



Ontario

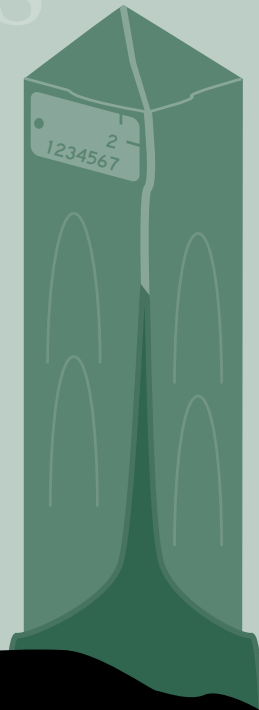
A Summary of the

# Claim Staking Regulations

of the Mining Act of Ontario -  
RSO/RRO 1990

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REVISED JANUARY 1999



# Mining Act of Ontario

## Summary of the Claim Staking Regulation

This brochure summarizes the regulation of the Mining Act of Ontario regarding the staking and recording of mining claims. It is intended for your information only and is not a legal document.

The complete regulation appears in the Mining Act RSO/RRO 1990, as amended from time to time. Ontario Regulation 356/98 came into effect on June 26, 1998 and pertains to "Staking in Designated Areas". For a more detailed explanation of these requirements, and a listing of the lands in designated areas, please contact the MINING LANDS CONSULTANT (MLC) office nearest you, OR THE PROVINCIAL RECORDING OFFICE (PRO) AT SUDBURY (see Directory at back of brochure).

## Types of Mining Claims

Mining claims can be staked either in a single unit or in a block consisting of several single units.

In unsurveyed territory, a single unit claim is laid out to form a 16 hectare (40 acre) square with boundary lines running 400 metres (1,320 feet) astronomic north, south, east and west. Multiples of single units, up to a maximum of 16 units (256 hectares), may be staked with only a perimeter boundary as one block claim but must be staked in a square or rectangular configuration (see sketch).

The maximum length-to-width ratio for a block claim is 4:1 (i.e. the maximum length is 3,200 metres (8 claim lengths) if the width is 800 metres (2 claim lengths)

For staking in subdivided townships, similar principles are followed however, the distances between posts and some inscriptions may vary. Consult the nearest MLC OR PRO OFFICE for details.

## Before Staking a Mining Claim

- 1) Obtain a Prospector's Licence. Application may be made, and fees paid, at any MLC office or PRO. The licence is issued at PRO. This 5 year licence entitles you to prospect on Crown land and to stake an unlimited number of mining claims in the province.

The licence, available to applicants who are 18 years of age or older, is valid for a five year period expiring on the licensee's birthday. Licences may be renewed within 60 days of expiration.

Although a licence is required to stake and record a claim, it is not required to hold a claim. As such, a lapsed licence will not result in forfeiture of any claim.

You can transfer your claim(s) to non-licensed individuals or companies for a prescribed fee.

- 2) Once you have identified the general area in which you wish to prospect or stake, purchase a mining claim map of the township or area from PRO. It will show all private land, recorded claims and land open for staking as well as those areas designated by the Minister which requires special staking procedures. Claim maps may be viewed on the internet at "<http://www.gov.on.ca/mndm/mines/lands/forms>" and may also be viewed at the MLC or district geologist office.
- 3) Be sure to determine with PRO how long the land has been open for staking, or when it will come open for staking as this will affect staking procedures.
- 4) A variety of Ontario government geological, geophysical and geochemical maps and reports are also available at the Ontario Geological Survey publications office in Sudbury. Limited maps and reports are also available at several district geologist offices. The MLC or PRO can refer you to a district geologist who will be pleased to discuss what these maps and reports indicate about the mineral potential of the areas you intend to prospect or stake.
- 5) You may purchase metal claim and line post tags to identify the claims you stake. These tags do not expire and may be used by any licensee.

## When Staking a Claim

- 1) Be certain you have accurately located the claim site by identifying lot and concession lines (in surveyed townships), roads, railways, power lines, terrain features such as lakes or rivers as well as neighbouring claims and surveyed locations.

Topographical and geological maps, Ontario base maps and air photographs can also be obtained to assist you in locating the area to be staked.

- 2) All of the posts you erect must stand not less than 1.2 metres above the ground and must be squared or faced on 4 sides for at least 30 cm. from the top. Each side must measure at least 10 cm. across where squared or faced. A standing tree may be used as a post if cut off and squared to the above height and size. Pre-cut posts may be used, but the use of previously used claim posts is prohibited.
- 3) Corner posts are placed at the four corners of all claims as follows: No. 1 - northeast corner; No. 2 - southeast corner; No. 3 - southwest corner, No. 4 - northwest corner and affixed with pre-numbered claim tags. Tags must be affixed to the side of the post facing the next succeeding corner (i.e. on the No. 1 post the tag must be on the south side facing the No. 2 post).
- 4) If you are staking a block claim, line posts will be placed at 400 metre intervals along the claim boundary line (and at the subdivision locations in a surveyed township).
- 5) Where it is impractical to erect a corner post in its proper position due to ground conditions or water bodies; or where it

# Sample Group Sketch

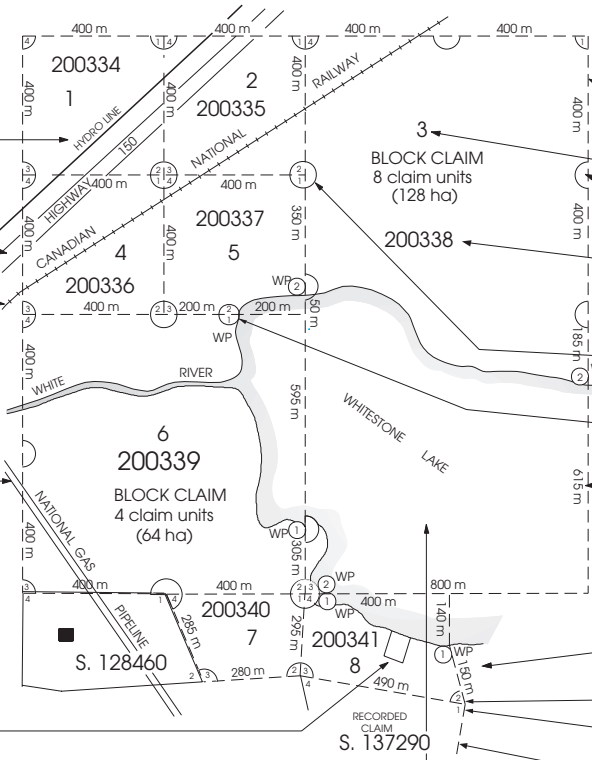
Showing information required on the application to record form.



Magnetic  
declination  
8 degrees west  
scale 1:20,000

Location of Claims	
Township/Area Name	→ Good Township
(Show lot and concession lines and numbers if township is subdivided)	

Developments	
SUCH AS:	
Hydro lines	→
Highways (and roads)	→
Railway lines	→
Pipeline	→
Summer cottages (or other buildings)	→



Claim Information	
SUCH AS:	
Claim line	→
Group claim number	→
Line post	→
Tag number if claim is pre-tagged	→
Common post	→
Witness post	→
Common witness post	→
Witness distance	→
Distance between posts	→
Corner post	→
Tie-on Post Found	→
Tie-ons to existing claims	→

Topographic Features	
Such as: Lakes, rivers, creeks, ponds, etc.	

NOTE: - In unusual circumstances please consult the mining recorder.

Group claim Nos. 1,2,4, 5 indicate individual claims of 1 unit (16 ha)  
 Group claim No. 3 indicates a block claim of 8 units (128 ha)  
 Group claim No. 6 indicates a block claim of 4 units (64 ha)

is undesirable to traverse areas of privately held surface rights, the corner post shall be erected at the nearest practicable point to where the boundary line is interrupted and witnessed to the proper location.

This is a witness post and it is to be inscribed like a corner post plus the letters WP and the distance and direction to the true location of the corner of the claim. Unless it is impractical to do so, a second witness post, also inscribed with WP and the distance and direction to the true location of the corner, is to be erected at the nearest practicable point where the boundary line resumes (see sketch). (Regulations differ slightly for block claims. Consult an MLC or PRO.)

- 6) When two or more mining claims are being staked in a group by the same licensee(s) as part of a continuous action and are presented for recording at the same time, common corner, line and witness posts may be used. Please note that a witness post cannot witness more than one corner junction.
- 7) Indicate the boundaries of your claim by plainly blazing standing trees and cutting underbrush. Where there are no trees, plant durable pickets or erect rock or earth monuments so that the boundary may be seen clearly.

**Please note that blazing the water boundary is not required:**

- when staking land that is adjacent to land under water which is not open to staking, or
- when staking land under water that is adjacent to land which is not open to staking.

**Consult the MLC OR PRO for further clarification.**

- 8) Prepare a sketch showing each claim staked, noting the location and distance between posts. Where witness posts are used, the distances to the true corner of the claim are to be indicated. Your sketch must record your tag numbers, the numbers of any adjoining claims or other properties to which your claim abuts, survey monuments - if found - as well as terrain features such as lakes, rivers, dwellings or roads.
- 9) At all times please respect private property and show consideration of those who hold or use the surface rights, even though, as a licensee you have the right to access land open for staking and prospecting. In addition, when staking in sensitive areas, you are asked to minimize the physical disturbance of the land by using witness posts where permitted, and purchasing commercial four-by-four timber.

## An Important Difference

### A) Land Open for Staking Less Than 24 Hours

- 1) All claims must be staked by a single licensee in a clockwise direction beginning at post No. 1 at the northeast corner of your claim.

- 2) Affix the No. 1 claim tag to the squared side facing south to the No. 2 post. Below the tag, inscribe this face with: your name, your Prospector's licence number, the date and time you erected the post, the post number (if no tag).
- 3) Blaze the claim boundary clockwise from the No. 1 post, affix claim tags No. 2, 3 and 4 to the squared side of thei respective posts, facing the next post. Mark the posts below the tag with your name and licence number, the post number (if no tag) and the time and date that the post was erected.
- 4) Return to the No. 1 post and inscribe it with the time and date the staking was completed.

### B) Land Open for Staking for 24 Hours or More

- 1) Claims may be staked by one or more licensees commencing at any corner or line post and proceeding in any direction. More than one licensee may erect and inscribe posts or tags. However all stakers must be identified on the application to record.
- 2) The completion time of the staking must be inscribed on any one of the corner posts.

### C) Staking in designated areas O.R. 356/98

The following provisions apply in areas designated by the Minister.

- If there are standing trees in the area that is being staked, trees on the perimeter of that area shall not be blazed, and the perimeter shall be clearly marked by securely affixing durable flagging tape to the trees or by painting them on two sides in the direction of travel.
- If there are standing trees in the area being staked, the perimeter of the area being staked shall not be marked by the cutting of underbrush.
- Flagging, painting, pickets or monuments shall not be used to mark the shoreline perimeter of an area being staked.
- Claim posts, witness posts and line posts shall be set back from the shoreline perimeter of an area being staked so that they cannot be seen from the water.
- No standing trees of any type in the area being staked shall be cut, pruned or delimbed for staking purposes.
- There shall be no claim posts, witness posts, line posts, line blazing or any other evidence of staking on islands.

## After Staking a Claim

- 1) Complete the recording application form available from any MLC or PRO. Ensure that you have completed and signed the Certificate of Recording Licensee on the application as indicated in the Claim Staking Regulation.
- 2) Submit your application and recording fee (as required in the regulation) to the MLC office, in the division where the claim was staked, or to PRO. **CLAIMS MUST BE RECORDED AND FEES PAID WITHIN 31 DAYS OF COMPLETION OF STAKING.** Applications may be submitted by mail or by facsimile machine but will not be recorded until the recording fee is received.

Applications received by fax after 4:30 PM will be deemed filed at 8:15 AM of the next business day. Any applications or fees received after this 31 day period, regardless of when they are post marked or faxed, will be refused.

- 3) To reduce disputes and eliminate expensive rushes to the MLC or PRO office, **COMPLETION TIME TAKES PRIORITY.** This means if two licensees file applications to record the staking of all or part of the same lands, then the applicant with the earliest completion time will have priority. Recorded claims with a later completion time may be adjusted or cancelled.
- 4) When your application is filed, you will receive a receipt from the MLC or PRO. If your claim posts are untagged, claim numbers will be assigned and you will be issued corresponding metal tags which must be affixed to the posts within 6 months of recording.

## You Should Also Know...

- 1) **Where the time limited for any proceeding or for the doing of anything in an office of a mining recorder or an office of the Commissioner or an office of the Minister or Deputy Minister expires or falls upon a Saturday, Sunday, holiday or any other day on which the relevant office is closed, the time so limited extends to and the thing may be done on the day next following that is not a Saturday, Sunday, holiday or any other day on which the relevant office is closed. R.S.O. 1990.**
- 2) A claim remains valid as long as the claim holder properly completes and files the assessment work as required by the Mining Act and the Minister approves the assessment work.
- 3) In the interest of fairness and accuracy, all claims are liable for inspection at any time by the Ministry and may be cancelled for irregularities or fraud in the staking process.
- 4) Disputes of mining claims by third parties will not be accepted after 1 year of the recording date or after the first

unit of assessment work has been filed and approved.

- 5) Partial abandonment of a block staked claim is permitted but only under certain conditions. Please consult the MLC or PRO about these requirements.
- 6) There are stringent penalties including suspension or revocation of a Prospector's licence, or fines for false, fraudulent or misleading application forms, certificates, and assessment work, as well as improper staking.

## Remember

The foundation to sound title for mineral rights is initially acquired through claim staking. To ensure you receive sound title, it is in your best interest to follow correct staking procedures.

For full details please refer to the Claim Staking Regulation and the Mining Act RSO/RRO 1990 (amended from time to time), available at PUBLICATIONS ONTARIO, 50 GROSVENOR ST., TORONTO, ONT. M7A 1N8.

**FORMS ARE ALSO AVAILABLE ON THE INTERNET AT [HTTP://WWW.GOV.ON.CA/MNDM/MINES/LANDS/FORMS](http://www.gov.on.ca/mndm/mines/lands/forms).**

## Directory of Offices

### **PROVINCIAL RECORDING OFFICE**

Ministry of Northern Development and Mines

933 Ramsey Lake Rd.

3rd Floor

Sudbury, Ontario

P3E 6B5

Tel: 1-888-415-9845 OR (705) 670-5742

Fax: (705) 670-5681

Toll-Free Fax: 1-877-670-1444

INTERNET: [www.gov.on.ca/MNDM/MINES/LANDS/mlsmnpge.htm](http://www.gov.on.ca/MNDM/MINES/LANDS/mlsmnpge.htm)

### **MLC**

Ministry of Northern  
Development and Mines

Ontario Government Building

227 Howey Street, Box 324

Red Lake, Ontario

P0V 2M0

Tel: (807) 727-3284

Fax: (807) 727-3553

### **MLC**

Ministry of Northern  
Development and Mines

435 James Street South

Suite B003

Thunder Bay, Ontario

P7E 6S7

Tel: (807) 475-1311

Fax: (807) 475-1124

### **MLC**

Ministry of Northern  
Development and Mines

70 Foster Drive, S-200

Sault Ste. Marie, Ontario

P6A 6V8

Tel: (705) 945-6925

Fax: (705) 945-6935

### **MLC**

Ministry of Northern  
Development and Mines

Ontario Government Complex

P.O. Bag 3060, Hwy. 101 East

SOUTH PORCUPINE, Ontario

P0N 1H0

Tel: (705) 235-1600

Fax: (705) 235-1610

### **MLC**

Ministry of Northern  
Development and Mines

10 Government Road East

Kirkland Lake, Ontario

P2N 3M6

Tel: (705) 567-9242

Fax: (705) 567-5621

### **DISTRICT GEOLOGIST**

Ministry of Northern  
Development and Mines

MacDonald Block, Room M2-17

900 Bay Street

Toronto, Ontario

M7A 1C3

Tel: (416) 314-3800

Fax: (416) 314-3797

### **DISTRICT GEOLOGIST**

Ministry of Northern  
Development and Mines

810 Robertson Street

P.O. Box 5050

Kenora, Ontario

P9N 3X9

Tel: (807) 468-2813

Fax: (807) 468-2930

### **DISTRICT GEOLOGIST**

Ministry of Northern  
Development and Mines

Queen and Fourth

P.O. Box 3000

Sioux Lookout, Ontario

P8T 1C8

Tel: (807) 737-2037

Fax: (807) 737-3419