a recorder shall do so by completing the dispute form approved by the Minister and delivering it to the Provincial Recording Office by email, fax or regular mail. O. Reg. 35/20, s. 3.

(2) Upon receipt of a completed dispute form and payment of any fee required by the Minister in respect of the filing of a dispute, a recorder shall review the form for the purpose of determining whether to file the dispute. O. Reg. 35/20, s. 3.

(3) In addition to refusing to file a dispute due to events described in subsection 48 (3) of the Act, a recorder shall not file a dispute nor enter a note of the dispute on an applicable abstract if either of the following circumstances applies:

1. The dispute form is incomplete.
2. The recorder is of the opinion that the dispute is frivolous or vexatious. O. Reg. 35/20, s. 3.

(4) If a recorder decides not to file a dispute under subsection (3) or under subsection 48 (3) of the Act, the recorder shall give notice of the decision, together with a brief statement of the reasons for the decision, to the person who submitted the dispute form. O. Reg. 35/20, s. 3.

(5) If the recorder decides to file the dispute and enter a note of the dispute on the abstract of each disputed mining claim, the recorder shall,

- (a) give notice of the decision to the person who filed the dispute with the recorder; and
- (b) give notice of the decision, along with a copy of the completed dispute form, to every claim holder of each disputed mining claim and to every person having an interest in each disputed mining claim, as shown on the abstract for each mining claim. O. Reg. 35/20, s. 3.

Relief from forfeiture

7. A claim holder who wishes to request relief from forfeiture under section 49 or 185 of the Act shall do so by making a written request for the relief,

- (a) in the case of relief from forfeiture under section 49 of the Act, to a recorder; and
- (b) in the case of relief from forfeiture under section 185 of the Act, to the Minister.

Abandonment of mining claims

8. (1) A claim holder who wishes to abandon all or part of a mining claim under section 70 of the Act shall do so by submitting an application for abandonment or partial abandonment of the mining claim online through the mining lands administration system in accordance with the directives made by the Minister under subsection 4.1 (2) of the Act.

(2) If two or more persons hold a cell claim together as a group, the cell claim shall not be abandoned or partially abandoned unless each person in the group consents to the abandonment.

(3) A claim holder of a multi-cell claim shall not partially abandon a multi-cell claim unless the portion of the claim remaining after the partial abandonment would constitute,

- (a) a multi-cell claim that meets the requirements of paragraph 3 of section 2; or
- (b) a single cell claim.

(4) A recorder shall not post a notice of abandonment or partial abandonment of a mining claim under subsection 70 (2) of the Act if,

- (a) a lien, mortgage, debenture, writ or note of pending proceedings appears on the abstract of the claim and is still in effect;
- (b) the claim holder has submitted a transfer for the mining claim and acceptance of the transfer by the transferee is still pending; or
- (c) the claim holder has made an application for a lease of the claim.

(5) After a multi-cell claim is partially abandoned,

- (a) assessment work credits shall not be assigned for any assessment work performed on the claim before the application for partial abandonment was made; and
- (b) any assessment work credits that were assigned and transferred into the reserve for the mining claim before the application for partial abandonment remain available to the claim holder.

(6) If assessment work credits are distributed to a multi-cell claim before a portion of the claim is abandoned, the same number of units of assessment work that were satisfied by the distribution before the partial abandonment shall be deemed to have been satisfied with respect to the portion of the claim that remains after the abandonment.

(7) For greater certainty, the due date of a multi-cell claim is not affected by a partial abandonment of the claim.

Time expiring when system down

8.1 (1) For the purposes of subsection 138 (2) of the Act, a recorder shall not order an extension of time if the time limited for doing anything that requires accessing the Ministry's mining lands administration system falls on a day on which that system is not available for a period of time and all of the following circumstances apply:

- 1. The Ministry has given notice, no later than 24 hours before the period begins, that the system will be unavailable during the period and has specified the duration of the period.
- 2. The notice has been given in accordance with paragraph 1 of subsection 13.2 (1) of Ontario Regulation 45/11 (General) made under the Act. O. Reg. 35/20, s. 4.

(2) A recorder may order an extension of time if the Ministry's mining lands administration system continues to be unavailable after the end of the period in respect of which the notice was given under subsection (1) and the time limited for doing anything that requires accessing the Ministry's mining lands administration system falls during that continuing period. O. Reg. 35/20, s. 4.

(3) Subsection (2) does not apply if the circumstances set out in paragraphs 1 and 2 of subsection (1) apply in respect of the continuing period. O. Reg. 35/20, s. 4.

Registering mining claims re s. 183 (3) of Act

9. (1) If mining lands or mining rights are surrendered to the Crown under subsection 183 (1) of the Act and the owner, lessee or holder of the surrendered lands or rights gives notice of wishing to hold an unpatented mining claim for all or part of the relevant lands, the recorder shall not register or cause to be registered an unpatented mining claim under subsection 183 (3) for any part of the relevant lands that was part of a cell in respect of which a cell claim or boundary claim has been previously registered.

(2) For greater certainty, subsection 38 (5) of the Act applies with respect to unpatented mining claims registered in accordance with subsection 183 (3) of the Act.

10. OMITTED (REVOKES OTHER REGULATIONS).

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

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