

[Français](#)

Mining Act

ONTARIO REGULATION 43/11 CLAIM STAKING AND RECORDING

Consolidation Period: From November 1, 2012 to the [e-Laws currency date](#).

Last amendment: O. Reg. 310/12.

This is the English version of a bilingual regulation.

[SKIP TABLE OF CONTENTS](#)

CONTENTS

1.	Definitions and interpretation
	PART I
	GROUND STAKING OF MINING CLAIMS
	GENERAL RULES
2.	Ground staking
2.1	Geo-referencing
3.	Ground staking, rules re boundaries
4.	Ground staking, recording licensee
5.	Ground staking, rules
6.	Ground staking, land not open for staking
7.	Witness posts
8.	Line posts
9.	Claim posts
10.	Tags and inscriptions
11.	Indication of metal tags, post tags
12.	Common staking contiguous claims
13.	Failing to record a mining claim
14.	Good faith claim not invalidated
	SPECIFIC RULES: UNSUBDIVIDED TERRITORY
15.	Claim in unsubdivided territory
16.	Exception, staking irregular area
17.	Application to designated subdivided territory
	SPECIFIC RULES: SUBDIVIDED TERRITORY
18.	Ground staking in subdivided territory
19.	Exception
20.	Including otherwise excluded land in mining claim
	PART II
	MAP STAKING OF MINING CLAIMS
	MAP STAKING IN SOUTHERN ONTARIO
21.	Map staking in Southern Ontario
22.	Prohibition, ground staking, etc.
23.	Territory excluded from map staking
24.	Completion of staking
25.	Aliquot description of claim
26.	Application to record map staked claim
27.	Claim boundaries, size and orientation
28.	Exception
29.	Boundary coterminous with boundary of area not open for staking

30.	Including otherwise excluded land in mining claim
31.	Rules re area open for staking for less than one business day
	PART III
	GROUND STAKING OF MINING CLAIMS IN DESIGNATED AREAS
32.	Special staking in designated areas
	PART IV
	MATTERS RELATED TO RECORDING OF MINING CLAIMS
33.	Notice to surface rights owner
	PART V
	TRANSITION, REVOCATIONS AND COMMENCEMENT
34.	Transition

Definitions and interpretation

[1. \(1\)](#) In this Regulation,

“claim unit” means,

- (a) in unsubdivided territory, a 16 hectare square or such smaller size as is permitted for irregular areas under section 16,
- (b) in subdivided territory,
 - (i) the minimum size as set out in section 18 for a ground staked claim or in section 27 for a map staked claim, or
 - (ii) such smaller size as may be permitted under section 19 or 20 for a ground staked claim, or under subsection 23 (2) or section 28, 29 or 30 for a map staked claim; (“unité de claim”)

“contiguous” means an unbroken chain of spatially linked unpatented, patented or leased mining claims or other mining land; (“contigu”)

“ground staking” means the delineation of the area of a mining claim on the ground using posts, tags, flags, blazes or any combination of them, in the manner provided by the Act and this Regulation; (“jalonnement au sol”)

“original survey” has the same meaning as in the *Surveys Act*; (“levé primitif”)

“Southern Ontario” has the same meaning as in section 35.1 of the Act; (“Sud de l’Ontario”)

“territory” means land and land covered by water; (“territoire”)

“unsubdivided territory” means territory,

- (a) for which there is no original survey,
- (b) that is in a geographic township that has not been subdivided into sections, lots, concession or ranges, or
- (c) that is in the annulled portion of a geographic township. (“territoire non subdivisé”) O. Reg. 43/11, s. 1 (1).

[\(2\)](#) In this Regulation, a reference to area shall be read as meaning that area, more or less, and a reference to a distance shall be read as meaning that distance, more or less. O. Reg. 43/11, s. 1 (2).

PART I GROUND STAKING OF MINING CLAIMS

GENERAL RULES

Ground staking

2. (1) A mining claim is ground staked by erecting a corner post at each of the four corners of the claim so that,

- (a) the No. 1 corner post is at the northeast corner;
- (b) the No. 2 corner post is at the southeast corner;
- (c) the No. 3 corner post is at the southwest corner; and
- (d) the No. 4 corner post is at the northwest corner. O. Reg. 43/11, s. 2 (1).

(2) A corner post tag affixed to a corner post must face the next post following the corner post in the order set out in subsection (1). O. Reg. 43/11, s. 2 (2).

(3) If there are standing trees on the perimeter of the area being ground staked, the perimeter of the mining claim must be clearly marked during staking by plainly blazing the trees on two sides only in the direction of travel and by cutting the underbrush along the boundaries of the claim. O. Reg. 43/11, s. 2 (3).

(4) If there are no standing trees on the perimeter of the area being ground staked, the perimeter of the mining claim must be clearly marked during staking by erecting durable pickets or monuments of earth or rock along the boundaries of the claim. O. Reg. 43/11, s. 2 (4).

(5) Subsection (4) does not apply where an irregular claim boundary that is a water-to-land boundary is intended to be coterminous with land, or land under water, that is not open for staking. O. Reg. 43/11, s. 2 (5).

Geo-referencing

2.1 (1) An application to record a mining claim that is ground staked in unsurveyed territory on or after November 1, 2012 must include Global Positioning System geo-referencing data for all corner posts, witness posts and line posts used to indicate a change in direction of a claim boundary and the Global Positioning System geo-referencing data must comply with standards satisfactory to the Minister. O. Reg. 310/12, s. 1.

(2) Applications to which subsection (1) applies shall comply with the requirements in that subsection on and after November 1, 2012. O. Reg. 310/12, s. 1.

Ground staking, rules re boundaries

3. The following rules apply to ground staking of mining claims:

1. The boundaries of the claim extend downwards vertically.
2. No boundary of the claim can exceed 3,200 metres in length, nor can any one boundary be more than four times the length of any other boundary of the claim.
3. The measurements of the boundaries of a mining claim are horizontal distances.
O. Reg. 43/11, s. 3.

Ground staking, recording licensee

4. (1) A ground staked mining claim must be staked under the direction of a recording licensee. O. Reg. 43/11, s. 4 (1).

(2) In order to direct the ground staking of a mining claim under subsection (1), the recording licensee must be present in each area under staking for a mining claim at the time the area is being staked for the purpose of recording the mining claim. O. Reg. 43/11, s. 4 (2).

(3) The recording licensee must direct other licensees as well as non-licensees in

constructing claim posts and marking the perimeter of a mining claim. O. Reg. 43/11, s. 4 (3).

Ground staking, rules

5. (1) The following rules apply to the ground staking of a mining claim in areas that have been open for staking for 24 hours or more:

1. The staking may be started at any corner or line post.
2. Only the recording licensee or another licensee may erect, inscribe or affix a tag to a corner post, line post or witness post.
3. The date and time of completion of the ground staking must be inscribed on one of the corner posts after all of the required work of staking the claim has been completed. O. Reg. 43/11, s. 5 (1).

(2) The following rules apply to the ground staking of a mining claim in areas that have been open for staking for less than 24 hours:

1. The staking must start at the northeast corner of the mining claim and proceed in a clockwise direction.
2. Only the recording licensee may erect, inscribe or affix a tag to a corner post, line post or witness post.
3. The date and time of both the start and completion of the staking must be inscribed on the No. 1 corner post by the recording licensee. O. Reg. 43/11, s. 5 (2).

Ground staking, land not open for staking

6. (1) The ground staking of a mining claim is not invalidated for the sole reason that it encompasses land that is not open for staking unless the land encompassed in the claim constitutes an unpatented mining claim recorded prior to the time of the staking. O. Reg. 43/11, s. 6 (1).

(2) Land that is not open for staking that is encompassed in a valid mining claim does not form part of the area of the mining claim. O. Reg. 43/11, s. 6 (2).

(3) Land that is not open for staking that is wholly encompassed in a valid mining claim is not required to be marked out. O. Reg. 43/11, s. 6 (3).

Witness posts

7. (1) One or two witness posts, instead of a corner post, must be erected in accordance with this section for a corner of a ground staked mining claim at which it is impracticable to erect a corner post for one of the following reasons:

1. The nature or conformation of the ground at the true corner makes the erecting of a corner post impracticable.
2. The true corner falls within a body of water.
3. The true corner is inaccessible because of incumbent surface rights. O. Reg. 43/11, s. 7 (1).

(2) Witness posts must be erected on the claim boundary as close to the true corner as practicable. O. Reg. 43/11, s. 7 (2).

(3) Witness posts must bear,

- (a) the same inscription and tag as are required for a corner post at a true corner under

subsection 10 (1) or (3);

(b) the letters “WP”; and

(c) an indication of the direction and distance of the true corner from the witness post. O. Reg. 43/11, s. 7 (3).

(4) If a second witness post is erected, it must bear,

(a) the letters “WP”;

(b) the corner post number for the true corner;

(c) the claim number; and

(d) an indication of the direction and distance of the true corner from the witness post. O. Reg. 43/11, s. 7 (4).

(5) A second witness post may bear the same inscription as is required for a corner post at a true corner under subsection 10 (1) or (3). O. Reg. 43/11, s. 7 (5).

(6) It is not necessary to erect a second witness post for a corner if it is impracticable to do so. O. Reg. 43/11, s. 7 (6).

Line posts

8. (1) If the nature or conformation of the ground at a particular location, incumbent surface rights or water is an obstacle that makes the erecting of a line post at that location impracticable, a line post must be erected on each side of the obstacle. O. Reg. 43/11, s. 8 (1).

(2) If a ground staked mining claim being staked is coterminous with land not open for staking and the boundary of the land not open for staking changes direction other than at a corner of the claim, a line post must be erected at the point of change of direction. O. Reg. 43/11, s. 8 (2).

(3) A line post tag inscribed with the claim number and the direction and distance from the last corner post erected must be affixed to the line post. O. Reg. 43/11, s. 8 (3).

Claim posts

9. (1) Every claim post used for ground staking a mining claim must,

(a) stand 1.2 metres above the ground when erected;

(b) be squared or faced on four sides for 30 centimetres from the top; and

(c) be squared or faced for 10 centimetres across each side. O. Reg. 43/11, s. 9 (1).

(2) Only a post or a standing stump not previously used for staking a mining claim may be used as a claim post. O. Reg. 43/11, s. 9 (2).

(3) Commercial timber may be used for claim posts in areas where it is impracticable or undesirable to cut down trees. O. Reg. 43/11, s. 9 (3).

Tags and inscriptions

10. (1) A licensee ground staking a claim using metal tags must affix to each corner post the appropriately numbered tag and inscribe on each such post his or her name and licence number and the date and time of erecting the post. O. Reg. 43/11, s. 10 (1).

(2) A licensee ground staking a claim using metal tags must inscribe on the line post tag attached to each line post the claim number, the corner post number, the direction of the corner post from which the licensee is proceeding and the distance from the line post to that

corner post. O. Reg. 43/11, s. 10 (2).

(3) A licensee ground staking a claim without using metal tags must inscribe on each corner post the number of the post, his or her name and licence number and the date and time of erecting the post. O. Reg. 43/11, s. 10 (3).

(4) A licensee ground staking a claim without using metal tags must inscribe on each line post his or her licence number, the corner post number, the direction of the corner post from which the licensee is proceeding and the distance from the line post to that corner post. O. Reg. 43/11, s. 10 (4).

(5) Inscriptions and line post tags on line posts must be located,

- (a) on the south face of any line post erected between the No. 1 corner post and the No. 2 corner post;
- (b) on the west face of any line post erected between the No. 2 corner post and the No. 3 corner post;
- (c) on the north face of any line post erected between the No. 3 corner post and the No. 4 corner post; and
- (d) on the east face of any line post erected between the No. 4 corner post and the No. 1 corner post. O. Reg. 43/11, s. 10 (5).

(6) Information required to be inscribed on a claim post or metal tag must be inscribed in a legible and durable manner. O. Reg. 43/11, s. 10 (6).

(7) Inscriptions and metal tags must be located on the same side of a claim post. O. Reg. 43/11, s. 10 (7).

Indication of metal tags, post tags

11. (1) If metal tags are affixed to corner posts and line posts at the time of ground staking a mining claim, the licensee who staked the claim must so indicate in the application to record the claim. O. Reg. 43/11, s. 11 (1).

(2) If metal tags are not used at the time of ground staking a mining claim, the holder of the claim must affix, as soon as possible after the recording of the claim but not later than six months after recording,

- (a) to each corner post, a corner post tag inscribed with the recorded number of the claim; and
- (b) to each line post, a line post tag inscribed with his or her licence number, the claim number, the corner post number, the direction of the corner post last erected and the distance from the line post to that corner post. O. Reg. 43/11, s. 11 (2).

Common staking contiguous claims

12. (1) If a licensee ground stakes two or more contiguous mining claims and the licensee applies to record the claims at the same time, the licensee may erect common corner posts at common corners or, where applicable, common witness posts to witness common corners, and common line and corner posts at common line and corner post locations. O. Reg. 43/11, s. 12 (1).

(2) If a common corner post is erected under subsection (1), the corner post tag, if metal tags are used, and any required inscriptions pertaining to each claim must be placed on the side of the common corner post facing the next corner post for that claim in a clockwise manner. O. Reg. 43/11, s. 12 (2).

(3) If a common witness post is erected under subsection (1), the witness post tag, if metal tags are used, and the inscription pertaining to each claim must be placed on the side of the common witness post facing the next corner post for that claim in a clockwise manner. O. Reg. 43/11, s. 12 (3).

(4) If a common line post is erected under subsection (1), the line post tag, if metal tags are used, and any required inscriptions pertaining to each claim must be placed on the side of the common line post facing the next corner post for that claim in a clockwise manner. O. Reg. 43/11, s. 12 (4).

(5) The sketch or plan included in the application to record the claims referred to in subsection (1) must indicate the location of any common claim posts. O. Reg. 43/11, s. 12 (5).

Failing to record a mining claim

13. A person who ground stakes land open for staking and fails to apply to record the mining claim within the time set out in subsection 44 (1) of the Act is not entitled to have a mining claim recorded on the land or to stake the land again, and a mining recorder may refuse or cancel any such staking. O. Reg. 43/11, s. 13.

Good faith claim not invalidated

14. If it appears that a licensee has attempted, in good faith, to comply with the Act and this Regulation, a ground staked mining claim of the licensee is not invalidated by,

- (a) the inclusion in the area of the claim of an area of more or less than the applicable size; or
- (b) the licensee's failure to describe or set out the actual area or parcel of land ground staked in the application to record the claim or in the sketch or plan accompanying the application. O. Reg. 43/11, s. 14.

SPECIFIC RULES: UNSUBDIVIDED TERRITORY

Claim in unsubdivided territory

15. (1) Subject to subsections (2) and (3), a mining claim in unsubdivided territory must be ground staked so that it,

- (a) consists of one or more claim units;
- (b) has a contiguous area of not less than 16 hectares and not more than 256 hectares;
- (c) has boundaries running only north and south and east and west astronomically; and
- (d) has the form of a square or rectangle. O. Reg. 43/11, s. 15 (1).

(2) A mining claim may have a boundary that is coterminous with the boundary of an area that is not open for staking as long as all other boundaries of the claim are staked so that the claim conforms as closely as possible to the requirements set out in subsection (1). O. Reg. 43/11, s. 15 (2).

(3) A boundary of a mining claim may change direction where it is coterminous with land not open for staking, at an intersection of an existing survey or claim boundary, at a claim post or at a monument of adjacent land or existing township fabric. O. Reg. 43/11, s. 15 (3).

(4) If a mining claim consists of two or more claim units, line posts must be erected

along the perimeter of the claim at 400 metre intervals. O. Reg. 43/11, s. 15 (4).

(5) The size of a mining claim must, as nearly as practicable, be a multiple of 16 hectares except if the claim comprises an irregular area of land described in section 16. O. Reg. 43/11, s. 15 (5).

(6) The measurements of the boundaries of a mining claim are horizontal distances. O. Reg. 43/11, s. 15 (6).

Exception, staking irregular area

16. (1) An irregular area of land lying adjacent to land, or to land under water, that is not open for staking may be ground staked with boundaries coterminous to the land, or land under water, that is not open for staking if the mining claim otherwise conforms, as nearly as practicable, to all the requirements set out in section 3, except paragraph 2, and section 15. O. Reg. 43/11, s. 16 (1).

(2) An irregular area of land under water lying adjacent to land, or to land under water, that is not open for staking may be ground staked with boundaries coterminous to the land, or land under water, that is not open for staking if the mining claim otherwise conforms, as nearly as practicable, to all the requirements set out in section 3, except paragraph 2, and section 15. O. Reg. 43/11, s. 16 (2).

(3) The boundaries of an irregular claim staked under subsection (1) or (2) must be marked by the erection of line posts along them at 400 metre intervals. O. Reg. 43/11, s. 16 (3).

(4) Despite subsection (3), the erection of line posts is not required along an irregular claim boundary that is a water boundary. O. Reg. 43/11, s. 16 (4).

(5) An irregular ground staked claim boundary that is a water boundary need only be marked by the erection of corner posts along the boundary line as close as practicable to where the claim boundary meets the water boundary. O. Reg. 43/11, s. 16 (5).

(6) In subsections (4) and (5),

“water boundary” means the water’s edge, unless otherwise defined in the existing alienation. O. Reg. 43/11, s. 16 (6).

Application to designated subdivided territory

17. In addition to applying to the ground staking of mining claims in unsubdivided territory, sections 15 and 16 apply to the ground staking of mining claims in areas of subdivided territory designated by the Minister if, in the Minister’s opinion, the survey fabric in those areas is so difficult to ascertain that it is not reasonable to expect a person ground staking a claim there to do so in accordance with sections 18, 19 and 20. O. Reg. 43/11, s. 17.

SPECIFIC RULES: SUBDIVIDED TERRITORY

Ground staking in subdivided territory

18. (1) A ground staked mining claim in subdivided territory must have boundaries coincident with or parallel to section, lot, concession or range lines established by the original survey. O. Reg. 43/11, s. 18 (1).

(2) A ground staked mining claim must have an area of not more than 256 hectares and not less than the minimum size set out in this section. O. Reg. 43/11, s. 18 (2).

(3) A ground staked mining claim must have the shape of a square or rectangle.

O. Reg. 43/11, s. 18 (3).

(4) A ground staked mining claim may have a boundary that is coterminous with the boundary of an area that is not open for staking as long as all other boundaries of the claim are staked so that the claim conforms as closely as possible to the requirements set out in this section and section 3, except paragraph 2. O. Reg. 43/11, s. 18 (4).

(5) If the ground staked mining claim consists of two or more claim units, line posts must be erected along the perimeter of the claim at all locations where the corner of a lot or of a subdivision of a section lies on the perimeter of the claim. O. Reg. 43/11, s. 18 (5).

(6) Where irregular boundaries exist, the line posts must be erected to mark out the boundaries as nearly as practicable. O. Reg. 43/11, s. 18 (6).

(7) In a township subdivided into lots of 40 hectares, a ground staked mining claim of minimum size must contain 20 hectares and consist of the north, south, east or west half of a lot. O. Reg. 43/11, s. 18 (7).

(8) In a township subdivided into lots of 60 hectares, a ground staked mining claim of minimum size must contain 15 hectares and consist of the northeast, northwest, southeast or southwest quarter of a lot. O. Reg. 43/11, s. 18 (8).

(9) In a township subdivided into lots of 80 hectares, a ground staked mining claim of minimum size must contain 20 hectares and consist of the northeast, northwest, southeast or southwest quarter of a lot. O. Reg. 43/11, s. 18 (9).

(10) In a township subdivided into lots of 130 hectares, a ground staked mining claim of minimum size must consist of the northeast, northwest, southeast or southwest quarter of the north or south half of a lot. O. Reg. 43/11, s. 18 (10).

(11) In a township subdivided into sections of 260 hectares that are subdivided into quarter sections or subdivisions containing 65 hectares, a ground staked mining claim of minimum size must consist of the northeast, northwest, southeast or southwest quarter of a quarter section or subdivision. O. Reg. 43/11, s. 18 (11).

Exception

19. A ground staked mining claim in subdivided territory is not required to comply with section 18 if,

- (a) compliance is not possible,
 - (i) because the lot or subdivision of a section of a township is irregular in form, or
 - (ii) because of any other irregularity affecting the original survey, the lot or subdivision; and
- (b) the claim is otherwise staked so as to meet the requirements of section 18 as closely as practicable in the circumstances. O. Reg. 43/11, s. 19.

Including otherwise excluded land in mining claim

20. Land that would otherwise be included in the area of a lot or subdivision of a section, but that is excluded from the lot or subdivision because it is covered with water or for some other reason, may be included in a ground staked mining claim as if it were part of the lot or subdivision. O. Reg. 43/11, s. 20.

PART II MAP STAKING OF MINING CLAIMS

MAP STAKING IN SOUTHERN ONTARIO

Map staking in Southern Ontario

21. (1) In subdivided territory in Southern Ontario, map staking of mining claims shall be done in accordance with this Part, by reference to the existing survey fabric. O. Reg. 43/11, s. 21 (1).

(2) In unsubdivided territory in Southern Ontario, mining claims shall be ground staked in accordance with Part III. O. Reg. 43/11, s. 21 (2).

Prohibition, ground staking, etc.

22. No mining claim in subdivided territory in Southern Ontario shall be ground staked and no application to record a ground staked mining claim in the territory shall be accepted for recording on and after the effective date when map staking of mining claims is applicable to the territory. O. Reg. 43/11, s. 22.

Territory excluded from map staking

23. (1) A mining claim that is map staked shall not include land that is in territory where map staking is not permitted. O. Reg. 43/11, s. 23 (1).

(2) Where a map staked mining claim is limited in size due to subsection (1), the minimum size requirements for a map staked mining claim do not apply. O. Reg. 43/11, s. 23 (2).

Completion of staking

24. Completion of staking in the case of a map staked mining claim occurs when the application to record a map staked mining claim is made in the manner set out in this Regulation and any required fee is paid. O. Reg. 43/11, s. 24.

Aliquot description of claim

25. (1) The application to record a map staked mining claim must include an aliquot description of the claim with reference to the original survey fabric as well as a sketch of the claim. O. Reg. 43/11, s. 25 (1).

(2) Where there is a discrepancy between the aliquot description and the sketch, the sketch prevails as the correct description of the intended map staked mining claim. O. Reg. 43/11, s. 25 (2).

Application to record map staked claim

26. (1) Subject to section 31, the application to record a map staked mining claim may be made by facsimile, mail or in person to the Provincial Recording Office or to any other office as may be designated by the Minister. O. Reg. 43/11, s. 26 (1).

(2) For purposes of section 44 of the Act, the staking of a map staked mining claim is simultaneous with making the application to record a map staked claim. O. Reg. 43/11, s. 26 (2).

Claim boundaries, size and orientation

27. (1) A map staked mining claim must have boundaries coincident with or parallel to section, lot, concession or range lines established by the original survey. O. Reg. 43/11, s. 27 (1).

(2) A map staked mining claim must be comprised of various aliquot parts of lots, and each aliquot part must have at least one common boundary with another aliquot part within the same claim. O. Reg. 43/11, s. 27 (2).

(3) A map staked mining claim must have an area not greater than 256 hectares and not less than the minimum area set out in this section. O. Reg. 43/11, s. 27 (3).

(4) In a township subdivided into lots of 40 hectares, a map staked mining claim of minimum size must contain 20 hectares and consist of the north, south, east or west half of a lot. O. Reg. 43/11, s. 27 (4).

(5) In a township subdivided into lots of 60 hectares, a map staked mining claim of minimum size must contain 15 hectares and consist of the northeast, northwest, southeast or southwest quarter of a lot. O. Reg. 43/11, s. 27 (5).

(6) In a township subdivided into lots of 80 hectares, a map staked mining claim of minimum size must contain 20 hectares and consist of the northeast, northwest, southeast or southwest quarter of a lot. O. Reg. 43/11, s. 27 (6).

(7) In a township subdivided into lots of 130 hectares, a map staked mining claim of minimum size must consist of the northeast, northwest, southeast or southwest quarter of the north or south half of a lot. O. Reg. 43/11, s. 27 (7).

(8) In a township subdivided into sections of 260 hectares that are subdivided into quarter sections or subdivisions containing 65 hectares, a map staked mining claim of minimum size must consist of the northeast, northwest, southeast or southwest quarter of a quarter section or subdivision. O. Reg. 43/11, s. 27 (8).

Exception

28. A map staked mining claim is not required to comply with section 27, if

(a) compliance is not possible,

(i) because the lot or subdivision of a section of a township is irregular in form,
or

(ii) because of any other irregularity affecting the original survey, the lot or subdivision; and

(b) the claim is otherwise staked so as to meet the requirements of section 27 as closely as practicable in the circumstances. O. Reg. 43/11, s. 28.

Boundary coterminous with boundary of area not open for staking

29. A map staked mining claim may have a boundary that is coterminous with the boundary of an area that is not open for staking as long as all other boundaries of the claim are staked so that the claim conforms as closely as possible to the requirements set out in section 27. O. Reg. 43/11, s. 29.

Including otherwise excluded land in mining claim

30. Land that would otherwise be included in the area of a lot or subdivision of a section, but that is excluded from the lot or subdivision because it is covered with water or for some other reason may be included in a map staked mining claim as if it were part of the lot or subdivision. O. Reg. 43/11, s. 30.

Rules re area open for staking for less than one business day

31. The following rules apply to the map staking of a mining claim in areas that have been open for map staking for less than one business day:

1. The application to record a map staked claim can only be made to the Provincial Recording Office by facsimile (fax) at the fax number designated by the Provincial Recording office.

2. Only one application to record a map staked mining claim can be made in a single fax transmission.
3. The time imprinted on the first page of a fax transmission for an application to record a map staked mining claim by the receiving fax machine in the Provincial Recording Office, shall be the time of commencement of staking for a map staked mining claim.
4. The time imprinted on the last page of a fax transmission for an application to record a map staked mining claim by the receiving fax machine in the Provincial Recording Office, shall be the time of making the application to record a map staked mining claim.
5. Map staking of a mining claim is completed when the application to record a map staked mining claim has been made and payment of any required fee for the application has been made.
6. Map staking of a mining claim must be completed by 4:30 p.m. local time at the Provincial Recording Office on the first business day that the lands are open for staking.
7. If the fax transmission of an application to record a map staked mining claim is completed in the Provincial Recording Office after 4:30 p.m. local time on a day the Provincial Recording Office is open for business, or at any time on a day that the Provincial Recording Office is not open for business, the application to record is deemed to be made at 8:30 on the next day the Provincial Recording Office is open for business.
8. If more than one application to record a map staked mining claim for the same lands is made by fax transmission in the circumstances set out in paragraph 7, the applications to record are deemed to have been made on the next day that the Provincial Recording Office is open for business in the order they were received in the Provincial Recording Office, as evidenced by the time imprinted on the last page of each fax transmission by the receiving fax machine in the Provincial Recording Office. O. Reg. 43/11, s. 31.

PART III

GROUND STAKING OF MINING CLAIMS IN DESIGNATED AREAS

Special staking in designated areas

32. Ground staking of mining claims in unsubdivided territory in Southern Ontario and in other areas as may be designated by the Minister shall be carried out in accordance with the provisions of this Regulation applicable to ground staking, subject to the following modifications:

1. Despite subsection 2 (3), if there are standing trees in the area that is being ground staked, trees on the perimeter of that area must not be blazed, and the perimeter must be clearly marked by securely affixing durable flagging tape to the trees or by painting them on two sides in the direction of travel.
2. If there are standing trees in the area being ground staked, the perimeter of the area being staked must not be marked by the cutting of underbrush.
3. Flagging, painting, pickets or monuments must not be used to mark the shoreline perimeter of an area being ground staked.

4. Witness posts, claim posts and line posts must be set back from the shoreline perimeter of an area being ground staked so that they cannot be seen from the water.
5. Standing trees of any type in the area being ground staked must not be cut, pruned or delimited for staking purposes.
6. There must be no claim posts, witness posts, line posts, line blazing or any other evidence of ground staking on islands. O. Reg. 43/11, s. 32.

PART IV MATTERS RELATED TO RECORDING OF MINING CLAIMS

Notice to surface rights owner

33. (1) Notice of confirmation of staking to the surface rights owner pursuant to section 46.1 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. O. Reg. 43/11, s. 33 (1).

(2) If the notice of confirmation of staking is given by regular mail, it is deemed to have been received five days after the mailing date. O. Reg. 43/11, s. 33 (2).

(3) If the licensee who staked the claim is a surface rights owner of the claim, the licensee is not required to give notice of confirmation of staking to themselves, but notice of confirmation of staking is required to be given to other surface rights owners, if any. O. Reg. 310/12, s. 2 (1).

(4) Proof that the required notice of confirmation of staking has been given shall be given by filing the required form at the Provincial Recording Office. O. Reg. 43/11, s. 33 (4); O. Reg. 310/12, s. 2 (2).

PART V TRANSITION, REVOCATIONS AND COMMENCEMENT

Transition

34. (1) Despite section 22, a ground staked mining claim may be accepted for recording after the effective date when map staking of mining claims is applicable to the territory, if the claim,

- (a) was ground staked in the 30 day period immediately before the effective date of map staking; and
- (b) otherwise meets the requirements in the Act and regulations for staking and recording. O. Reg. 43/11, s. 34 (1).

(2) Despite anything in the Act, for a period of 60 days following the date when map staking is permitted in Southern Ontario, no map staked claim shall be accepted for recording by a mining recorder. O. Reg. 43/11, s. 34 (2).

35. Omitted (revokes other Regulations). O. Reg. 43/11, s. 35.

36. Omitted (provides for coming into force of provisions of this Regulation). O. Reg. 43/11, s. 36.

[Français](#)

[Back to top](#)