

Mining Act

ONTARIO REGULATION 113/91

GENERAL

Consolidation Period: From January 1, 2011 to the e-Laws currency date.

Last amendment: O. Reg. 484/10.

This is the English version of a bilingual regulation.

“Mine”

1. In the definition of “mine” as a noun in section 1 of the Act, a prescribed substance is any discharge or waste produced as a result of washing, crushing, grinding, sifting, reducing, leaching, roasting, smelting, refining, treating or research on a mineral or mineral bearing substance. O. Reg. 113/91, s. 1.

Annual rent, s. 41 of Act

2. The annual rental for a licence of occupation under section 41 of the Act is \$5 per hectare. O. Reg. 113/91, s. 2.

Annual rent, s. 81 of Act

3. The annual rental for a lease or renewal lease under section 81 of the Act is \$3 per hectare whether the lease be of both mining rights and surface rights or of mining rights only. O. Reg. 459/97, s. 1.

Annual rent, s. 82 of Act

4. The annual rental for a lease or renewal lease under section 82 of the Act is \$3 per hectare whether the lease be of both mining rights and surface rights or of mining rights only. O. Reg. 459/97, s. 1.

Annual rent, s. 84 of Act

5. The annual rental for a lease or renewal lease of surface rights under section 84 of the Act is \$3 per hectare. O. Reg. 459/97, s. 1.

Condition re partial abandonment

6. The following conditions apply with respect to the partial abandonment of a mining claim under subsection 70 (2) of the Act:

1. Before the notice of partial abandonment is filed, the first prescribed unit of assessment work for the claim must be completed and the report of assessment work must be filed and approved.

2. The notice of partial abandonment shall be filed at least sixty days before the next anniversary date of the claim.

3. The portion of the claim remaining after partial abandonment must be contiguous.

4. Any assessment work performed on the portion of the claim being abandoned lapses upon the filing of the notice of partial abandonment unless the report of assessment work for that work has been filed and approved.

5. The amount of assessment work credits applied to the claim shall be reduced by the proportion that the area of the portion of the claim being abandoned bears to the total area of the claim. O. Reg. 113/91, s. 6; O. Reg. 253/91, s. 1.

Rate of interest

7. The rate of interest under subsection 181 (2) of the Act is 9 per cent. O. Reg. 113/91, s. 7.

Notice of intention re s. 183 (2) of Act

8. (1) A person who files a notice of intention to retain an interest in surrendered mining lands under subsection 183 (2) of the Act shall, within 120 days after the filing of the notice, stake out and record or cause to be staked out and recorded mining claims on the lands in which an interest is to be retained. O. Reg. 113/91, s. 8 (1).

(2) The claims shall be staked out and recorded in the size, form and manner specified in the Act and the regulations. O. Reg. 113/91, s. 8 (2).

Mining tax re s. 187 of Act

9. The mining land tax payable under section 187 of the Act is \$4 per hectare for 1995 and each subsequent year. O. Reg. 485/95, s. 1.

Filing documents by facsimile transmission

10. (1) The following documents may be filed in a recorder's office by the telephone transmission of a facsimile of the document, if the facsimile is legible when received and the number of pages being transmitted, including the cover page, does not exceed eleven:

1. An application to obtain or renew a prospector's licence.
2. An application to record a mining claim.
3. A dispute under section 48 of the Act.
4. A notice of re-staking of a mining claim.
5. An order, judgment or certificate of the Divisional Court being filed under section 64 of the Act.

6. A report of assessment work, if no drawing contained in the report is larger than 8½ inches by 14 inches.

7. A notice of abandonment or partial abandonment.

8. A certificate confirming that a notice of intention to perform assessment work has been given under section 78 of the Act.

9. An agreement respecting surface rights compensation.

10. An application for a lease.

11. A notice of appeal to the Commissioner under section 112 of the Act.

12. An order or judgment of the Commissioner being filed under section 129 of the Act.

13. A notice of appeal to the Divisional Court under section 134 of the Act.

14. An order of a Director of Mine Rehabilitation for the performance of a rehabilitation measure under section 145 of the Act. O. Reg. 113/91, s. 10.

(2) If an application to record a mining claim or a notice of abandonment or partial abandonment is filed by telephone transmission, the original application or notice shall be deposited in the recorder's office within ten business days after the date of the transmission. O. Reg. 253/91, s. 2.

(3) If the original is not deposited in the recorder's office within the time specified in subsection (2), the application or notice shall be deemed not to have been filed by telephone transmission. O. Reg. 253/91, s. 2.

11. REVOKED: O. Reg. 484/10, s. 1.

Deemed time of filing, general

12. (1) The time of filing a document filed by telephone transmission shall be deemed to be the time the transmission is completed in the recorder's office, as evidenced by the time shown on the last page of the transmission as printed in the recorder's office. O. Reg. 113/91, s. 12 (1).

(2) If the telephone transmission of a document is completed in the recorder's office after 4:30 p.m. local time on a day the office is open for business, or at any time on a day the office is not open for business, the time of filing the document shall be deemed to be 8:15 a.m. on the next day that the office is open for business. O. Reg. 113/91, s. 12 (2).

(3) Documents filed by telephone transmission during a period referred to in subsection (2) shall be deemed to have been filed in the order they were received in the recorder's office, as evidenced by the time shown on the last page of each transmission as printed in the recorder's office. O. Reg. 113/91, s. 12 (3).

Deemed time of filing, fees

13. If fees are required to be paid to a recorder in respect of the filing of a document that is being filed by telephone transmission, the time of filing shall be deemed to be the later of the time of filing determined under section 12 and the time the fees are received in the recorder's office. O. Reg. 113/91, s. 13.

Criteria re s. 35.1 (9) of Act

14. The following are additional criteria for consideration by the Minister under subsection 35.1 (9) of the Act:

1. The size of the land.
2. The existing and the proposed use of the surface rights. O. Reg. 484/10, s. 2.

Land open for staking under s. 35.1 (11) of Act

15. When lands in Northern Ontario have been opened for staking under subsection 35.1 (11) of the Act, the opening shall occur in the following manner:

1. The lands described in the Minister's opening order are open for prospecting, staking, sale and lease as of when the order is signed.
2. The Minister's opening order will be posted in the Provincial Recording Office and on the Ministry's website.
3. The applicant will be notified when the opening order has been signed.
4. The applicant will be notified in writing of the reasons for refusal, if the Minister does not order the lands open for staking. O. Reg. 484/10, s. 2.

Notification required under s. 189 (1.2) of Act

16. A notification by a land owner as required under subsection 189 (1.2) of the Act shall be made in writing and submitted not less than 30 days before the date of the intended change of use. O. Reg. 484/10, s. 2.