

## Implementation of New Staking and Recording Regulations

April through June 2011

### **MAP STAKING PROCESS IN SOUTHERN ONTARIO**

Map staking will be implemented in Southern Ontario through a new Claim Staking and Recording Regulation (O. Reg. 43/11), which comes into effect on April 4, 2011.

Southern Ontario refers to those lands southward starting from the south shores of the French and Mattawa Rivers and Lake Nipissing.

**As a transition to the new map staking system, no mining claims may be staked or recorded in Southern Ontario for a period of 60 days after the effective date of the new staking regulation, which is April 4, 2011.**

The Ministry will issue a **Withdrawal Order effective April 4** that will withdraw all lands otherwise open for staking in Southern Ontario for the 60-day transition period, prohibiting both ground staking and map staking during this period.

The Ministry will subsequently reopen the Crown lands through a **Reopening Order** to be effective on June 3, at 8:00 a.m. eastern standard time.

**Lands with private surface rights owners in Southern Ontario will not be affected by this withdrawal, and so will not be reopened for staking. They will remain withdrawn pursuant to Section 35.1(2) of the Mining Act.**

Upon reopening the following new regulatory requirements will apply:

#### **Map Staking Only in Subdivided Territory in southern Ontario**

In subdivided territory in Southern Ontario, map staking will be the only method by which a mining claim can be recorded. Map staking is accomplished by completing and submitting an *Application to Record Map-staked Mining Claim(s) in Southern Ontario* in the Provincial Recording Office (PRO), located at the Willet Green Miller Centre in Sudbury.

Map staking consists of making the application to record (no ground staking to occur), together with payment of the required fee.

Claim units must coincide with township “survey fabric” -- being a subdivision of a lot (for example, the Northeast 1/4 of Lot Y, Concession Z). Depending on the township, followed at the time of the original township survey, a claim unit could be 15 hectares, 16 hectares or 20 hectares as set out in the Claim Staking and Recording Regulation, but is still considered to be one claim unit for the purposes of fees and assessment work requirements.

#### **Ground Staking in Unsurveyed Territory, Annulled Township Surveys**

In areas of Southern Ontario where the township survey has been annulled or the township has not been subdivided into lots and concessions (or other unsubdivided territory), lands cannot be map staked, and instead

will be ground staked according to the provisions in Part III of the new Claim Staking and Recording Regulation. This sets out a less disruptive and less intrusive method of staking a claim, such as using flagging tape and pre-cut claim posts.

Applications for ground staked mining claims should be submitted using the *Application to Record Ground Staked Mining Claims* form. For a more detailed explanation of these requirements, application forms and a list of the lands in designated areas, please contact the PRO in Sudbury.

#### **Map staking of land open less than one business day**

Where the land has been open for map staking for less than one business day, map staking can only be completed by faxing the application to record to the PRO. The time of making the application to record will be determined by the time noted on the final page of the faxed application to record, by the designated fax machine in the PRO.

**The designated fax number is 1-877-670-1444.**

For purposes of subsection 44(2) of the Mining Act, priority of completion of staking prevails. For map staking, completion of staking occurs when: (a) the application to record has been made (the fax time on the last page of the application), and (b) the required fee has been paid.

After the land has been open for more than one business day, an application to record a map-staked claim can also be filed in the PRO, either in person or by any other regular method.

As outlined in the Mining Act, subsection 44(1.1), an application to record must be accompanied by the required fee. The inclusion of valid credit card information that allows payment to be processed will be considered payment of the required fee. An application received without fees is an incomplete application.

#### **Staking Fees:**

The fee for an application to record a map staked claim is \$30.00 per unit.

## **CONFIRMATION OF STAKING**

This provision will apply to the entire province of Ontario effective April 4, 2011.

Pursuant to subsection 46.1(1) of the Mining Act, if a mining claim is staked on land for which there is a surface rights owner, the licensee shall, within 60 days after making the application to record the mining claim: (a) notify the surface rights owner that a mining claim has been staked on their property in the prescribed manner and file proof at the recorder's office that the notice confirming that staking has been given, or (b) if it is not feasible to notify the surface rights owner, apply to a Mining Recorder for an order waiving the confirmation.

Failure to comply with subsection 46.1(1) will result in the mining claim automatically becoming invalid, whether or not it has been recorded; and it will be cancelled.

#### **ADDITIONAL INFORMATION**

The new forms and policies pertaining to Claim Staking in southern Ontario and for Confirmation of Staking on lands where there is a surface rights owner upon the new regulation coming into effect will be posted online. This information will be available on the [Ministry's website](http://www.mndmf.gov.on.ca/mines/lands/default_e.asp): [http://www.mndmf.gov.on.ca/mines/lands/default\\_e.asp](http://www.mndmf.gov.on.ca/mines/lands/default_e.asp)  
**You may also contact the PRO directly: 1-888-415-9845.**

The new Claim Staking and Recording Regulation (O. Reg. 43/11) is available online at the Ontario government's [E-laws website](http://www.e-laws.gov.on.ca): <http://www.e-laws.gov.on.ca>