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Bill 39

An Act to amend the Aggregate Resources Act and the Mining Act

The Hon. K. McGarry
Minister of Natural Resources and Forestry

Government Bill

1st Reading October 6, 2016
2nd Reading November 15, 2016
3rd Reading
Royal Assent

*(Reprinted as amended by the Standing Committee on Justice Policy
and as reported to the Legislative Assembly March 20, 2017)*

(The provisions in this Bill will be renumbered after 3rd Reading)



This reprint of the Bill is marked to indicate the changes that were made in Committee.

The changes are indicated by underlines for new text and a ~~strike through~~ for deleted text.

EXPLANATORY NOTE

The Bill amends the *Aggregate Resources Act* and the *Mining Act*. The amendments to each Act are set out in separate Schedules.

SCHEDULE 1 AMENDMENTS TO THE AGGREGATE RESOURCES ACT

The Schedule makes various amendments to the *Aggregate Resources Act*. Some of the more significant amendments are set out below.

New section 3.1 requires the Minister to consider whether adequate consultation with Aboriginal communities has been carried out before exercising certain powers relating to licences or permits.

The Schedule deals with what may happen to a pit or quarry operating in a part of Ontario when that part is designated by regulation under subsection 5 (2). New subsections 5 (3) to (6) give the Minister the power to issue an aggregate licence to a person who holds an aggregate permit to operate such a pit or quarry and to cancel the permit. The Schedule also amends section 71 in respect of applications for an aggregate licence that may be made by the operator of an established pit or quarry situated in the newly designated part of Ontario.

The Schedule makes several amendments relating to aggregate licences, wayside permits and aggregate permits, including the following:

1. New exemptions to sections 7 and 34 allow a person to operate a pit or quarry without an aggregate licence or an aggregate permit, as the case may be, in specified circumstances.
2. Specific requirements relating to applications for licences and permits are removed from the Act and regulation-making powers are added respecting the preparation of applications and the documentation to be included in applications, including whether to provide a site plan. Also, new exemptions from the prescribed notification and consultation procedures that normally apply to a person applying for an aggregate licence or permit are added. The exemptions only apply if specified conditions are met, including requiring the person to prepare a custom plan setting out alternative or additional procedures and a description of surveys, studies or documentation the applicant will prepare.
3. The Minister is given enhanced powers to amend licences and permits and is given the power to require a licensee or permittee to prepare a new site plan. Licensees or permittees are given the right to apply to the Minister for an amendment to a licence or permit and to seek the Minister's approval of a new site plan. They are also given the power to make minor amendments to site plans that are prescribed by regulation without the Minister's approval.
4. Currently, the Act requires a hearing if the Minister changes the conditions of an aggregate licence or permit. The Schedule provides for an exception to this requirement where the licence or permit is changed for the purpose of implementing a source protection plan under the *Clean Water Act, 2006*.
5. Amendments are made to deal with situations where a licensee or permittee becomes insolvent, dies or, in the case of a corporation, is wound up or dissolved. In such situations, the Minister is given the power to revoke or to transfer the licence or permit. There is no right to a hearing if a licence or permit is revoked or transferred as a result of the death of the licensee or permittee or the winding up or dissolution of a corporation.
6. Amendments to section 34 give the Minister the power, in specified circumstances, to designate areas of Crown land, or areas of land on or in which the aggregate or topsoil is the property of the Crown, as areas in respect of which an aggregate permit shall not be issued.

Amendments require fees payable under the Act to be prescribed by regulation and not set by the Minister. The Minister is given the ability to waive application fees for licences and permits and other licence and permit fees. New provisions require a person who applies to transfer or surrender a licence or permit to pay an application fee.

The Schedule amends provisions relating to the Aggregate Resources Trust to require the trustee to comply with performance reporting requirements that may be prescribed by regulation and to give the Minister the power to remove the trustee after giving at least 90 days' notice. Regulation-making authority is added to require fees or other payments under the Act that are

payable to the trustee to be paid to another prescribed person or entity. Regulations may also provide for the disbursement of those fees and payments by the trustee, person or entity to such other persons or entities as may be prescribed by regulation.

The Schedule includes some amendments relating to enforcement of the Act and regulations. In order to encourage voluntary compliance, the amendments give inspectors the power to provide a person believed to be contravening the Act or regulations with a report indicating the contraventions identified during an inspection. A new offence is established in respect of false or misleading information provided under the Act. The Schedule repeals the current penalties for offences under the Act and provides a new maximum fine of \$1,000,000 and a new maximum daily fine of \$100,000. A provision is added to protect the Minister, inspectors and public servants from liability for any acts that they have done in good faith under the Act.

The Schedule includes amendments to give the Ministry powers to obtain more information from licensees and permittees. A licensee or permittee is required to submit reports on the progressive rehabilitation and final rehabilitation of the site of a pit or quarry. Regulation-making powers are added to require licensees and permittees to prepare reports on records they are required to keep under section 62 and submit the reports to the Minister. Regulations may provide for a person with prescribed qualifications to review technical or specialized studies or reports that a licensee or permittee is required to prepare and to submit a report to the Minister. The Minister is given the power to direct licensees and permittees to submit information relating to the operation of a pit or quarry to the Minister and to conduct inventories, tests or studies with respect to the pit or quarry and submit a report thereon to the Minister.

SCHEDULE 2 AMENDMENTS TO THE MINING ACT

The Schedule amends provisions of the *Mining Act* to implement a new electronic mining lands administration system in Ontario, which will include an online registration system for mining claims, and to make certain housekeeping changes to the Act.

A number of amendments, repeals and additions are made to the definitions in section 1 to facilitate the implementation of the new mining lands administration system. These include adding the following defined terms: “boundary cell”, “boundary claim”, “cell claim”, “legacy claim”, “mining claims registry” and “mining lands administration system”.

New section 4.1 creates the new mining lands administration system. The purposes of the system include administering public lands for mining purposes, administering the Act with respect to prospectors’ licences, mineral tenure, and exploration plans and exploration permits, allowing for the electronic registration of mining claims, creating and recording mining claim records, abstracts and maps, providing electronic access to the mining claims registry and producing reports, documents and other information. The Minister may establish directives relating to the use of the system by the public, including directives specifying the information that a person must submit in order to use the system and the format in which the information must be submitted.

Subsections 7 (1) to (4) are repealed and replaced with provisions that create the mining claims registry as an electronic public record of mining claims. The mining claims registry is a component of the mining lands administration system.

Under the new section 8, a recorder is authorized to delete, correct or amend entries in the mining claims registry and to make entries in the registry with respect to documents received in a format other than an electronic format.

Sections 15, 16, 17 and 18 are repealed and replaced. Section 15 now provides that information that is to be posted or filed under the Act must be posted or filed in a place and manner directed by the Minister and section 16 deals with instances when documents that are filed at offices are deemed to be received. Section 4718 has been changed to reflect the new online registration of mining claims, as opposed to the staking and recording of such claims. Similar changes to reflect the new online registration of mining claims are made in numerous places in the Act, including sections 19, 21, 22, 26 to 31 and 34 to 35.1.

The references to the “prospector’s awareness program” in sections 19 and 21 and elsewhere throughout the Act are updated to reflect the change in the name of the program to the *Mining Act* awareness program.

Section 38 is repealed and replaced with a section that implements the new mining claims registration system. The new system requires that mining claims be registered electronically against cells on the provincial grid in accordance with subsections 38 (2), (3) and (4). Subsections 38 (5) and (6) deal with the situation where a cell claim is registered for a cell but some portion of the cell is not open for registering claims; the portion that is not open for registration is excluded from the claim. If the portion of the cell that is not open for registration later becomes open for registration, that portion then becomes part of the registered cell claim.

Transitional sections 38.1 to 38.5 are enacted to provide for existing claims (known as “legacy claims”) to be converted to the new mining claims registration system. Section 38.1 requires that all legacy claims be delineated on the provincial grid. On a prescribed date after the legacy claims are so delineated, they are all converted in accordance with section 38.2 to new cell-based mining claims on the provincial grid; they become either cell claims for entire cells on the provincial grid or, where specified conditions are met, boundary claims for portions of cells on the provincial grid. A boundary cell usually includes two or more boundary claims held by ~~one two~~ or more claim holders ~~but may include a single boundary claim in the circumstances described in paragraph 6 of subsection 38.2 (2).~~ However, there are circumstances in which a boundary cell may include two or more boundary claims held by the same claim holder. A boundary claim continues for as long as the

specified conditions are met or until the claim holder elects to convert two or more boundary claims located in the same boundary cell to a single cell claim for the entire cell under subsection 38.3 (4). Furthermore, in some circumstances, where a boundary claim is forfeited, abandoned, transferred or cancelled and there remains only one boundary claim in the cell, the remaining boundary claim becomes a cell claim registered against the entire cell and the boundary cell ceases to be a boundary cell.

Section 38.4 provides for certain limitations on remedies arising from the implementation of the new mining claims registration system.

Section 38.5 gives the Ministry the power to register a mining claim on behalf of a licensee after the date of the conversion of legacy claims under section 38.2 if the licensee staked the claim and applied to record the claim before that date but, as of that date, the claim was the subject of a dispute. In addition, the Ministry may only exercise this power if ordered to do so by a recorder, the Commissioner or a court and such a mining claim can only be registered to the extent the relevant cells are available for registration of mining claims after the conversion date.

Sections 39 and 41 are amended to reflect the new mining claims registration system and mining lands administration system. Sections 42, 43 and 44 are repealed because they are no longer required in the new mining claims registration system.

Sections 46, 46.1 and 47 are repealed and replaced. Section 46 deals with the rights of surface rights owners that had been in section 46.1, but does so using updated language. The revised section 47 allows the Commissioner or a recorder to cancel a mining claim of a recorded claim holder who knowingly makes a false statement in the application to record a mining claim or when providing information in the process of registering the mining claim.

Section 48 is amended to clarify the process relating to disputes of mining claims in the new mining claims registration system.

Subsections 51 (2) and (3) are repealed and replaced with subsections 51 (2), (2.1) and (3). These provisions deal with the situation where the claim holder of an unpatented mining claim does not consent to the disposition of the surface rights under the *Public Lands Act* or their proposed use or disposition for certain specified purposes, including a use that would benefit the public.

Section 58 relates to agreements to acquire a mining claim or a right or interest in a mining claim made before or after a mining claim is registered. The section is amended to ensure that it applies equally to mining claims registered under the new mining claims registration system and to legacy claims that were staked and recorded before the Schedule comes into force.

Subsection 60 (1) is repealed and replaced by subsections 60 (1) and (1.1). Subsection 60 (1) ~~updates the entering of information on instruments on the abstract for a mining claim~~ [provides for the recording of instruments in the mining claims registry](#). Subsection 60 (1.1) provides that nothing in subsection (1) limits the authority of a recorder to delete, correct, amend or make entries on the abstract for a mining claim.

[Amendments are made to section 64 with respect to how a writ of seizure and sale, and later events related to the writ, are recorded in the mining claims registry.](#)

Amendments are made to subsection 66 (4) to clarify the Minister's powers to make determinations with respect to assessment work credits under the regulations.

Section 70 is repealed and is replaced with a new section 70 that deals with the abandonment of a mining claim in the new system. Among other changes, the section provides that that there can be no partial abandonment that results in dividing a cell.

Section 71 currently deals with the deemed abandonment of a mining claim that has not been staked or recorded in accordance with the requirements of the Act or the regulations. As staking and recording is not part of the new online registration system for mining claims, this section is repealed.

Subsection 72 (1) and sections 72.1 and 73 are repealed and replaced with new subsections 72 (1) to (1.3) and new section 73. The new provisions set out the circumstances in which a mining claim may forfeit under the new mining claims registration system. They require the Ministry to give notice of the impending forfeiture at least 30 days before it occurs, provide for the lands that were subject to the forfeited mining claim to become open for mining claims registration within two days of the forfeiture and set out a new procedure for obtaining an extension of time to avoid forfeiture.

Section 74, which provides a mechanism to avoid forfeiture of a mining claim in the event of the death of a claim holder, is amended to adjust that mechanism in order to reflect the new mining claims registration system.

Sections 75 and 76 relate to the inspection of mining claims and are amended to reflect the new mining claims registration system.

Amendments are made to sections 78.2 and 78.3 to clarify the discretion that the Director of Exploration has with respect to exploration permits.

Sections 79, 80, 81, 82, 90, 92, 95, 104, 110 and 129 are amended to reflect the manner in which mining claims are registered and administered under the amended Act.

Section 138, which deals with when the time for doing something under the Act falls on a Saturday, Sunday, holiday or any other day in which the a specified office is closed, is repealed and replaced with a section that deals both with the situations where a specified office is closed and where the mining lands administration system is not available.

Subsection 145 (1) is amended to update the types of financial assurance that are acceptable for purposes of the subsection.

Subsection 147 (1), which deals with the rehabilitation of mining lands on which a mine hazard exists, is amended to ensure that it applies equally to mining claims registered under the new mining claims registration system and to legacy claims that were staked and recorded before the Schedule comes into force. Similar amendments are made with respect to subsection 148 (9).

Subsection 151 (5) is amended to ensure that the Director has the power to have a cessation of charge registered where the charge and lien was imposed with respect to rehabilitation work done by the Crown under a predecessor of the Act.

The offence provisions in section 164 are updated to reflect the new mining lands administration system and the mining claims registry.

Section 176, which deals with regulation-making authority, is amended to reflect the changes to the Act.

Miscellaneous amendments are made to sections 178, 179, 183, 184, 185 and 197.

An Act to amend the Aggregate Resources Act and the Mining Act

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Contents of this Act

1 This Act consists of this section, sections 2 and 3 and the Schedules to this Act.

Commencement

2 (1) Subject to subsections (2) and (3), this Act comes into force on the day it receives Royal Assent.

Same

(2) The Schedules to this Act come into force as provided in each Schedule.

Same

(3) If a Schedule to this Act provides that any provisions are to come into force on a day to be named by proclamation of the Lieutenant Governor, a proclamation may apply to one or more of those provisions, and proclamations may be issued at different times with respect to any of those provisions.

Short title

3 The short title of this Act is the *Aggregate Resources and Mining Modernization Act, 2017*.

**SCHEDULE 1
AMENDMENTS TO THE AGGREGATE RESOURCES ACT**

1 (1) The definition of “aggregate” in subsection 1 (1) of the *Aggregate Resources Act* is amended by striking out “granite, rock or other prescribed material” and substituting “granite or other material”.

(2) The definition of “established pit or quarry” in subsection 1 (1) of the Act is repealed and the following substituted:

“established pit or quarry” means an established pit or quarry as defined by regulation; (“puits d’extraction établi ou carrière établie”)

(3) Subsection 1 (1) of the Act is amended by adding the following definition:

“material” means such material as may be prescribed; (“matière”)

(4) The definitions of “Minister”, “Ministry” and “operate” in subsection 1 (1) of the Act are repealed and the following substituted:

“Minister” means the Minister of Natural Resources and Forestry or any other member of the Executive Council to whom responsibility for the administration of this Act is assigned or transferred under the *Executive Council Act*; (“ministre”)

“Ministry” means the Ministry of the Minister; (“ministère”)

“operate”, when used in relation to a pit or quarry, includes carrying out all activities associated with a pit or quarry that are carried out on the site of the pit or quarry; (“exploiter”)

(5) The definitions of “rock” and “Treasurer” in subsection 1 (1) of the Act are repealed.

(6) Subsection 1 (1) of the Act is amended by adding the following definition:

“Trust” means the Aggregate Resources Trust established under subsection 6.1 (1); (“Fonds”)

(7) Section 1 of the Act is amended by adding the following subsection:

Application for order

(3.1) A person who applies for an order under subsection (3) shall pay any prescribed application fee.

(8) Section 1 of the Act is amended by adding the following subsections:

Conditions

(6) An order under subsection (3) may be subject to such conditions as the Minister considers advisable and may limit the time for which the order will remain in effect.

Part III of the *Legislation Act, 2006*

(7) An order under subsection (3) is not a regulation within the meaning of Part III of the *Legislation Act, 2006*.

2 The Act is amended by adding the following section:

Aboriginal consultation

3.1 For greater certainty, the Minister will consider whether adequate consultation with Aboriginal communities has been carried out before exercising any power under this Act relating to licences or permits that has the potential to adversely affect established or credibly asserted Aboriginal or treaty rights.

3 Section 4 of the Act is amended by adding the following subsection:

Report of inspection findings

(5) An inspector who finds that any provisions of this Act or the regulations are being contravened may provide the person who he or she believes to be responsible for the contravention with a written report setting out a list of the provisions that have been or are being contravened and suggesting actions or measures the person could take to remedy the contraventions.

4 The Act is amended by adding the following section:

No liability

4.1 (1) No action or other proceeding for damages shall be instituted against the Minister, an inspector or public servant for any act done in good faith in the execution or intended execution of any duty or power under this Act, for an order made under this Act or for any alleged neglect or default in the execution in good faith of that duty or power.

Crown not relieved of liability

(2) Despite subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, subsection (1) does not relieve the Crown of liability in respect of a tort committed by a person referred to in subsection (1) to which it would otherwise be subject.

5 Section 5 of the Act is amended by adding the following subsections:

Substitution of licence for permit

(3) If the Lieutenant Governor in Council designates a part of Ontario under subsection (2) and an aggregate permit has been issued under clause 34 (1) (a) or (c) to operate a pit or quarry in that part of Ontario, the Minister may, at any time after the designation and subject to subsection (4), cancel the permit and issue an aggregate licence to operate the same pit or quarry to the former permit holder.

Same

(4) The Minister shall not substitute, under subsection (3), an aggregate licence for an aggregate permit that was issued under clause 34 (1) (a) unless the surface rights to the land on which the pit or quarry is situated cease to be the property of the Crown.

Conditions

(5) An aggregate licence issued under subsection (3) is subject to such conditions as the Minister may specify in the licence.

Application

(6) Subsections (3) to (5) apply with respect to the designation of a part of Ontario by a regulation made under subsection (2) before the day section 5 of Schedule 1 to the *Aggregate Resources and Mining Modernization Act, 2017* comes into force.

6 (1) Section 6.1 of the Act is amended by adding the following subsections:

Trustee, reporting and removal

(3.1) Despite any provision in the indenture agreement made between the Minister and The Ontario Aggregate Resources Corporation, dated June 27, 1997, confirming the appointment of that corporation as the trustee of the Trust and establishing the terms and condition of the Trust,

- (a) The Ontario Aggregate Resources Corporation shall comply with such performance reporting requirements as may be prescribed; and
- (b) the Minister may remove The Ontario Aggregate Resources Corporation as the trustee of the Trust upon giving it at least 90 days' written notice.

Resignation of Trustee

(3.2) For greater certainty, The Ontario Aggregate Resources Corporation continues, under the terms of the indenture agreement referred to in subsection (3.1), to have the right to resign as the trustee of the Trust upon giving the Minister written notice, the resignation to be effective 90 days after the written notice has been delivered to the Minister or on an earlier date as may be agreed to in writing by the parties to the indenture agreement.

No liability

(3.3) No action for damages or otherwise shall be brought against the Crown, the Minister or any employee of the Crown as a result of,

- (a) the imposition of performance reporting requirements on the trustee under clause (3.1) (a); or
- (b) the removal of The Ontario Aggregate Resources Corporation as the trustee of the Trust under clause (3.1) (b).

(2) Subsections 6.1 (11) and (12) of the Act are repealed.

7 (1) Section 7 of the Act is amended by adding the following subsections:

Exception, regulations

(1.1) Despite subsection (1), a person who meets the qualifications that may be prescribed may operate a pit or quarry that meets the prescribed criteria on land described in subsection (1) without a licence if the person does so in accordance with such terms or conditions that may be prescribed.

(2) Subsection 7 (2) of the Act is amended by striking out “from a pit or quarry” wherever it appears and substituting in each case “from the site of a pit or quarry”.

(3) Subsection 7 (3) of the Act is repealed and the following substituted:

Same

(3) Every application for an aggregate licence shall be prepared in accordance with the regulations and include such documentation as may be prescribed.

Application fee

(4) An applicant for an aggregate licence shall pay any prescribed application fee.

Waiver of fee

(4.1) The Minister may waive the requirement to pay all or part of an application fee.

8 Section 8 of the Act is repealed and the following substituted:**Site plans**

8 Unless otherwise provided for by regulation, every application for a licence shall include a site plan prepared in accordance with the regulations.

9 Sections 9 and 10 of the Act are repealed.

10 (1) Subsection 11 (1) of the Act is amended by adding “subject to any requirement to the contrary that may be specified in a custom plan approved under subsection (4.2)” at the end.

(2) Subsections 11 (2), (3) and (4) of the Act are repealed and the following substituted:

Public record

(2) The name and address of individuals who participate in the prescribed notification and consultation procedures form part of a public record and may be made available to the public unless the individual requests that his or her name and address remain confidential.

Custom plan

(3) If an application for a licence relates to a proposed pit or quarry that meets the prescribed criteria, the Minister shall require the applicant to prepare a custom plan that meets the requirements set out in subsection (4) and the prescribed requirements and to submit the plan to the Minister.

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(4) A custom plan shall set out,

- (a) consultation and notification procedures that the applicant will follow in addition to, or instead of, the procedures required by subsection (1); and
- (b) a description of any surveys or studies relating to the proposed pit or quarry that the applicant will carry out and any documentation that the applicant will prepare.

Timing for preparation of plan

(4.1) The applicant shall prepare the custom plan and submit it to the Minister and further consideration of the application may be refused until the plan is submitted.

Approval by Minister

(4.2) Upon receipt of a custom plan, the Minister may approve the plan, approve the plan with such modifications as the Minister considers appropriate or require the applicant to prepare another plan.

Compliance with plan

(4.3) An applicant shall comply with a custom plan that is approved by the Minister within such time period as is set out in the plan and shall notify the Minister when all the requirements set out in the plan have been met.

Same

(4.4) Until all the requirements set out in the custom plan have been satisfied, further consideration of the application may be refused.

(3) Subsection 11 (5) of the Act is amended by striking out “any objections” and substituting “any objections arising out of the notification and consultation procedures that are prescribed or set out in a custom plan”.

(4) Subsection 11 (6) of the Act is repealed and the following substituted:

Parties

(6) The parties to the hearing are,

- (a) the applicant;
- (b) the person who made the objection;
- (c) the Minister, if he or she notifies the Board of his or her intention to be a party; and
- (d) such other persons as are specified by the Board.

(5) Subsection 11 (8) of the Act is amended by adding the following paragraph:

4. If all of the parties to a hearing, other than the applicant, withdraw before the commencement of the hearing, the Board may refer the application back to the Minister and the Minister shall decide whether to issue or refuse to issue the licence.

11 (1) Clause 12 (1) (e) of the Act is amended by adding “including on ~~municipal drinking water sources~~ drinking water sources” at the end.

(2) Subsection 12 (2) of the Act is repealed and the following substituted:

Annual compliance reports

(2) Despite clause (1) (j), the Minister or the Board shall not have regard to a contravention of this Act or the regulations that was disclosed by the applicant in a compliance report made under section 15.1 or 40.1 if,

- (a) the contravention was not discovered by an inspector before the applicant submitted the compliance report; and
- (b) the applicant complied with clause 15.1 (5) (a) or 40.1 (5) (a), as the case may be, in respect of the contravention.

12 Section 12.2 of the Act is repealed and the following substituted:

Conditions of licence

12.2 Upon issuing a licence, the Minister may attach such conditions to the licence as he or she considers necessary.

13 (1) Subsections 13 (1) and (2) of the Act are repealed and the following substituted:

Amendment to licence and site plans

Amendment by Minister

- (1) The Minister may at any time,
- (a) add a condition to a licence, rescind or vary a condition of a licence or amend a licence in any other way; or
 - (b) require a licensee to amend the site plan or to submit a new site plan.

Application by licensee

- (2) A licensee may apply to the Minister at any time,
- (a) to have a condition added to the licence, to have a condition of the licence rescinded or varied or to have the licence amended in any other way; or
 - (b) to request the Minister’s written approval of an amendment to the site plan or of a new site plan.

Same

(2.1) A licensee shall prepare and submit an application under subsection (2) in accordance with the regulations and shall pay any prescribed application fee.

No amendments to site plans without approval

(2.2) A licensee shall not amend a site plan or prepare a new site plan without first obtaining the Minister’s written approval.

Minor amendments

(2.3) Despite subsection (2.2), a licensee may make such minor amendments to the site plan as may be prescribed without the approval of the Minister if the amendments are prepared and submitted to the Minister in accordance with the regulations, along with any prescribed fee.

Preparation of site plan amendments

(2.4) An amendment to a site plan or a new site plan that is required by the Minister under clause (1) (b) or is approved by the Minister at the licensee’s request under clause (2) (b) shall be prepared by the licensee in accordance with the regulations.

(2) Subsection 13 (3) of the Act is amended by striking out “If the Minister proposes to add a condition to a licence after its issue or to rescind or vary a condition of a licence” at the beginning and substituting “If the Minister proposes to amend a licence under clause (1) (a) or require anything under clause (1) (b)”.

(3) Section 13 of the Act is amended by adding the following subsection:

Exception, no hearing required

(12) Despite subsection (6), a licensee is not entitled to a hearing under this section if the Minister adds a condition to the licence or varies a condition of the licence for the purpose of implementing a source protection plan under the *Clean Water Act, 2006*.

14 Section 14 of the Act is repealed and the following substituted:

Annual licence fee

14 (1) Every licensee shall pay any prescribed annual licence fee within the time period that is determined in accordance with the regulations.

Payment of fee

(2) All licence fees payable under this section shall be paid to the Trust or to such person or entity as may be prescribed, unless otherwise provided by regulation.

Disbursement of fees

(3) The Trust or other prescribed entity or person to whom fees are paid under subsection (2) shall disburse all or part of the annual licence fees it receives to such other persons or entities as may be prescribed in accordance with the regulations.

Same

(4) The amount of a disbursement made under subsection (3) shall be determined in accordance with the regulations.

Waiver of fee

(5) The Minister may waive the requirement to pay all or part of an annual licence fee.

15 Section 14.1 of the Act is amended by striking out “to the Aggregate Resource Trust” and substituting “to the Trust or to such person or entity as may be prescribed”.

~~**16** (1) Subsections 15.1 (1) and (2) of the Act are repealed and the following substituted:~~

Compliance report

~~**15.1** (1) Every licensee shall submit a report to the Minister for the purpose of assessing the licensee’s compliance with this Act, the regulations, a site plan and the conditions of the licence.~~

Same

~~(2) A licensee shall prepare a compliance report in accordance with the regulations and submit the report in the prescribed manner annually or at such other intervals as may be prescribed.~~

~~(2) Subsections 15.1 (4) and (5) of the Act are amended by striking out “an annual compliance report” wherever it appears and substituting in each case “a compliance report”.~~

~~(3) Section 15.1 of the Act is amended by adding the following subsection:~~

Exception

~~(5.1) Clause (5) (b) does not apply in respect of a contravention disclosed in a compliance report if the contravention had been discovered by an inspector before the compliance report was submitted to the Minister.~~

~~(4) Clause 15.1 (6) (a) of the Act is amended by striking out “an annual compliance report” and substituting “a compliance report”.~~

~~(5) Clause 15.1 (6) (b) and subsections 15.1 (7) and (8) of the Act are amended by striking out “annual compliance report” wherever it appears and substituting in each case “compliance report”.~~

~~**16** (1) Subsections 15.1 (1) and (2) of the Act are repealed and the following substituted:~~

Annual compliance report

~~**15.1** (1) Every licensee shall submit an annual report to the Minister for the purpose of assessing the licensee’s compliance with this Act, the regulations, a site plan and the conditions of the licence.~~

Same

~~(2) A licensee shall prepare and submit an annual compliance report in accordance with the regulations.~~

~~(2) Section 15.1 of the Act is amended by adding the following subsection:~~

Exception

~~(5.1) Clause (5) (b) does not apply in respect of a contravention disclosed in an annual compliance report if the contravention was discovered by an inspector before the compliance report was submitted to the Minister.~~

17 Section 16 of the Act is repealed.

18 (1) Subsection 18 (2) of the Act is repealed and the following substituted:

Application fee

(2) An applicant for the transfer of a licence shall pay any prescribed application fee.

(2) Section 18 of the Act is amended by adding the following subsection:

No notice required

(4.1) The Minister is not required to give notice to a licensee under subsection (4) if,

- (a) the licensee is an individual who is deceased and the estate has been wound up and the executor of the estate discharged; or
- (b) the licensee is a corporation that has been wound up or dissolved.

(3) Subsection 18 (11) of the Act is repealed.

19 Section 19 of the Act is amended by adding the following subsection:

Fee

(2) The licensee shall pay any fee that may be prescribed for requests made to the Minister for his or her acceptance of the surrender of a licence under subsection (1).

20 (1) Subsection 20 (1) of the Act is repealed and the following substituted:

Revocation of licence

(1) The Minister may revoke a licence if,

- (a) any provision of this Act, the regulation or the site plan or a condition of the licence is contravened;
- (b) the licensee is insolvent;
- (c) the licensee is an individual who is deceased and the estate has been wound up and the executor of the estate discharged; or
- (d) the licensee is a corporation that has been wound up or dissolved.

(2) Subsection 20 (5) of the Act is repealed and the following substituted:

Application

(5) Subsection (4) does not apply if,

- (a) the licence is revoked because of a contravention of subsection 14 (1) or section 14.1; or
- (b) the licence is revoked under clause (1) (c) or (d).

21 (1) Clause 23 (3) (b) of the Act is repealed.

(2) Subsection 23 (4) of the Act is repealed and the following substituted:

Application

(4) Every application for a wayside permit shall be prepared in accordance with the regulations and shall include such documentation as may be prescribed.

Site plans

(4.1) Unless otherwise provided for by regulation, every application for a wayside permit shall include a site plan prepared in accordance with the regulations.

Application fee

(4.2) An applicant for a wayside permit shall pay any prescribed application fee.

Waiver of fee

(4.3) The Minister may waive the requirement to pay all or part of an application fee.

(3) Section 23 of the Act is amended by adding the following subsection:

Public record

(7) The name and address of individuals who participate in the prescribed notification and consultation form part of a public record and may be made available to the public unless the individual requests that his or her name and address remain confidential.

22 Section 25 of the Act is repealed.

23 Clause 26 (h) of the Act is amended by adding “including on ~~municipal drinking water sources~~ drinking water sources” at the end.

24 Section 28 of the Act is repealed.

25 Section 30 of the Act is repealed and the following substituted:

Conditions on permit

30 Upon issuing a wayside permit, the Minister may attach such conditions to the permit as he or she considers necessary.

Amendments to permits and site plans**Amendments by Minister**

30.1 (1) The Minister may at any time,

- (a) add a condition to a wayside permit, rescind or vary a condition of a wayside permit or amend a wayside permit in any other way; or
- (b) require a permittee to amend the site plan or to submit a new site plan.

Application by permittee

(2) The holder of a wayside permit may apply to the Minister at any time,

- (a) to have a condition added to the permit, to have a condition of the permit rescinded or varied or to have the permit amended in any other way; or
- (b) to request the Minister's written approval of an amendment to the site plan or of a new site plan.

Same

(3) The holder of a wayside permit shall prepare and submit an application under subsection (2) in accordance with the regulations and shall pay any prescribed application fee.

No amendments to site plans without approval

(4) The holder of a wayside permit shall not amend a site plan or prepare a new site plan without first obtaining the Minister's written approval.

Minor amendments

(5) Despite subsection (4), the holder of a wayside permit may make such minor amendments to the site plan as may be prescribed without the approval of the Minister if the amendments are prepared and submitted to the Minister in accordance with the regulations, along with any prescribed fee.

Preparation of site plan amendments

(6) An amendment to a site plan or a new site plan that is required by the Minister under clause (1) (b) or is approved by the Minister at the permittee's request under clause (2) (b) shall be prepared by the permittee in accordance with the regulations.

Notice

(7) The Minister shall,

- (a) give a permittee notice of any amendment to a wayside permit made under clause (1) (a) and of any application or approval granted or refused under subsection (2); and
- (b) if, in the opinion of the Minister, an amendment is important and it is appropriate to do so, give the clerk of each municipality in which the site is located notice of any amendment to a wayside permit or site plan made in accordance with this section.

26 Section 31.1 of the Act is repealed and the following substituted:**Wayside permit fee**

31.1 (1) The holder of a wayside permit shall pay any prescribed permit fee within the time period that is determined in accordance with the regulations.

Payment of fee

(2) A permit fee payable under this section shall be paid to the Trust or to such entity or person as may be prescribed.

Disbursement of fees

(3) The Trust or other prescribed entity or person to whom the fees are paid under subsection (2) shall disburse all or part of the permit fees it receives under subsection (2) to such persons or entities as may be prescribed in accordance with the regulations.

Same

(4) The amount of a disbursement made under subsection (3) shall be determined in accordance with the regulations.

Waiver of fee

(5) The Minister may waive the requirement to pay all or part of a permit fee under this section.

27 Section 32 of the Act is amended by adding the following subsection:

Revocation for insolvency, etc.

- (1.1) The Minister may, at any time, revoke a wayside permit if,
- (a) the permittee is insolvent;
 - (b) the permittee is an individual who is deceased and the estate has been wound up and the executor of the estate discharged; or
 - (c) the permittee is a corporation that has been wound up or dissolved.

28 (1) Section 34 of the Act is amended by adding the following subsection:

Exception, regulations

- (1.1) Despite subsection (1), a person may operate a pit or quarry to excavate aggregate or topsoil described in subsection (1) without an aggregate permit if,
- (a) the person has the prescribed qualifications; and
 - (b) the person operates the pit or quarry in accordance with any prescribed terms or conditions.

(2) Subsection 34 (3) of the Act is repealed and the following substituted:

Removal of stockpiled aggregate, etc.

- (3) The removal of stockpiled aggregate or topsoil that is the property of the Crown from the site of a pit or quarry or from any other place at which it is stockpiled is considered to be the operation of a pit for the purpose of subsection (1) if the aggregate or topsoil that is being removed meets the prescribed conditions.

(3) Subsections 34 (4), (4.1), (4.2) and (5) of the Act are repealed and the following substituted:

Application for aggregate permit

- (4) Subject to subsection (5), any person may apply to the Minister for an aggregate permit to operate a pit or quarry.

No applications

- (5) A person shall not apply for an aggregate permit to operate a pit or quarry in an area that has been designated under subsection (6).

Designation of areas

- (6) The Minister may designate areas of Crown land, or areas of land on or in which the aggregate or topsoil is the property of the Crown, as areas in respect of which an aggregate permit shall not be issued if the Minister determines that it is in the public interest that,

- (a) the aggregate or topsoil be extracted only by a person or entity specified in the designation and only for a purpose specified in the designation; or
- (b) aggregate or topsoil in the area not be extracted.

Publication

- (6.1) The Minister shall give notice of a designation under subsection (6) to the public in such manner as he or she considers appropriate.

Exception

- (6.2) Despite subsection (5), if an area is designated under clause (6) (a), the Minister may issue an aggregate permit to a person or entity specified in the designation to extract aggregate or topsoil in the area for the purpose specified in the designation.

Content and form of permit application

- (6.3) Every application for an aggregate permit shall be prepared in accordance with the regulations and include such documentation as may be prescribed.

Application fees

- (6.4) An applicant for an aggregate permit shall pay any prescribed application fee.

Waiver of fee

- (6.5) The Minister may waive the requirement to pay all or part of an application fee.

Additional information

- (6.6) The Minister may require an applicant for an aggregate permit to furnish additional information in such form and manner as is considered necessary and, until the information is furnished, further consideration of the application may be refused.

Where licence required

(6.7) A person who, except for this subsection, would apply for an aggregate permit shall apply for a licence if,

- (a) the site is in a part of Ontario designated under section 5;
- (b) the site consists,
 - (i) in part of land the surface rights of which are the property of the Crown or land under water, or a combination of both those types of lands, and
 - (ii) in part of land that is neither land the surface rights of which are the property of the Crown nor land under water; and
- (c) the Minister directs the person in writing to apply for a licence.

29 The Act is amended by adding the following sections:**Notification and consultation**

35 (1) If an application for an aggregate permit complies with this Act and the regulations, the Minister shall require the applicant to comply with the prescribed notification and consultation procedures, subject to any requirement to the contrary that may be specified in a custom plan under section 35.1.

Public record

(2) The name and address of individuals who participate in the prescribed notification and consultation procedures form part of a public record and may be made available to the public unless the individual requests that his or her name and address remain confidential.

Custom plan

35.1 (1) If an application for an aggregate permit relates to a proposed pit or quarry that meets the prescribed criteria, the Minister shall require the applicant to prepare and submit to the Minister a custom plan that meets the requirements set out in subsection (2) and the prescribed requirements and to submit the plan to the Minister.

Content

- (2) A custom plan shall set out,
 - (a) consultation and notification procedures that the applicant will follow in addition to, or instead of, the procedures required by subsection 35 (1); and
 - (b) a description of any surveys or studies relating to the proposed pit or quarry that the applicant will carry out and any documentation that the applicant will prepare.

Timing for preparation of plan

(3) The applicant shall prepare the custom plan and submit it to the Minister and further consideration of the application may be refused until the plan is submitted.

Approval by Minister

(4) Upon receipt of a custom plan, the Minister may approve the plan, approve the plan with such modifications as the Minister considers appropriate or require the applicant to prepare another plan.

Compliance with plan

(5) An applicant shall comply with a custom plan that is approved by the Minister within such time period as is set out in the plan and shall notify the Minister when all the requirements of the plan have been met.

Same

(6) Until all the requirements in the custom plan have been satisfied, further consideration of the application may be refused.

30 Section 36 of the Act is repealed and the following substituted:**Site plans**

36 Unless otherwise provided for by regulation, every application for an aggregate permit shall include a site plan prepared in accordance with the regulations.

31 Sections 37 and 37.1 of the Act are repealed and the following substituted:**Conditions on permit**

37 Upon issuing an aggregate permit, the Minister may attach such conditions to the permit as he or she considers necessary.

Amendments to permits and site plans

Amendments by Minister

37.1 (1) Subject to sections 43 and 44, the Minister may at any time,

- (a) add a condition to an aggregate permit, rescind or vary a condition of an aggregate permit or amend an aggregate permit in any other way; or
- (b) require a permittee to amend the site plan or to submit a new site plan.

Application by permittee

(2) The holder of an aggregate permit may apply to the Minister at any time,

- (a) to have a condition added to the permit, to have a condition of the permit rescinded or varied or to have the permit amended in any other way; or
- (b) to request the Minister's written approval of an amendment to the site plan or of a new site plan.

Same

(3) The holder of an aggregate permit shall prepare and submit an application under subsection (2) in accordance with the regulations and shall pay any prescribed application fee.

No amendments to site plans without approval

(4) The holder of an aggregate permit shall not amend a site plan or prepare a new site plan without first obtaining the Minister's written approval.

Minor amendments

(5) Despite subsection (4), the holder of an aggregate permit may make such minor amendments to the site plan as may be prescribed without the approval of the Minister if the amendments are prepared and submitted to the Minister in accordance with the regulations, along with any prescribed fee.

Preparation of site plan amendments

(6) An amendment to a site plan or a new site plan that is required by the Minister under clause (1) (b) or is approved by the Minister at the permittee's request under clause (2) (b) shall be prepared by the permittee in accordance with the regulations.

Annual aggregate permit fee

37.2 (1) Every holder of an aggregate permit shall pay any prescribed annual permit fee within the time period that is determined in accordance with the regulations.

Payment of fee

(2) All permit fees payable under this section shall be paid to the Trust or to such entity or person as may be prescribed.

Disbursement of fees

(3) The Trust or other prescribed entity or person to whom the fees are paid under subsection (2) shall disburse all or part of the annual permit fees it receives under subsection (2) to such persons or entities as may be prescribed in accordance with the regulations.

Same

(4) The amount of a disbursement made under subsection (3) shall be determined in accordance with the regulations.

Waiver of fee

(5) The Minister may waive the requirement to pay all or part of an annual permit fee under this section.

~~**32 (1) Subsections 40.1 (1) and (2) of the Act are repealed and the following substituted:**~~

~~**Compliance report**~~

~~**40.1** (1) Every holder of an aggregate permit shall submit a report to the Minister for the purpose of assessing the permittee's compliance with this Act, the regulations, a site plan and the conditions of the permit.~~

~~**Same**~~

~~(2) A compliance report shall be prepared and submitted in accordance with the regulations annually or at such other intervals as may be prescribed.~~

~~(2) Subsections 40.1 (4) and (5) of the Act are amended by striking out "an annual compliance report" wherever it appears and substituting in each case "a compliance report".~~

~~(3) Section 40.1 of the Act is amended by adding the following subsection:~~

Exception

~~(5.1) Clause (5) (b) does not apply in respect of a contravention disclosed in a compliance report if the contravention had been discovered by an inspector and before the compliance report was submitted to the Minister.~~

~~(4) Clause 40.1 (6) (a) of the Act is amended by striking out “an annual compliance report” and substituting “a compliance report”.~~

~~(5) Clause 40.1 (6) (b) and subsections 40.1 (7) and (8) of the Act are amended by striking out “annual compliance report” wherever it appears and substituting in each case “compliance report”.~~

32 (1) Subsection 40.1 (1) and (2) of the Act are repealed and the following substituted:

Annual compliance report

40.1 (1) Every holder of an aggregate permit shall submit an annual report to the Minister for the purpose of assessing the permittee’s compliance with this Act, the regulations, a site plan and the conditions of the permit.

Same

(2) The holder of an aggregate permit shall prepare and submit an annual compliance report in accordance with the regulations.

(2) Section 40.1 of the Act is amended by adding the following subsection:

Exception

(5.1) Clause (5) (b) does not apply in respect of a contravention disclosed in an annual compliance report if the contravention was discovered by an inspector before the compliance report was submitted to the Minister.

33 Section 41 of the Act is repealed and the following substituted:

Transfer of permit

41 (1) On application, the Minister may transfer an aggregate permit.

Transfer without consent

(2) If an application for a transfer is made by a person other than the permittee, the Minister may transfer the aggregate permit without the consent of the permittee if,

- (a) the permittee is insolvent;**
- (b) the permittee is an individual who is deceased and the estate has been wound up and the executor of the estate discharged;**
- (c) the permittee is a corporation that has been wound up or dissolved; or**
- (d) it is, in the Minister’s opinion, in the public interest to do so.**

Application fee

(3) An applicant for the transfer of an aggregate permit shall pay any prescribed application fee.

34 Section 41.1 of the Act is amended by adding the following subsection:

Fee

(2) The permittee shall pay any fee that may be prescribed for requests made to the Minister for his or her acceptance of the surrender of an aggregate permit under subsection (1).

35 Section 42 of the Act is amended by striking out “or” at the end of clause (e), by adding “or” at the end of clause (f) and by adding the following clause:

- (g) in the case of the revocation of an aggregate permit,**
 - (i) the permittee is insolvent,**
 - (ii) the permittee is an individual who is deceased and the estate has been wound up and the executor of the estate discharged, or**
 - (iii) the permittee is a corporation that has been wound up or dissolved.**

36 (1) Clauses 43 (1) (e) and (f) of the Act are repealed and the following substituted:

- (e) proposes to amend an aggregate permit under clause 37.1 (1) (a); or**
- (f) proposes to require the holder of an aggregate permit to amend a site plan or submit a new site plan under clause 37.1 (1) (b),**

(2) Section 43 of the Act is amended by adding the following subsections:

Same, transfer without consent

(1.1) If the Minister proposes to transfer an aggregate permit to an applicant without the consent of the permittee, the Minister shall serve forthwith notice of the proposal, including reasons, to the permittee.

Exception

(1.2) The Minister is not required to give notice to a permittee under subsection (1.1) if,

- (a) the permittee is an individual who is deceased and the estate has been wound up and the executor of the estate discharged; or
- (b) the permittee is a corporation that has been wound up or dissolved.

(3) Subsections 43 (3) and (4) of the Act are amended by striking out “under clause (1) (e) or (f)” wherever it appears and substituting in each case “under clause (1) (e) or (f) or under subsection (1.1)”.

37 (1) Subsection 44 (1.1) of the Act is repealed and the following substituted:

Application

(1.1) Subsection (1) does not apply if,

- (a) the aggregate permit is revoked because of a contravention of section 37.2 or subsection 46 (2) or (2.1); or
- (b) the aggregate permit is revoked under subclause 42 (g) (ii) or (iii).

(2) Section 44 of the Act is amended by adding the following subsection:

Exception, no hearing required

(7) Despite subsection (1), a permittee is not entitled to a hearing under this section if the Minister adds a condition to the permit or varies a condition of the permit for the purpose of implementing a source protection plan under the *Clean Water Act, 2006*.

38 (1) Section 46 of the Act is amended by adding the following subsection:

Same, mining lease

(1.1) The royalty payable under this section shall be paid even if the aggregate is excavated from land that is subject to a mining lease.

(2) Subsections 46 (2), (2.1) and (3) of the Act are amended by striking out “to the Aggregate Resources Trust” wherever it appears and substituting in each case “to the Trust or to such other person or entity as may be prescribed”.

(3) Section 46 of the Act is amended by adding the following subsections:

Disbursement of royalty payment

(4) The Trust or other prescribed entity or person to whom royalties are paid under subsection (2.1) shall disburse all or part of the royalty it receives to such other persons or entities as may be prescribed in accordance with the regulations.

Same

(4.1) The amount of a disbursement made under subsection (4) shall be determined in accordance with the regulations.

39 Section 48 of the Act is amended by adding the following subsection:

Rehabilitation report

(1.1) Every licensee and every permittee shall submit reports on the progressive rehabilitation and final rehabilitation of the site at the prescribed times and shall prepare and submit the reports in accordance with the regulations.

40 Subsection 50 (3) of the Act is amended by striking out “to the Aggregate Resources Trust” at the end and substituting “to the Trust or to such other person or entity as may be prescribed, in accordance with the regulations”.

41 (1) Subsection 57 (1.1) of the Act is repealed and the following substituted:

Application

(1.1) Subsection (1) does not apply if the person is authorized under subsection 7 (1.1) or subsection 34 (1.1) or (7) to operate the pit or quarry without an aggregate licence or permit, as the case may be.

(2) Section 57 of the Act is amended by adding the following subsection:

False or misleading information

(5) Every person who includes false or misleading information in a report or in information that is required under this Act, the regulations, a site plan or a licence or permit is guilty of an offence.

42 Subsection 58 (1) of the Act is repealed and the following substituted:

Penalty

(1) Every person who commits an offence under section 57 is liable on conviction to a fine of not more than \$1,000,000 and an additional fine of not more than \$100,000 for each day or part of a day on which the offence occurs or continues.

43 (1) Subsection 62 (1) of the Act is amended by adding “and any other prescribed records” at the end.

(2) Section 62 of the Act is amended by adding the following subsection:

Report on records

(3) If required by regulation to do so, every licensee or permittee shall prepare reports on records kept under this section and submit them to the Minister at such times as may be specified by regulation.

44 Section 62.1 of the Act is repealed and the following substituted:

Change of name and address

62.1 Within 14 days after a licensee or permittee changes his or her name or address, the licensee or permittee shall give notice of the change to the prescribed person in the prescribed manner.

45 The Act is amended by adding the following sections:

Expert review of application information

62.2 (1) If the regulations so provide, technical or specialized studies or reports that an applicant for a licence or permit or a licensee or permittee is required under this Act to prepare shall be reviewed in accordance with the regulations by persons or entities outside the Ministry who have the prescribed qualifications.

Report to Ministry

(2) Persons or entities conducting a review under this section shall report on their review to the Minister in accordance with the regulations.

Costs

(3) In such circumstances as may be prescribed, the cost of a review conducted under this section shall be paid by the applicant, licensee or permittee, as the case may be, in accordance with the regulations.

Information from licensee, permittee

62.3 (1) The Minister may direct a licensee or permittee to submit to the Minister such information relating to the operation of a pit or quarry as may be specified by the Minister.

~~Compliance~~

~~(2) A licensee or permittee shall comply with a direction made by the Minister under subsection (1) within the time specified by the Minister.~~

~~Regulations re: process, etc.~~

~~(3) A direction made by the Minister under subsection (1) and any submission of information by a licensee or permittee under subsection (2) shall comply with such rules, practices or process as may be prescribed.~~

Direction

(2) A direction under subsection (1) shall be made in accordance with the regulations and shall inform the licensee or permittee of the right to request a reconsideration of the direction under subsection (3).

Request for reconsideration

(3) Within 30 days after receiving a direction under subsection (1), a licensee or permittee may request in writing that the Minister reconsider the direction and may include in the request any written submission or materials to support the request.

Reconsideration

(4) After reconsideration of a direction, the Minister may confirm or revoke the direction or make such other direction as he or she considers appropriate.

Compliance

(5) A licensee or permittee shall comply with a direction made by the Minister under subsection (1) or (4) within the time specified by the Minister.

Direction to conduct inventories, etc.

62.4 (1) Subject to subsection (2), the Minister may direct a licensee or permittee to,

- (a) conduct any inventory, survey, test or study that is usually required to be conducted and submitted as part of the documentation required to accompany an application for a licence or permit under this Act; and
- (b) submit a report on the inventory, survey, test or study to the Minister.

Considerations

(2) The Minister shall make a direction under subsection (1) only if he or she considers it necessary for the proper administration of this Act after considering,

- (a) the length of time for which the pit or quarry has been subject to a licence or permit;
- (b) the environmental impact the operation of the pit or quarry is having or may have on the area surrounding the site;
- (c) the financial impact of conducting the inventories, surveys, tests or studies on the licensee or permittee; and
- (d) such other considerations as may be prescribed.

Direction

(3) A direction under subsection (1) shall be made in accordance with the regulations and shall inform the licensee or permittee of the right to request a reconsideration of the direction under subsection (4).

Request for reconsideration

(4) Within 30 days after receiving a direction under subsection (1), a licensee or permittee may request in writing that the Minister reconsider the direction and may include in the request any written submission or materials to support the request.

Reconsideration

(5) After reconsideration of a direction, the Minister may,

- (a) confirm or revoke the direction;
- (b) make such other direction, requiring such other inventories, surveys, tests or studies described in clause (1) (a) as the Minister considers appropriate and requiring the licensee or permittee to submit a report to the Minister.

Compliance

(6) A licensee or permittee shall comply with a direction made by the Minister under subsection (1) or (5) within the time specified by the Minister.

Failure to conduct inventories, etc.

(7) If a licensee or permittee fails to comply with a direction made under subsection (1) or (5) within the time specified by the Minister, the Minister may cause the directed inventories, surveys, tests or studies, as the case may be, to be carried out and, for the purposes of carrying out such inventories, surveys, tests or studies, any employee or person acting on behalf of the Ministry may,

- (a) enter upon the site of a pit or quarry; and
- (b) carry out the relevant inventories, surveys, tests or studies.

Costs

(8) Any costs or expenses incurred by the Minister under subsection (7) shall be paid by the licensee or permittee and constitute a debt due to the Crown that may be recovered by any remedy or procedure available to the Crown by law.

46 Subsection 63 (2) of the Act is amended by striking out “the site” and substituting “the land on which the pit or quarry was operated”.

47 Subsection 63.1 (11) of the Act is repealed and the following substituted:

Guidelines

(11) The Minister may establish guidelines with respect to appeals under this section.

Fees

(12) An appellant from an order of an inspector made under section 63 shall pay any prescribed fee respecting the appeal.

48 (1) Subsection 64 (1) of the Act is repealed and the following substituted:

Service

(1) Any notice or document required to be served by the Minister under this Act is sufficiently served if it is served on the person to whom service is to be made,

- (a) by personal delivery;
- (b) by fax at the last fax number appearing on the Ministry’s records relating to this Act;

(c) by registered mail or by courier at the last address for service appearing on the Ministry's records relating to this Act;
or

(d) by email at the last electronic mail address appearing on the Ministry's records.

(2) Subsection 64 (2) of the Act is repealed and the following substituted:

Deemed receipt

(2) Service made by registered mail or courier shall be deemed to be made on the fifth day after the day the notice is mailed or is received by the courier, as the case may be, unless the person being served establishes that he or she did not, acting in good faith, and for cause beyond that person's control, receive the notice until a later date.

Same, fax, electronic mail

(3) Service made by fax or by electronic mail shall be deemed to have been made on the day after the day the notice or document is sent by fax or electronic mail unless the person being served establishes that he or she did not, acting in good faith, and for cause beyond that person's control, receive the notice until a later date.

49 (1) Clauses 67 (1) (b) and (b.1) of the Act are repealed and the following substituted:

(b) prescribing material for the purposes of this Act and prescribing different types or classes of material for the purposes of different provisions of this Act and the regulations;

(b.1) governing anything in this Act that is required or permitted to be prescribed or that is required or permitted to be done by, pursuant to, or in accordance with, the regulations or as specified or provided by or in the regulations;

(b.2) defining "established pit or quarry" for the purposes of this Act;

(2) Subsection 67 (1) of the Act is amended by adding the following clauses:

(c.1) respecting the performance reporting requirements with which The Ontario Aggregate Resources Corporation must comply under clause 6.1 (3.1) (a);

(c.2) respecting pits or quarries that may be operated without a licence or permit under subsection 7 (1.1) or 34 (1.1), including the qualifications of a person who may operate such pits or quarries and the terms and conditions under which the pits or quarries must be operated;

(3) Clauses 67 (1) (d) and (e) of the Act are repealed and the following substituted:

(d) governing applications for licences and permits, and for amendments to licences and permits, including,

(i) their contents, form and preparation, and

(ii) the documentation that shall be included in the application;

(e) governing site plans including,

(i) their contents, form and preparation,

(ii) applications that may be made for the Minister's approval of amendments to a site plan or a new site plan, including the contents, form and preparation of the applications and the amendments or new site plans, and

(iii) minor amendments that may be made without the Minister's approval;

(4) Clause 67 (1) (f) of the Act is repealed.

(5) Subsection 67 (1) of the Act is amended by adding the following clause:

(f.1.1) governing custom plans that may be required under subsection 11 (3) or section 35.1, including their contents, form and preparation and the circumstances in which they may be required;

(6) Clause 67 (1) (f.3) of the Act is repealed and the following substituted:

(f.3) governing any fees or payments that are or may be required to be paid under this Act, including prescribing the amounts of the fees or payments or the method of determining those amounts and prescribing the persons to whom they shall be paid and the times at which, or within which, they shall be paid;

(7) Clause 67 (1) (f.5) of the Act is repealed and the following substituted:

(f.5) requiring and governing the disbursement to the Crown in right of Ontario, to municipalities or to other prescribed persons or entities of portions of any fees or royalties paid under this Act;

(8) Clause 67 (1) (g) of the Act is amended by striking out "by municipalities" and substituting "by municipalities or other prescribed persons or entities".

(9) Clause 67 (1) (h) of the Act is amended by striking out "annual licence fees and wayside permit fees" and substituting "annual licence fees, wayside permit fees and annual aggregate permit fees".

(10) Subsection 67 (1) of the Act is amended by adding the following clause:

- (h.2) governing the circumstances under which the removal of stockpiled aggregate or topsoil that is the property of the Crown is considered the operation of a pit or quarry for purposes of subsection 34 (1) of this Act;

(11) Subsection 67 (1) of the Act is amended by adding the following clause:

- (m.1) governing progressive and final rehabilitation reports required under subsection 48 (1.1), including their contents, form, preparation and submission;

(12) The English version of clause 67 (1) (o) of the Act is amended by striking out “returns that must be made” and substituting “returns and reports that must be made”.

~~(13) Clause 67 (1) (o.1) of the Act is amended by striking out “annual compliance reports” and substituting “compliance reports”.~~

(14) Subsection 67 (1) of the Act is amended by adding the following clauses:

- (o.2) governing the review of studies or reports under section 62.2 including respecting,
- (i) the circumstances in which reviews are required,
 - (ii) the manner in which the review shall be conducted,
 - (iii) the qualifications of the persons outside the Ministry who may conduct the review, and
 - (iv) the circumstances in which an applicant, licensee or permittee shall be required to pay the costs of the review;
- (o.3) respecting directions made by the Minister under section 62.3 for the submission of information by a licensee or permittee and the rules, practices and processes applicable to the submissions;
- (o.4) respecting directions made by the Minister under section 62.4, including respecting the matters that the Minister must consider before making the direction;
- (o.5) defining “recycled aggregate” for the purposes of subsection 71.1 (4);

50 (1) Subsection 68 (1) of the Act is amended by striking out “any licensee or permittee” and substituting “any licensee, permittee or applicant for a licence or permit”.

(2) Subsection 68 (3) of the Act is amended by striking out “licensee or permittee” at the end and substituting “licensee, permittee or applicant for a licence or permit”.

51 Section 69 of the Act is repealed.

52 (1) Clause 71 (4) (a) of the Act is amended by striking out “12-month period” and substituting “prescribed period”.

(2) Subsection 71 (5) of the Act is repealed and the following substituted:

Application

(5) An application made under subsection (4) shall be made in the form approved by the Minister and shall include the following:

1. A site plan if available or, if not, a sketch of the site that is acceptable to the Minister.
2. Proof that the applicant has the right to extract aggregate from the pit or quarry.
3. If requested by the Ministry,
 - i. proof that the pit or quarry is an established pit or quarry, and
 - ii. proof that the location of the pit or quarry is in compliance with all relevant zoning by-laws.
4. If the applicant is a corporation, a corporate profile report that must include,
 - i. the current status of the corporation,
 - ii. the corporation’s legal name and registered address, and
 - iii. a list of the names of the corporation’s directors.

Issuance of licence

(5.1) The Minister shall issue a licence to a person who applies for the licence under subsection (4) if satisfied that,

- (a) the application meets the requirements of subsection (5);
- (b) the application is in respect of an established pit or quarry;

- (c) the location of the pit or quarry is in compliance with all relevant zoning by-laws; and
- (d) any prescribed fees have been paid.

(3) Subsection 71 (6) of the Act is repealed and the following substituted:

Site plans and other documentation

(6) Within six months after receiving a request from the Minister, the licensee shall serve on the Minister copies of the site plan referred to in section 8, unless no site plan has been prepared pursuant to the regulations.

(4) Subsection 71 (7) of the Act is amended by striking out “section 9”.

(5) Subsection 71 (8) of the Act is amended by striking out “application for an established pit or quarry” and substituting “application for a licence to operate an established pit or quarry”.

(6) Subsection 71 (9) of the Act is repealed and the following substituted:

Waiver

(9) The Minister may waive the requirement to include any prescribed documentation referred to in subsection 7 (3) in an application for a licence made under subsection (8).

53 The Act is amended by adding the following section:

Removal of aggregate from site

71.1 (1) This section applies to every pit or quarry in respect of which a licence or permit has been issued under this Act if the licence or permit is valid on the day this section comes into force.

Same

(2) Every licensee or permittee of a pit or quarry shall ensure that the amount of aggregate removed from the site in any calendar year does not exceed the total amount of aggregate that the licensee or permittee is entitled under the licence or permit to excavate at the pit or quarry or remove from the site during the year in question.

Conflict

(3) Subsection (2) prevails over any provision to the contrary in a licence or permit.

Recycled aggregate

(4) In subsection (2),

“aggregate” includes recycled aggregate as that term is defined by regulation.

Commencement

54 (1) Subject to subsection (2), this Schedule comes into force on the day the *Aggregate Resources and Mining Modernization Act, 2017* receives Royal Assent.

Same

(2) Subsections 1 (1), (2), (3) and (5), 6 (1) and 7 (3), sections 8, 9, 12, 13 and 17, subsections 18 (1) and 21 (1), section 25, subsections 28 (2) and (3), sections 30, 31 and 33, subsections 36 (1) and (2), section 44, subsections 52 (1), (4), (5) and (6) and section 53 come into force on a day to be named by proclamation of the Lieutenant Governor.

**SCHEDULE 2
AMENDMENTS TO THE MINING ACT**

1 (1) The definition of “anniversary date” in subsection 1 (1) of the *Mining Act* is repealed and the following substituted:

“anniversary date”, when referring to a mining claim, means,

- (a) with respect to a mining claim that is registered in the mining claims registry under section 38, the date that occurs at annual intervals after the registration of the claim,
- (b) with respect to a mining claim that was converted from a legacy claim and deemed to be registered as a cell claim or a boundary claim under section 38.2 or converted from a boundary claim and deemed to be registered as a cell claim under section 38.3, the date that was the anniversary date of the legacy claim or the boundary claim immediately before the day of the conversion or such other date as may be determined in accordance with the regulations,
- (c) the date determined under clause (a) or (b) as adjusted under subsection 64 (5) or 67 (2), where applicable, or
- (d) such other date as may be determined in accordance with the regulations; (“date anniversaire”)

(2) Subsection 1 (1) of the Act is amended by adding the following definitions:

“boundary cell” means a cell on the provincial grid, which, as a result of the conversion of legacy claims to mining claims under section 38.2, contains ~~one or more boundary claims~~ two or more boundary claims; (“cellule mixte”)

~~“boundary claim” means the part of a legacy claim that on the conversion date under section 38.2 is located within a cell on the provincial grid and is converted to a boundary claim in accordance with paragraph 3, 5 or 6 of subsection 38.2 (2); (“claim sur cellule mixte”)~~

“boundary claim” means the part or parts of one or more legacy claims that on the conversion date under section 38.2 are located within a single cell on the provincial grid and converted to a boundary claim in accordance with paragraph 3 or 5 of subsection 38.2 (2); (“claim sur cellule mixte”)

“cell claim” means a mining claim, other than a boundary claim, relating to all of the land included in one or more cells on the provincial grid, subject to the limitations set out in subsection 38 (5); (“claim sur cellule”)

(3) The definitions of “ground staking” and “in place” in subsection 1 (1) of the Act are repealed.

(4) Subsection 1 (1) of the Act is amended by adding the following definition:

“legacy claim” means a parcel of land, including land under water, that, before the day section 21 of Schedule 2 to the *Aggregate Resources and Mining Modernization Act, 2017* comes into force, was staked and recorded as a mining claim, as that term was defined before the day subsection 1 (6) of Schedule 2 to the *Aggregate Resources and Mining Modernization Act, 2017* comes into force; (“ancien claim”)

(5) The definitions of “map staking” and “metal tag” in subsection 1 (1) of the Act are repealed.

(6) The definition of “mining claim” in subsection 1 (1) of the Act is repealed and the following substituted:

“mining claim” means a parcel of land, including land under water, on which a mining claim is registered in accordance with subsection 38 (2), or is deemed to have been registered under section 38.2 or 38.3, on or after the day section 21 of Schedule 2 to the *Aggregate Resources and Mining Modernization Act, 2017* comes into force, and includes a cell claim and a boundary claim; (“claim”)

(7) Subsection 1 (1) of the Act is amended by adding the following definition:

“mining claims registry” means the mining claims registry described in section 7; (“registre des claims”)

(8) Clause (b) of the definition of “mining lands” in subsection 1 (1) of the Act is repealed and the following substituted:

- (b) lands or mining rights that are located, registered as a mining claim or used or intended to be used for mining purposes, and

(9) Subsection 1 (1) of the Act is amended by adding the following definition:

“mining lands administration system” means the Ministry’s administration system for mining lands as established by the Minister under section 4.1; (“système d’administration des terrains miniers”)

(10) The definition of “Minister” in subsection 1 (1) of the Act is repealed and the following substituted:

“Minister” means,

- (a) with respect to all provisions in this Act other than those listed in clause (b), the Minister of Northern Development and Mines or such other member of the Executive Council to whom responsibility for the administration of the provisions may be assigned or transferred under the *Executive Council Act*, and
- (b) with respect to section 92 and Part IV, the Minister of Natural Resources and Forestry or such other member of the Executive Council to whom responsibility for the administration of the provisions may be assigned or transferred under the *Executive Council Act*; (“ministre”)

(11) Subsection 1 (1) of the Act is amended by adding the following definitions:

“provincial grid” means the prescribed digital representation of the province of Ontario, divided into unique cells each measuring 15 seconds latitude by 22.5 seconds longitude; (“grille provinciale”)

“registration” when used in respect of a mining claim, means the registration of the mining claim in accordance with this Act and includes a deemed registration under section 38.2 or 38.3, and related terms such as “register”, “registered” and “registering” have a corresponding meaning; (“inscription”)

(12) The definition of “valuable mineral in place” in subsection 1 (1) of the Act is repealed.

2 Section 2 of the Act is amended by striking out “staking” and substituting “registration of mining claims”.

3 The Act is amended by adding the following section:

Mining lands administration system

4.1 (1) The Minister shall establish and maintain an electronic administration system, to be known as the mining lands administration system, for all or some of the following purposes:

1. Administering public lands for mining purposes and for the purposes of the mineral industry, in a manner that is consistent with subsection 4 (1).
2. Administering this Act with respect to,
 - i. prospectors’ licences,
 - ii. mineral tenure, including mining rights, mining leases, licences of occupation for mining purposes and mining claims,
 - iii. exploration plans and exploration permits, and
 - iv. such other matters concerning mining administration as may be prescribed.
3. Allowing licensees to register mining claims electronically in accordance with section 38.
4. Creating and maintaining the provincial grid to assist in the registration of mining claims and for other mining purposes.
5. Creating and recording records, abstracts and maps for mining and mineral purposes in an electronic format.
6. Providing the public with access to information in the mining claims registry described in section 7 through electronic means and in accordance with any directive made under subsection (2).
7. Producing reports, documents and other information relating to any matters referred to in paragraphs 1 to 6.

Directive re: public use of system

(2) In addition to any requirements specified in this Act or the regulations, the Minister may make directives relating to the use of the mining lands administration system by a person seeking to register a mining claim or to effect any transaction with respect to a mining claim or other mining lands or mining rights and the directives may specify,

- (a) information that must be submitted by the person;
- (b) the format in which the information must be submitted; and
- (c) any other requirement to ensure proper functioning of the mining lands administration system.

Same, format

(3) A directive made under clause (2) (b) may permit information with respect to a mining claim or other mining lands or mining rights to be submitted to the Ministry by means other than the mining lands administration system and in a format other than an electronic format in such circumstances or subject to such conditions as may be specified in the directive.

Same, classes

(4) A directive made under subsection (2) may specify different requirements for different classes of users or for different circumstances.

Publication of directive

(5) The Minister shall publish a directive made under subsection (2) electronically in a location on the mining lands administration system that is likely to come to the attention of a person who wishes to use of the system for a reason described in that subsection or shall publish it in the prescribed manner.

Non-application of *Legislation Act, 2006*, Part III

(6) Part III of the *Legislation Act, 2006* does not apply to a directive made under subsection (2).

Submitting document

(7) A document submitted electronically under the mining lands administration system is submitted for purposes of this Act when the document is entered electronically into the mining lands administration system using the technology established by the Minister and in accordance with the directives made by the Minister.

4 Subsections 7 (1), (2), (3) and (4) of the Act are repealed and the following substituted:

Mining claims registry

- (1) The Provincial Recording Office shall maintain the mining claims registry,
- (a) in an electronic format, subject to subsections (3) and (4); and
 - (b) in accordance with the requirements established under the *Archives and Recordkeeping Act, 2006*.

Content of mining claims registry

- (2) The mining claims registry shall include,
- (a) records of all mining claims;
 - (b) maps showing the location of all mining claims;
 - (c) information about each claim holder as may be prescribed; and
 - ~~(d) for each mining claim,~~
 - ~~(i) an abstract in which all transfers, assessment work submission forms, exploration plans, exploration permits, orders, agreements, instruments, notes and other entries relating to the claim are recorded, and~~
 - ~~(ii) any assessment work submission forms, exploration plans, exploration permits, orders, agreements, instruments or other documents relating to the mining claim that are in an electronic format.~~
 - (d) for each mining claim,
 - (i) an abstract in which all transfers, assessment work reports, exploration plans, exploration permits, orders, agreements, instruments, notes and other entries relating to the mining claim are recorded,
 - (ii) any assessment work reports, exploration plans and exploration permits relating to the mining claim, and
 - (iii) any orders, agreements, instruments or other documents relating to the mining claim that are in an electronic format, subject to a direction made by the Minister under subsection (3.1).

Exception

(3) The Minister may direct that certain instruments or documents relating to a mining claim that are received in a format other than an electronic format be maintained as part of the mining claims registry in the format in which they are received or in such other format as the Minister directs.

Documents excluded from registry

(3.1) The Minister may, in his or her discretion, direct that certain instruments or documents referred to in subclause (2) (d) (iii), or certain classes of such instruments or documents, not be included in the mining claim registry.

Legacy claims

(4) The Provincial Recording Office shall maintain all records, maps, documents or information required under subsection (2) with respect to legacy claims in an electronic format as part of the mining claims registry, but they may also be maintained, together with other historical information, in other formats as the Minister directs.

Public availability

- (4.1) The records, maps, documents and information referred to in subsections (2) and (4) shall be made available to the public,
- (a) through the mining lands administration system on a website of the Government of Ontario approved for this purpose or through such other means as may be determined in accordance with the regulations; and

- (b) at the Provincial Recording Office during normal business hours or at such other locations and times as the Minister directs.

Same

(4.2) Subject to any prescribed conditions, the instruments and documents referred to in subsection (3) that are maintained as part of the mining claims registry shall be made available to the public in the prescribed manner and place.

Interpretation, recording, record, etc.

(4.3) For greater certainty and unless the contrary intention appears,

- (a) any reference in this Act or the regulations to the recording of an entry, note, instrument or document is a reference to the entering of the entry, note, instrument or document in the mining claims registry;
- (b) any reference in this Act or the regulations to a recorded claim holder is a reference to the holder of a mining claim registered in the mining claims registry; and
- (c) any reference in this Act or the regulations to a recorded right or interest is a reference to a right or interest that has been noted in the mining claims registry.

5 The Act is amended by adding the following sections:

Deletion, correction and amendment to registry

8 (1) A recorder may,

- (a) delete, correct or amend an entry in the mining claims registry in accordance with the regulations;
- (b) delete, correct or amend an entry in the mining claims registry, if the registration does not comply with this Act or the regulations; and
- (c) make entries in the mining claims registry with respect to documents received in other than electronic format and delete, correct and amend entries in the mining claims registry to reflect such documents.

Notice of deletion, etc.

(2) A recorder shall notify any affected person in the prescribed manner, if the recorder deletes, corrects, amends or makes an entry in the mining claims registry in accordance with subsection (1).

Same

(3) A recorder may give notice under subsection (2) before or after deleting, correcting, amending or making the entry.

Patented mining claims, application of Acts

8.1 The *Land Titles Act* or the *Registry Act*, as the case may be, applies with respect to a mining claim once the mining claim has been patented.

6 Section 13 of the Act is amended by striking out “Every mining recorder” at the beginning and substituting “Every recorder”.

~~**7 Sections 15, 16, 17 and 18 of the Act are repealed and the following substituted:**~~

~~**Posting, filing and service**~~

~~**Posting and filing**~~

~~15 (1) A notice, order or document to be posted or filed under this Act, except under section 92 or a provision in Part IV, shall be posted in such place and manner as the Minister directs or filed in such manner as the Minister directs.~~

~~**Service**~~

~~(2) Any notice, order or document relating to a licensee or claim holder is sufficiently served upon the licensee or claim holder if delivered or sent by mail to their address for service as shown in the mining lands administration system.~~

~~**Same**~~

~~(3) Where service is made by mail under subsection (2) it is deemed to have been made on the fifth day after the day of mailing.~~

~~**Change of address**~~

~~(4) A licensee or claim holder shall update the mining lands administration system with respect to any change of address for service.~~

When document received

~~16 Any document required or permitted to be filed or recorded under this Act that is received at an office specified in a notice issued by the Minister after 4:30 p.m. local time where the office specified in the notice is located is deemed to have been received on the next day that the office is open for business.~~

Licence required

~~17 No person shall, without a prospector's licence, do any of the following with respect to land that has not been registered as part of a mining claim and for which the mining rights are held by the Crown:~~

- ~~—1. Prospect.~~
- ~~—2. Register a mining claim.~~

7 Sections 15, 16 and 17 of the Act are repealed and the following substituted:**Posting, filing and service****Posting and filing**

15 (1) A notice, order or document to be posted or filed under this Act, except under section 92 or a provision in Part IV, shall be posted in such place and manner as the Minister directs or filed in such manner as the Minister directs.

Service

(2) Any notice, order or document relating to a licensee or claim holder is sufficiently served upon the licensee or claim holder if delivered or sent by mail to their address for service as shown in the mining lands administration system.

Same

(3) Where service is made by mail under subsection (2) it is deemed to have been made on the fifth day after the day of mailing.

Change of address

(4) A licensee or claim holder shall update the mining lands administration system with respect to any change of address for service.

When document received

16 Any document required or permitted to be filed or recorded under this Act that is received at an office specified in a notice issued by the Minister after 4:30 p.m. local time where the office specified in the notice is located is deemed to have been received on the next day that the office is open for business.

7.1 Section 18 of the Act is repealed and the following substituted:**Licence required**

18 No person shall, without a prospector's licence, do any of the following with respect to land that has not been registered as part of a mining claim and for which the mining rights are held by the Crown:

- 1. Prospect.
- 2. Register a mining claim.

8 (1) Subsection 19 (1) of the Act is repealed and the following substituted:**Prospector's licences**

~~(1) Any person who is 18 years or older may obtain a prospector's licence from the mining lands administration system upon providing evidence that he or she successfully completed the prescribed *Mining Act* awareness program within 60 days before the date of the application for the licence.~~

8 (1) Subsections 19 (1) and (2) of the Act are repealed and the following substituted:**Prospector's licence**

19 (1) Any person who is 18 years or older may obtain a prospector's licence online through the mining lands administration system if the person has successfully completed the prescribed Mining Act awareness program within 60 days before the day he or she accesses the system to obtain the licence.

Term of licence

(2) A licence shall be effective as of the date it is obtained online and shall expire on the day before the fifth anniversary of that date.

(2) Subsections 19 (5), (6), (7) and (8) of the Act are repealed.

~~9 (1) Subsections 21 (1), (6), (7), (8) and (9) of the Act are amended by striking out "prescribed prospector's awareness program" wherever it appears and substituting in each case "prescribed *Mining Act* awareness program".~~

~~(2) Subsection 21 (10) of the Act is amended by striking out “prospector’s awareness program” at the end and substituting “Mining Act awareness program”.~~

9 Section 21 of the Act is repealed and the following substituted:

Renewal of licence

21 (1) At any time within the 60-day period that precedes the expiry of a licence, the licensee may obtain a renewal of the licence online through the mining lands administration system if the licensee has successfully completed the prescribed Mining Act awareness program within that 60-day period.

Notice of expiration of licence

(2) Notice of the expiration of a licence shall be given to the holder of the licence electronically through the mining lands administration system not later than 60 days before the expiry date.

Term of renewal

(3) A renewed licence shall be effective immediately after the day the previous licence expires and shall expire on the day before the fifth anniversary of the day it became effective.

Lifetime renewal after 25 years

(4) Despite subsection (3), a renewed licence shall be effective for a term equal to the remainder of the licensee’s life if, at the time of the renewal, the licensee has held a licence for a total of 25 years.

Discretionary lifetime renewal

(5) Despite subsection (3), the Minister may, whenever a licence is to be renewed, direct that the licence be renewed for a term equal to the remainder of the licensee’s life.

No fee for lifetime renewal

(6) No fee shall be established or charged under section 177.1 for the lifetime renewal of a licence under subsection (4) or (5).

Exception

(7) The Minister may, in his or her discretion, waive the requirement for a prospector to complete the prescribed Mining Act awareness program in the case of a lifetime renewal of a licence under subsection (4) or (5).

10 Section 22 of the Act is repealed and the following substituted:

Accidental destruction or loss of licence

22 If a prospector’s licence is accidentally destroyed or lost, the licensee may obtain a duplicate of the licence ~~from the mining lands administration system~~ online through the mining lands administration system.

11 (1) Subsection 26 (5) of the Act is repealed and the following substituted:

Rights of licensee under suspension

(5) While a licence is suspended under subsection (3), the licensee may renew the licence but the licensee may not register a mining claim.

(2) Subsection 26 (9) of the Act is repealed and the following is substituted:

Prohibition against registration of claims, etc.

(9) Where mining claims are cancelled under subsection (7), the former holder of the mining claims may not register a mining claim or acquire an unpatented mining claim or interest in such a claim through transfer for such period of time as the Minister determines, and the Minister shall notify the former holder of the period of time so determined.

12 (1) Section 27 of the Act is amended by striking out “stake” in the portion before clause (a) and substituting “register”.

(2) Clauses 27 (c) and (d) of the Act are repealed and the following substituted:

~~—(c) registered as a mining claim, including a mining claim that has lapsed or been abandoned, cancelled or forfeited if the cells in the claim have not been re-opened for mining claims registration;~~

~~—(c.1) included in a part of a boundary cell that is outside of the limits of any boundary claims registered on the boundary cell;~~

—(c) registered as a mining claim, including a mining claim that has lapsed or been abandoned, cancelled or forfeited if the cells related to that claim have not been re-opened for mining claims registration;

—(c.1) included in a part of a boundary cell that is outside of the limits of any boundary claims registered with respect to the boundary cell;

- (d) withdrawn, under this Act or any other Act or by order in council or other competent authority, from prospecting, mining claim registration, location or sale or, before the day section 21 of Schedule 2 to the *Aggregate Resources and Mining Modernization Act, 2017* comes into force, from staking; or
- (e) declared before the day section 21 of Schedule 2 to the *Aggregate Resources and Mining Modernization Act, 2017* comes into force, by any authority referred to in clause (d), to be not open for prospecting, staking or sale as mining claims.

13 (1) Subsection 28 (1) of the Act is amended by striking out “stake” and substituting “register”.

(2) Subsection 28 (2) of the Act is amended by striking out “stake” and substituting “register”.

(3) Subsection 28 (3) of the Act is amended by striking out “staked” and substituting “registered”.

(4) Subsection 28 (4) of the Act is amended by striking out “staked” and substituting “registered”.

14 (1) Subsection 29 (1) of the Act is amended by striking out the portion before clause (a) and substituting the following:

Land not open for registration without consent of Minister

(1) No mining claim shall be registered except with the consent of the Minister,

(2) Subsection 29 (2) of the Act is repealed and the following substituted:

Where mining claim registered without consent

(2) If a registered mining claim includes land described in subsection (1) and the licensee who registered the claim did not obtain the consent of the Minister prior to registering the claim, the Minister, if he or she is satisfied that the failure to obtain prior consent was inadvertent and without knowledge that the claim included lands described in subsection (1), may subsequently provide his or her consent to the registration of the claim and the claim as registered is deemed to include those lands.

(3) Subsection 29 (3) of the Act is amended by striking out “staked or recorded” and substituting “registered”.

15 Section 30 of the Act is amended by striking out “staked or recorded” in the portion before clause (a) and substituting “registered”.

16 Section 31 of the Act is amended by striking out “staking” and substituting “registration”.

17 Section 34 of the Act is amended by striking out “Minister” at the end and substituting “Minister of Transportation”.

18 (1) Subsection 35 (1) of the Act is amended by striking out “staking” and substituting “mining claim registration”.

(2) Subsection 35 (4) of the Act is amended by striking out “staking” and substituting “mining claim registration”.

(3) Subsection 35 (4.2) of the Act is repealed and the following substituted:

Posting and filing copy

(4.2) On receiving a copy of the order, the recorder shall promptly note the order in the mining lands administration system and may post it on the Internet.

19 (1) Subsection 35.1 (2) of the Act is amended by striking out “staking” and substituting “mining claim registration”.

(2) Subsection 35.1 (3) of the Act is amended by striking out “prospecting, sale or lease” at the end and substituting “prospecting, sale and lease”.

(3) Subsection 35.1 (4) of the Act is amended by striking out “staking, sale or lease” at the end and substituting “mining claim registration, sale and lease”.

(4) Subsection 35.1 (5) of the Act is amended by striking out “staking” and substituting “mining claim registration”.

(5) Subsection 35.1 (8) of the Act is amended by striking out “prospecting, staking, sale or lease” and substituting “prospecting, mining claim registration, sale and lease”.

(6) Subsection 35.1 (11) of the Act is amended by striking out “staking” and substituting “mining claim registration”.

(7) Subsection 35.1 (12) of the Act is repealed and the following substituted:

Manner of opening

(12) If the Minister issues an order opening the mining rights for lands under subsection (5) or (11), the mining rights shall be opened in accordance with the regulations.

20 The heading immediately before section 38 of the Act is repealed and the following substituted:

REGISTRATION OF MINING CLAIMS

21 Section 38 of the Act is repealed and the following substituted:

Registration of mining claims

38 (1) Subject to clauses 38.2 (6) (c) and 38.3 (5) (c) and subsection 38.5 (3), all mining claims shall be registered in accordance with this section.

Registration by licensee

- (2) A licensee who wishes to register a mining claim shall do so in accordance with the following procedures:
1. Access the mining lands administration system and register a cell claim electronically by identifying the cells on the provincial grid that are to be included in the claim and follow the directives established by the Minister under subsection 4.1 (2).
 2. Follow such other rules or procedures as may be prescribed.

Single and multi-cell claims

- (3) A licensee may register a cell claim in relation to,
- (a) a single cell on the provincial grid that is not a boundary cell; or
 - (b) two or more cells on the provincial grid that are not boundary cells, subject to any limitations that may be prescribed or set out in the directives established by the Minister under subsection 4.1 (2).

Land included in cell claim

(4) A cell claim registered under this Act applies with respect to all the land included in the relevant cells identified on the provincial grid as being part of the claim, subject to subsection (5).

Lands not open for registration, cell claims

(5) The registration of a cell claim for a cell on the provincial grid that includes land not open for mining claim registration under this Act does not invalidate the claim, but the land that is not open for mining claim registration does not form part of the cell claim.

Lands becoming open for registration, cell claims

(6) Where land in a cell that was not open for mining claims registration becomes open for mining claims registration and there is a cell claim registered for the cell in good standing, the land in question becomes part of the registered cell claim.

Transition, legacy claims

38.1 (1) All legacy claims shall be delineated on the provincial grid in accordance with subsections (2), (3) and (4) and then converted, in accordance with section 38.2, to mining claims registered in the mining claims registry.

Determination of legacy claim location

- (2) For the purpose of delineating a legacy claim on the provincial grid, a recorder shall,
- (a) gather information as to the precise location of the boundaries of the legacy claim using the best available information including,
 - (i) the information that was filed with the application to record the legacy claim made under section 44 of the Act, as that section read before the day section 25 of Schedule 2 to the *Aggregate Resources and Mining Modernization Act, 2017* came into force, and
 - (ii) information gathered by means of inspections, Global Positioning System geo-referencing data, surveys or other means of verifying claim boundaries; and
 - (b) make a final determination as to the location of the legacy claim based on the information gathered under clause (a).

Same

- (3) The power to make a final determination as to the location of a legacy claim under clause (2) (b) includes,
- (a) the power to decide or settle any disputes as to overlapping legacy claims and adjust the boundaries of the claim; and
 - (b) the power to adjust boundaries of a legacy claim, as staked by the claim holder or as described in the application to record a map staked claim, based on any information gathered under clause (2) (a).

Delineation

(4) The recorder shall ensure that the location of a legacy claim is delineated on the provincial grid so as to accurately reflect the determination made under subsections (2) and (3).

Effect of delineation

(5) From the day it is delineated on the provincial grid until it is converted to a mining claim under section 38.2, a legacy claim applies with respect to the land included in the delineated area on the provincial grid, regardless of where the claim was,

- (a) marked out on the ground, based on the ground staking requirements at the time when the claim was staked;
- (b) indicated to be in the application to record a map staked claim; or
- (c) indicated on the Ministry's maps of mining claims before the delineation.

No appeal

(6) A determination made by a recorder as to the location of a legacy claim under subsections (2) and (3) and the resulting delineation of the legacy claim on the provincial grid made under subsection (4) are final and not subject to appeal to the Commissioner under section 112.

Continuation of legacy claim until conversion

(7) After a legacy claim is delineated on the provincial grid under this section and until the day the legacy claim is converted to a mining claim under section 38.2,

- (a) all rights and obligations that arose under this Act and applied with respect to the legacy claim immediately before the day section 21 of Schedule 2 to the *Aggregate Resources and Mining Modernization Act, 2017* came into force shall continue to apply to the legacy claim as delineated on the provincial grid;
- (b) all agreements, liens, orders and other documents that were recorded on the abstract of the legacy claim or that otherwise purported to affect the legacy claim immediately before the day section 21 of Schedule 2 to the *Aggregate Resources and Mining Modernization Act, 2017* came into force shall continue to apply to the legacy claim as delineated on the provincial grid; and
- (c) any exploration plan or exploration permit that was in effect with respect to the legacy claim immediately before the day section 21 of Schedule 2 to the *Aggregate Resources and Mining Modernization Act, 2017* came into force continues to apply to the legacy claim as delineated on the provincial grid.

Conversion of legacy claims to mining claims

Definition

38.2 (1) In this section,

“conversion date” means the day set by the Minister by regulation for the purposes of this section.

Conversion

(2) Subject to the regulations, on the conversion date, all legacy claims are converted, in accordance with the following rules, to mining claims registered in the mining claims registry:

1. If, immediately before the conversion date, a legacy claim as delineated under section 38.1 includes an entire cell on the provincial grid, the portion of the legacy claim corresponding to the cell is converted to a separate cell claim for the entire cell.
2. If, immediately before the conversion date, a legacy claim as delineated under section 38.1 includes a part of a cell on the provincial grid, the portion of the legacy claim delineated in the cell is converted to a separate cell claim for the entire cell, subject to the rules set out in paragraphs 3, 4, 5 and 6.
- ~~3. If, immediately before the conversion date, two or more legacy claims as delineated under section 38.1 each include a part of a cell on the provincial grid and if two or more of the legacy claims are held by different claim holders,~~
 - ~~i. the cell becomes a boundary cell for purposes of this Act, and~~
 - ~~ii. each legacy claim, or each portion of a legacy claim, delineated in the cell, is converted to a separate boundary claim for the corresponding part of the boundary cell.~~
3. If, immediately before the conversion date, two or more legacy claims as delineated under section 38.1 each include a part of a cell on the provincial grid and if two or more of the legacy claims are held by different claim holders,
 - i. the cell becomes a boundary cell for the purposes of this Act,

ii. any legacy claim or portion of a legacy claim delineated in the cell that is held by a claim holder who does not hold any other legacy claims or portions of legacy claims delineated in the cell is converted to a separate boundary claim for the corresponding part of the boundary cell, and

iii. any two or more legacy claims or portions of legacy claims delineated in the cell that are held by the same claim holder merge into one claim and are converted to a single boundary claim for the corresponding parts of the boundary cell, even if the legacy claims or portions of legacy claims were not contiguous, subject to paragraph 3.1.

3.1 If a claim holder of two or more legacy claims or portions of legacy claims described in subparagraph 3 iii elects under subsection (2.1) to convert two or more of the legacy claims or portions of legacy claims to separate boundary claims, each legacy claim or portion of a legacy claim identified in the election is converted to a separate boundary claim for the corresponding part of the boundary cell.

4. If, immediately before the conversion date, two or more legacy claims as delineated under section 38.1 each include a part of a cell on the provincial grid and all the legacy claims are held by the same claim holder, the legacy claims, or portions of the legacy claims, delineated in the cell, merge into one claim and are all converted to a single cell claim for the entire cell, subject to paragraph 5.

5. If a claim holder of two or more legacy claims described in paragraph 4 elects under subsection (3) to convert all or portions of each legacy claim to boundary claims,

i. a cell on the provincial grid that includes all or a portion of the two or more legacy claims becomes a boundary cell for purposes of this Act, and

ii. each legacy claim, or portion of a legacy claim, delineated in the cell referred to in subparagraph i, is converted to a separate boundary claim for the corresponding part of the boundary cell.

~~6. If, immediately before the conversion date, a legacy claim as delineated under section 38.1 includes a part of a cell on the provincial grid and the lands in that part of the cell form the perimeter of the legacy claim as shown in a draft plan of survey obtained by the claim holder and submitted to the Ministry, before the prescribed date, in relation to an application under section 81 for a lease of the legacy claim,~~

~~i. the cell becomes a boundary cell for purposes of this Act, and~~

~~ii. the legacy claim, or the portion of the legacy claim, delineated in the cell, is converted to a separate boundary claim for the corresponding part of the boundary cell.~~

Election to convert to separate boundary claims

(2.1) At such time before the conversion date as may be determined by regulation, the holder of two or more legacy claims, all or portions of which would otherwise be merged and converted to a single boundary claim upon conversion under subparagraph 3 iii of subsection (2), may elect to prevent the merger and to have the legacy claims or portions of the legacy claims converted to separate boundary claims under paragraph 3.1 of subsection (2).

Election to convert to boundary claims

(3) At such time before the conversion date as may be determined by regulation, the holder of two or more legacy claims, all or portions of which would otherwise be merged and converted to a single cell claim upon conversion under paragraph 4 of subsection (2), may elect to prevent the merger and to have the legacy claims or portions of the legacy claims converted to a separate boundary claim under paragraph 5 of subsection (2).

Same

(4) An election under ~~subsection (3)~~ subsection (2.1) or (3) shall be made in accordance with the regulations.

Group claim holder

(5) If two or more legacy claims are held by a group of persons, the two or more claim holders of the legacy claims shall be considered the same claim holder for the purposes of the conversion of legacy claims under paragraphs 3 and 4 of subsection (2), if the group of persons consists of the same persons holding the same proportionate interests in each legacy claim.

Effect of conversion

(6) Upon the conversion of a legacy claim to one or more cell claims and boundary claims in accordance with subsection (2),

(a) a person who held a legacy claim immediately before the conversion date shall hold the number of cell claims and any boundary claims that result from the conversion of the legacy claim;

(b) subject to the regulations, all rights or obligations arising under this Act that existed immediately before the conversion date in respect of the legacy claim continue after the conversion date,

(i) in respect of each of the resulting cell claims, and

- (ii) in respect of any area in a boundary cell that is covered by a resulting boundary claim but not in respect of any area of the boundary cell that is not part of the boundary claim;
- (c) all cell claims and boundary claims that result from the conversion are deemed to be registered in accordance with subsection 38 (2) for the purposes of this Act;
- (d) a cell claim that results from the conversion applies to the entire cell, subject to the regulations; and
- (e) the anniversary date of a cell claim or boundary claim that results from the conversion of a legacy claim under this section shall be determined in accordance with the regulations.

Same

(7) Where there are agreements, liens, orders and other documents that are recorded on the abstract of a legacy claim or that otherwise purport to affect a legacy claim, the agreements, liens, orders and other documents continue in effect, with necessary modifications, with respect to any cell claim and, if applicable, any boundary claim resulting from the delineation and conversion of the legacy claim.

Same

(8) Agreements, liens, orders and other documents that are continued in effect under subsection (7) are enforceable only if they were enforceable before they were continued.

Recording of agreements, liens, etc.

(9) When a legacy claim is converted to a cell claim or a boundary claim, a recorder shall, in accordance with the regulations, record on the abstract for each resulting cell claim or boundary claim the agreements, liens, orders and other documents that are recorded on the abstract for the legacy claim or that otherwise purport to affect the legacy claim.

Minister referring matters to Commissioner

(10) The Minister may refer issues related to the agreements, liens, orders or other documents that have been recorded on the abstract for a cell claim or boundary claim, as referred to in subsection (9), to the Commissioner who may, upon notice to all interested parties, review the issues and resolve them.

Exploration plans, exploration permits

(11) Where an exploration plan or exploration permit is in effect with respect to a legacy claim before the conversion date, the exploration plan or exploration permit continues in effect after the conversion date with respect to any cell claim or boundary claim that results from the conversion of the legacy claim but only with respect to the land in the cell claim or boundary claim that was part of the legacy claim as delineated under section 38.1.

Same

(12) Where an exploration plan or exploration permit is continued in effect under subsection (11), the exploration plan or exploration permit is deemed to be amended to reflect the new mining claim numbers to which it applies and a Director of Exploration shall notify the claim holder identified in the exploration plan or exploration permit in the prescribed manner.

Regulation by Minister

(13) The Minister may make a regulation setting the conversion date for the purposes of this section.

Boundary claims

38.3 (1) If the conversion of a legacy claim under section 38.2 results in the existence of one or more boundary claims, each boundary claim continues indefinitely until it is converted to a cell claim in accordance with subsection (2) or (4), so long as the claim holder continues to comply with the requirements of this Act.

Change of boundary claim upon forfeiture, etc.

- (2) ~~Subject to subsection (3),~~ if a boundary claim is forfeited, abandoned or cancelled, and there remains only one boundary claim within the boundary cell, then, on the day of the forfeiture, abandonment or cancellation,
 - (a) the cell is no longer a boundary cell for purposes of this Act; and
 - (b) the remaining boundary claim becomes a single cell claim for the entire cell.

Exception

~~(3) Subsection (2) does not apply if the one boundary claim remaining within a boundary cell after the forfeiture, abandonment or cancellation of a boundary claim is a boundary claim converted from a legacy claim under paragraph 6 of subsection 38.2 (2).~~

Election to merge boundary claims

(4) If two or more boundary claims are registered with respect to a cell on the provincial grid and are all held by the same claim holder, the claim holder may elect, in accordance with the regulations, to merge the boundary claims to a single cell claim for the entire cell and on the day the election is made,

- (a) the cell is no longer a boundary cell for the purposes of this Act; and
- (b) the claim holder's boundary claims for portions of the cell become a single cell claim for the entire cell.

Effect of boundary claim changes

(5) Where one or more boundary claims become a single cell claim under clause (2) (b) or (4) (b),

- (a) the holder of the boundary claim or claims, as the case may be, shall be the holder of the cell claim for the entire cell;
- (b) subject to the regulations, all rights and obligations arising under this Act in respect of the boundary claim or claims continue in respect of the cell claim;
- (c) the resulting cell claim is deemed to be registered as a cell claim for the purposes of subsection 38 (2);
- (d) the resulting cell claim applies to the entire cell, subject to the regulations; and
- (e) the anniversary date of the resulting cell claim shall be determined in accordance with the regulations.

Limitations on remedies

38.4 (1) No cause of action arises against the Crown, a member or former member of the Executive Council or an employee or agent or former employee or agent of the Crown as a direct or indirect result of any of the following:

1. The delineation of a legacy claim on the provincial grid pursuant to section 38.1 or any boundary adjustments made by a recorder to delineate a legacy claim on the grid under that section, or anything done or not done in accordance with the delineation of the claim or adjustment of its boundaries or regulations made in respect of the delineation or adjustment.
2. The conversion of a legacy claim into a cell claim or boundary claim under section 38.2 or regulations made in respect of the conversion of legacy claims.
3. The entry on the abstract for cell claims under section 38.2 of agreements, liens, orders and other documents that are recorded on the abstract for the legacy claim or that otherwise purport to affect the legacy claim or the failure to make such an entry.
4. The change of a boundary claim to a cell claim under clause 38.3 (2) (b) or (4) (b).
5. The change of a boundary cell to a cell on the provincial grid under clause 38.3 (2) (a) or (4) (a).
6. The enactment of sections 38, 38.1, 38.2, 38.3, this section and section 38.5, the repeal of any provision of this Act by the *Aggregate Resources and Mining Modernization Act, 2017*, the making or revocation of any regulations under this Act in relation to the enactment of sections 38, 38.1, 38.2, 38.3, this section and section 38.5 or anything done or not done in accordance with those sections or the regulations made in relation to them.

Same

(2) Without limiting the generality of subsection (1), that subsection applies to an action or other proceeding claiming any remedy or relief, including specific performance, injunction, declaratory relief, any form of compensation or damages, including loss of revenue and loss of profit, or any other remedy or relief.

Proceeding barred

(3) No proceeding, including but not limited to any proceeding in contract, restitution, tort or trust, that is directly or indirectly based on or related to anything referred to in subsection (1), may be brought or maintained against any person referred to in subsection (1).

Same

(4) Subsection (3) applies regardless of whether the cause of action on which the proceeding is purportedly based arose before or after the coming into force of section 21 of Schedule 2 to the *Aggregate Resources and Mining Modernization Act, 2017*.

Proceeding set aside

(5) Any proceeding referred to in subsection (3) commenced before the day section 21 of Schedule 2 to the *Aggregate Resources and Mining Modernization Act, 2017* comes into force is deemed to have been dismissed without costs on that day.

No expropriation or injurious affection

(6) Nothing done or not done in accordance with the provisions referred to in subsection (1) or the regulations made in respect of them constitutes an expropriation or injurious affection for the purposes of the *Expropriations Act* or otherwise at law.

Exception, proceeding by the Crown

(7) This section does not apply to a proceeding commenced by the Crown and nothing in this section precludes a proceeding commenced by the Crown.

Transition, registration of disputed claims by Ministry

38.5 (1) Despite section 38, after the day section 21 of Schedule 2 to the *Aggregate Resources and Mining Modernization Act, 2017* comes into force, a recorder, the Commissioner or a court, as the case may be, may order that the Ministry register a mining claim on behalf of a licensee in accordance with the procedures referred to in subsection 38 (2) if all of the circumstances described in subsection (2) are met.

Time of order

(2) An order may be made under subsection (1) if,

- (a) before the day section 21 of Schedule 2 to the *Aggregate Resources and Mining Modernization Act, 2017* comes into force,
 - (i) the licensee staked a mining claim in accordance with section 38, as that section read before the day section 21 of Schedule 2 to the *Aggregate Resources and Mining Modernization Act, 2017* comes into force, and applied to a recorder to record the claim, and
 - (ii) the recorder did not record the mining claim referred to in clause (a) but filed the application under subsection 46 (3), as that subsection read before the day section 26 of Schedule 2 to the *Aggregate Resources and Mining Modernization Act, 2017* comes into force; and
- (b) on the day section 21 of Schedule 2 to the *Aggregate Resources and Mining Modernization Act, 2017* comes into force, the application under subsection 46 (3) is the subject of a dispute relating to the validity or boundaries of a claim and the dispute is either before the recorder, subject to an appeal or other proceeding before the Commissioner or on appeal from the Commissioner to the courts.

Same

(3) Where an order is made under subsection (1) to register a mining claim on behalf of a licensee, a cell claim shall be registered for each cell that was included, in whole or in part, in the land staked by the licensee, subject to any determination as to the location of the claim made by the recorder, Commissioner or court and subject to the following rules:

1. No mining claim shall be registered until after the conversion date prescribed under section 38.2.
2. No cell claim shall be registered with respect to a cell if a cell claim was previously registered with respect to that cell either as a result of the conversion of legacy claims under section 38.2 or otherwise.
3. No cell claim shall be registered with respect to a part of a cell that is not open for registration in accordance with subsection 38 (5).

Amalgamation of claims

38.6 A cell claim may be amalgamated with other cell claims in accordance with the regulations.

22 Subsection 39 (1) of the Act is repealed and the following substituted:

Mining claims on agricultural lands

(1) Where the Minister certifies that land is suitable for disposition for agricultural purposes, a mining claim registered on the land does not give the claim holder any right, title or interest in or to the surface rights.

23 Subsection 41 (3) of the Act is amended by striking out “staking, sale or lease” and substituting “mining claim registration, sale or lease”.

24 The heading immediately before section 42 of the Act is repealed.

25 Sections 42, 43 and 44 of the Act are repealed.

26 Sections 46, 46.1 and 47 of the Act are repealed and the following substituted:

Mining claim where surface rights owner

46 (1) If a mining claim is registered in respect of land for which there is a surface rights owner, the recorded claim holder shall, within 60 days after the mining claim is registered,

- (a) in accordance with the regulations, give confirmation of registration of the mining claim to the surface rights owner and verify that confirmation was given; or
- (b) apply to a recorder for an order waiving confirmation.

Order to waive confirmation

(2) A recorder may issue an order waiving confirmation if he or she determines that it is not feasible to provide confirmation of registration of the mining claim to the surface rights owner.

Claim invalid if no confirmation

(3) If the recorded claim holder does not comply with subsection (1) and if no order waiving confirmation is issued under subsection (2), the mining claim becomes invalid 60 days after the date the mining claim is registered.

Cancellation of mining claim

- (4) If a mining claim becomes invalid under subsection (3), the mining lands administration system shall automatically,
- (a) cancel the mining claim;
 - (b) make a note of the cancellation on the abstract of the mining claim; and
 - (c) notify the recorded claim holder in writing of the cancellation.

Exception, legacy claims

(5) The requirement in subsection (1) does not apply with respect to a mining claim that is deemed to be registered as the result of the claim's conversion from a legacy claim to a cell claim under section 38.2.

False statement

47 A recorder or the Commissioner may, after a hearing, cancel the mining claim of a recorded claim holder who knowingly made a false statement,

- (a) in the application to record the mining claim, with respect to a legacy claim, even after the legacy claim has been converted to a cell claim or a boundary claim; or
- (b) when providing information in the process of registering the mining claim, with respect to a cell claim.

27 Section 48 of the Act is repealed and the following substituted:

Dispute of registered claim

48 (1) A person alleging that a registered mining claim is invalid in whole or in part may file a dispute with a recorder in the prescribed manner and the recorder shall file the dispute and enter a note of the dispute on the abstract of the disputed claim.

Same

(2) A dispute shall contain the prescribed information and shall be dealt with in accordance with the regulations.

When not to be received

(3) A dispute that may be filed under this section shall not be filed, nor shall a note of the dispute be entered on the abstract for a mining claim, after any of the following events has occurred:

1. The first anniversary of the registration of the claim.
2. The performance and filing of the first prescribed unit of assessment work and, where necessary, its approval.
3. In the case of a dispute as to the validity of a legacy claim, the conversion of the legacy claim under section 38.2.
4. Adjudication upon the validity of the mining claim by a recorder or the Commissioner.
5. The filing of another dispute of the mining claim and its notation on the abstract for the mining claim.

Exception

(4) Despite paragraphs 4 and 5 of subsection (3), a dispute of a mining claim may be filed under this section even though the validity of the claim has already been adjudicated upon or another dispute has already been filed if,

- (a) the Commissioner grants leave for the dispute to be filed; and
- (b) none of the events described in paragraphs 1, 2 or 3 of subsection (3) have occurred.

Where assessment work subsequently approved

(5) Where a note of a dispute is entered on the abstract for a mining claim after the first prescribed unit of assessment work has been performed and filed but before the assessment work has been approved, where approval is necessary, the dispute is deemed to have been resolved in favour of the holder or holders of the claim if the assessment work is subsequently approved.

Change to abstract of claim

(6) Where subsection (5) applies, the recorder shall strike out the note of the dispute entered on the abstract of the claim and notify the disputant of his or her action and the reason for it.

28 (1) The French version of subsection 49 (1) of the Act is repealed and the following substituted:

Droit d’être relevé de la déchéance

(1) Le registrateur peut rendre une ordonnance relevant de la déchéance le claim non concédé par lettres patentes qui fait l’objet d’une déchéance en raison d’une erreur administrative de la Couronne.

(2) Subsection 49 (2) of the Act is repealed and the following substituted:

Previous registration

(2) If during the time that a claim referred to in subsection (1) was subject to forfeiture a licensee registered a mining claim for the same cell, a recorder,

- (a) may make an order with respect to relief from forfeiture, subject to such terms and conditions as the recorder considers appropriate; or
- (b) may at any time prior to making an order, refer the matter to the Commissioner.

29 Subsection 50 (1) of the Act is amended by striking out the portion before clause (a) and substituting the following:

Rights in claim

(1) The registration of a mining claim or the acquisition of any right or interest in a mining claim by any person does not confer upon that person,

30 (1) Subsections 51 (2) and (3) of the Act are repealed and the following substituted:

Claim holder not consenting to proposed use or disposition

(2) Despite subsection (1), a recorder may, in the circumstances described in subsection (2.1) and if the claim holder does not consent to the proposed disposition under clause (2.1) (a) or disposition or use under clause (2.1) (b),

- (a) refer the matter to the Commissioner; or
- (b) upon giving all interested persons at least 90 days notice of a hearing in the prescribed manner and, after hearing any interested persons that appear, make an order on such terms and conditions as the recorder considers appropriate with respect to the claim holder’s consent to the proposed disposition or use.

Surface rights required under the *Public Lands Act* or for public benefit

(2.1) Subsection (2) applies where,

- (a) an application has been made under the *Public Lands Act* for the disposition of the surface rights in whole or in part; or
- (b) the surface rights or portions of them are required for developing and operating a public highway, a renewable energy project, a power transmission line or a pipeline for oil, gas or water or for another use that would benefit the public.

Where application referred to Commissioner

(3) Where a matter is referred to the Commissioner under clause (2) (a), the Commissioner shall, upon giving all interested persons at least 90 days notice of a hearing and, after hearing any interested persons that appear, make an order on such terms and conditions as the Commissioner considers appropriate with respect to the claim holder’s consent to the proposed disposition or use.

(2) Subsection 51 (6) of the Act is amended by striking out “subsection (5)” and substituting “subsection (4)”.

31 Subsection 52 (2) of the Act is amended by striking out “subject to such conditions as are prescribed” at the end and substituting “subject to such conditions as the Minister may impose”.

32 Subsection 53 (2) of the Act is amended by striking out “staking or recording” and substituting “registration”.

33 Subsection 54 (1) of the Act is repealed and the following substituted:

Improper use of land

(1) Where a mining claim is registered on land and it appears that the land is being used other than as mining land or for a purpose other than that of the mineral industry, the Minister may direct the Commissioner to hold a hearing.

34 The heading immediately before section 56 and section 56 of the Act are repealed.

35 Section 58 of the Act is repealed and the following substituted:

Agreements and transfers

Agreement made before registration of claim

58 (1) Where a person registers a mining claim, no other person is entitled to enforce a claim, right or interest to or in the mining claim, or to or in any mining lands or mining rights arising from the mining claim, that was contracted for or acquired before the mining claim was registered unless a written document acknowledging the claim, right or interest was signed by the registered claim holder or there exists some other material evidence of the claim, right or interest and, if such acknowledgement or evidence is provided, the *Statute of Frauds* does not apply.

Sales or transfers after registration

(2) No person is entitled to enforce any agreement for the sale or transfer of a mining claim, of any mining lands or mining rights arising from the mining claim, or of any interest in or concerning the claim, lands or rights, that was entered into after the registration of the mining claim or the recording of the mining lands or mining rights, unless the agreement, or a note or memorandum thereof, is in writing and signed by the person against whom it is sought to be enforced or by that person's lawfully authorized agent.

Transition, converted mining claims

(3) Despite subsections (1) and (2), if a mining claim was staked and recorded on a day before the day section 21 of Schedule 2 to the *Aggregate Resources and Mining Modernization Act, 2017* came into force and then converted from a legacy claim under section 38.2 and deemed to have been registered under subsection 38 (2),

- (a) subsection (1) applies to any claim, right or interest in the staking and recording of the claim that was contracted for or acquired by a person before the claim was staked ~~by the recorded claim holder~~; and
- (b) subsection (2) applies to any agreement that was entered into after the staking of the legacy claim.

36 Section 59 of the Act is amended by,

- (a) striking out “clause 46.1 (1) (a)” in subclause (a) (i) and substituting “clause 46 (1) (a)”; and
- (b) striking out “subsection 46.1 (2)” in subclause (a) (ii) and substituting “subsection 46 (2)”.

37 Subsection 60 (1) of the Act is repealed and the following substituted:

Recording instruments

(1) Except as otherwise expressly provided in this Act, no transfer or assignment of a mining claim and no agreement or other instrument affecting a mining claim or affecting a recorded right or interest acquired under this Act ~~shall be entered on the mining claims registry shall be recorded in the mining claims registry~~ unless it satisfies the directives made by the Minister under subsection 4.1 (2) relating to the use of the mining lands administration system.

Same

(1.1) Nothing in this section limits the authority of a recorder to delete, correct, amend or make entries on the abstract for a mining claim in accordance with this Act.

38 Section 61 of the Act is amended by striking out “recorded” wherever it appears and substituting in each case “recorded in the mining claims registry”.

39 Subsection 63 (2) of the Act is repealed.

40 (1) Subsection 64 (4.2) of the Act is repealed and the following substituted:

Notice of cancellation

(4.2) Upon the cancellation of a note of pending proceedings, the recorder's office shall notify all interested persons of the cancellation in the prescribed manner.

(2) Subsections 64 (7), (8) and (9) of the Act are repealed and the following substituted:

Recording of writ

(7) Upon being given the number or a description of every mining claim held by the judgment debtor named in a writ of seizure and sale filed with the recorder under subsection (6) and upon receiving the required fee, the recorder shall record the writ on the abstract for each mining claim so identified.

Effect of recording writ

(8) If a writ of seizure and sale is recorded on the abstract for a mining claim, the writ binds the judgment debtor's interest in the claim and the sheriff or bailiff may treat the interest as if it were goods and chattels subject to a writ of seizure and sale.

Recording of transfer

(9) If a sheriff or bailiff sells a judgment debtor's interest in a mining claim under a writ of seizure and sale, the recorder may record the transfer of the claim to the purchaser on the abstract for the claim and the transfer has the same effect as if the judgment debtor had transferred the claim.

(3) Subsection 64 (11) of the Act is amended by striking out “Once the writ has been recorded on a claim” at the beginning and substituting “Once a writ of seizure and sale is recorded on the abstract for a mining claim”.

(4) Subsection 64 (12) of the Act is repealed and the following substituted:

Where writ discharged

(12) A recorder may amend the abstract for a mining claim to note the discharge of a writ of seizure and sale that was previously recorded if any of the following documents are filed with a recorder:

- 1. A certificate from the sheriff or bailiff indicating that the judgment debt that gave rise to the writ has been satisfied.**
- 2. A release of the judgment debt from the judgment creditor.**
- 3. An order by the Commissioner directing that the abstract for the mining claim be amended to note the discharge of the writ.**

Writ ceasing to bind mining claim

(13) Upon a discharge of a writ of seizure and sale being noted in the abstract for a mining claim, the writ shall cease to bind the claim holder’s interest in the mining claim.

41 (1) Subsection 65 (1) of the Act is repealed and the following substituted:

Assessment work or payments

(1) After a mining claim is registered, the claim holder shall perform or cause to be performed the annual units of assessment work required in accordance with the regulations or may, in the prescribed circumstances and to the extent permitted by regulation, make payments in place of assessment work in accordance with the regulations.

(2) Subsections 65 (3) and (4) of the Act are repealed and the following substituted:

When report must be received

(3) The report must be received by the mining lands administration system on or before the anniversary date of the mining claim.

Same

(4) If a date earlier than the anniversary date is prescribed for the submission of a report regarding a specific type of assessment work, the report must be submitted to the mining lands administration system on or before the prescribed date.

42 (1) Subsection 66 (1) of the Act is amended by striking out “in such manner as is prescribed” at the end and substituting “in accordance with the regulations”.

(2) Subsection 66 (2) of the Act is amended by striking out “recording” and substituting “registration”.

(3) Subsection 66 (4) of the Act is repealed and the following substituted:

Decision

(4) With respect to any report of assessment work or payments made under section 65 by a mining claim holder, the Minister shall, based on the prescribed rules, determine,

- (a) whether the type of work reported is eligible for assessment work credits; and
- (b) the amount of assessment work credits to be assigned to the work reported and the distribution of the credits to mining claims.

43 Subsections 67 (6) and (7) of the Act are repealed and the following substituted:

Claim holder’s interest continues

(6) If a holder applies for an order under subsection (4) within the required time, then the holder’s interest in the mining claim shall not cease and the claim shall not forfeit under section 72 unless and until the Minister decides not to make the order.

Notice

(7) If the Minister decides not to make an order under subsection (4), the Minister shall notify the claim holder in writing and, if the decision is made after the anniversary date of the mining claim, the claim holder’s interest in the mining claim shall be deemed to have ceased under section 72, and the mining claim shall be deemed to have forfeited under that section, as of the anniversary date of the mining claim.

44 Section 70 of the Act is repealed and the following substituted:

Abandoning a mining claim

Right to abandon claim

70 (1) The holder of a mining claim may abandon the claim at any time in such manner and on such conditions as are prescribed by submitting an application for abandonment to a recorder.

Partial abandonment of cell claim

(2) The holder of a cell claim that includes more than one cell may abandon part of the claim with respect to a cell or cells that form part of the claim, in such manner and on such conditions as are prescribed, by submitting an application for partial abandonment to a recorder, but the abandonment shall only be with respect to entire cells.

Notice of abandonment

- (3) The recorder,
- (a) shall consider the application for abandonment under subsection (1) or the application for partial abandonment under subsection (2); and
 - (b) where satisfied that the application meets the prescribed conditions, shall post a notice indicating that the mining claim is abandoned or partially abandoned and the notice shall include a description of the claim or the part of the claim that is abandoned.

Notification of recorded holder of mining claim

- (4) The recorder shall,
- (a) notify the recorded holder of the mining claim of the notice of abandonment or the notice of partial abandonment, where the recorder posts a notice of abandonment or partial abandonment under subsection (3); or
 - (b) notify the recorded holder of the mining claim of his or her decision not to post a notice of abandonment or partial abandonment and provide reasons for not posting it, where the recorder does not post a notice of abandonment or partial abandonment.

When land open for registration

(5) Where a mining claim is abandoned or partially abandoned under subsection (3), the land in the cells on the provincial grid corresponding to the abandoned or partially abandoned claim shall become open for the registration of mining claims as of 10:00 a.m. eastern standard time or eastern daylight saving time, as the case may be, on the second day after the posting of the notice of abandonment or partial abandonment by the recorder under subsection (3), unless the land is otherwise not open for the registration of mining claims under any other provision of this Act.

45 Section 71 of the Act is repealed.

46 Subsection 72 (1) of the Act is repealed and the following substituted:

Forfeiture of mining claim

(1) Subject to subsections 67 (6) and 73 (3), all the interest of ~~the holder of a mining claim before a lease has issued ceases the holder of an unpatented mining claim ceases~~ and the claim is forfeited, without any declaration, entry on a record or act on the part of the Crown, if the claim holder fails to do either of the following on or before the anniversary date of the mining claim as required by section 65:

1. Perform the prescribed assessment work or make a payment in place of the assessment work.
2. File a report of the assessment work done or any payments made in place of the work assessment.

Notice of forfeiture

(1.1) The Ministry shall give notice that a mining claim may be forfeited under subsection (1) to the claim holder at least 30 days before the anniversary date of the mining claim.

When land open for registration

(1.2) Where a mining claim is forfeited under subsection (1), the land in the cells on the provincial grid corresponding to the forfeited claim shall become open for the registration of mining claims as of 10:00 a.m. eastern standard time or eastern daylight saving time, as the case may be, on the second day after the forfeiture, unless the land is otherwise not open for the registration of mining claims under any other provision of this Act.

Exception

(1.3) Subsection (1) does not apply where the claim holder, after meeting all the requirements under this Act, makes an application and payment for a lease under section 81.

47 Section 72.1 of the Act is repealed.

48 Section 73 of the Act is repealed and the following substituted:

Extension of time

73 (1) A recorder may order an extension of time for performing assessment work or filing a report on such work if an application for the extension is made within 30 days of the anniversary date of the mining claim and the recorder is satisfied that the prescribed conditions for an extension are met.

When order may be made

(2) The recorder may make an order under subsection (1) before or after the anniversary date of the mining claim.

Claim holder's interest continues

(3) If a claim holder applies for an order under subsection (1) within the required time, then the holder's interest in the mining claim shall not cease and the claim shall not forfeit under section 72 unless and until the recorder decides not to make the order.

Notice

(4) If the recorder decides not to make an order under subsection (1), the recorder shall notify the claim holder in writing and, if the decision is made after the anniversary date of the mining claim, the claim holder's interest in the mining claim shall be deemed to have ceased under section 72, and the claim shall be deemed to have been forfeited under that section, as of the anniversary date of the mining claim.

49 Section 74 of the Act is repealed and the following substituted:

Death of claim holder

74 (1) Where the Provincial Recording Office is notified of the death of the holder of an unpatented mining claim, the mining claim shall not be forfeited under section 72, and shall not otherwise lapse or be cancelled under any provision of this Act, until after the day that is 12 months after the day of the claim holder's death.

Vesting of claim

(2) If the holder of an unpatented mining claim dies, the Commissioner may, upon application made before the day the claim becomes forfeit under subsection (1), make an order,

- (a) vesting the mining claim in the representative of the deceased claim holder or in any person with an interest in the claim, as the Commissioner considers appropriate; and
- (b) extending the time for performing the assessment work, or making payments in place of the assessment work, that is required under section 65 or for applying for a lease under section 81.

50 Subsections 75 (1) and (2) of the Act are repealed and the following substituted:

Inspection by Commissioner, recorder or inspector

(1) The Commissioner or the recorder, or a person appointed by the Commissioner or the recorder, may inspect a mining claim at any time, with or without notice to the holder, for the purpose of ascertaining whether this Act has been complied with.

Limitation on inspection

(2) Despite subsection (1), if at least one year has elapsed since the registration of a mining claim, or if the first prescribed unit of assessment work has been performed, filed and approved, no inspection shall be made under this section for the purpose of ascertaining whether the claim has been registered ~~in the prescribed manner~~ in the manner required under this Act unless ordered by the Minister under subsection 76 (5).

51 (1) Subsection 76 (2) of the Act is repealed and the following substituted:

Cancelling claim upon report

(2) Upon receipt of a report under subsection (1), a recorder shall,

- (a) notify the holder of the claim and the disputant and other interested parties, if any, of the receipt and effect of the report in the prescribed manner; and
- (b) if based upon the report the recorder is of the opinion that the claim should be cancelled, note on the abstract of the claim that it has been cancelled and include the fact of the cancellation in the notice given under clause (a).

(2) Subsections 76 (4) and (4.1) of the Act are repealed and the following substituted:

Lands open for claim registration

(4) Where a mining claim is cancelled under clause (2) (b), the land in the cells on the provincial grid corresponding to the cancelled claim shall become open for the registration of mining claims at the time determined under subsection (4.1), unless the land is otherwise not open for the registration of mining claims under any other provision of this Act.

Same

(4.1) Lands referred to in subsection (4) shall become open for registration of mining claims,

- (a) at 10:00 a.m. eastern standard time or eastern daylight time, as the case may be, on the day after the time for filing a notice of an appeal expires under subsection 112 (4); or
- (b) if the claim holder whose mining claim was cancelled under subsection (2) files a notice of appeal under section 112 of the recorder's decision to cancel the mining claim, at 10:00 a.m. eastern standard time or eastern daylight time, as the case may be, on the day after the day of the final disposition of the appeal.

(3) Subsection 76 (5) of the Act is amended by striking out “Despite subsections 48 (5) and 71 (2)” at the beginning and substituting “Despite subsection 48 (3)”.

52 Subsection 78.2 (3) of the Act is repealed and the following substituted:

Exploration permit required

(3) If an exploration plan includes an activity prescribed for the purposes of section 78.3, the person shall not carry out any such activity unless the person has obtained an exploration permit.

Exploration permit allowed by regulation

(4) Despite anything in this section, a person may apply under section 78.3 for an exploration permit to carry out an activity prescribed for the purposes of this section if permitted to do so by regulation.

53 (1) Section 78.3 of the Act is amended by adding the following subsection:

Exploration permit required by Director

(1.1) The Director of Exploration may, in the prescribed circumstances, require a person to obtain an exploration permit if the person is carrying out any activity that constitutes early exploration for the purposes of Ontario Regulation 308/12 (Exploration Plans and Exploration Permits) made under this Act, but is not prescribed for the purposes of this section.

(2) Section 78.3 of the Act is amended by adding the following subsection:

Same, waiver of standard terms and conditions

(3.1) If permitted by regulation, the Director may, where he or she is of the opinion that it is reasonable to do so, waive some or all of the standard terms and conditions that would otherwise apply to an exploration permit.

54 (1) Subsection 79 (2) of the Act is repealed and the following substituted:

Right to compensation

(2) Where there is a surface rights holder of land or where land is occupied by a person who has made improvements on it that, in the opinion of the Minister, entitles that person to compensation, a person who satisfies the requirements described in subsection (2.1) shall compensate the surface rights holder or the occupant of the land, as the case may be, for damages sustained to the surface rights by the prospecting, exploration activities or mining operations.

Same

(2.1) For the purposes of subsection (2), a person may be liable to compensate a surface rights holder or the occupant of lands where the person,

- (a) prospects;
- (b) is the holder of a mining claim or an exploratory licence of occupation and performs exploration activities;
- (c) is the holder of a mining licence of occupation or lessee or owner of mining lands and carries on mining operations; or
- (d) formerly held a mining claim or exploratory licence of occupation that has expired or has been cancelled, abandoned or forfeited and prospected or performed exploration activities in respect of the claim.

(2) Subsection 79 (3) of the Act is repealed and the following substituted:

Right of holder of mining claim, etc., to compensation

(3) Every person who damages exploration workings or surveyed boundary markers delineating mining lands shall compensate the holder of the mining claim or the licence of occupation or the owner or lessee of the mining lands, as the case may be, for damages sustained.

(3) Subsections 79 (5) and (6) of the Act are repealed and the following substituted:

Prohibiting work pending settlement

(5) The Commissioner may order the giving of security for payment of the compensation and may prohibit, pending the determination of the proceeding or until the compensation is paid or secured, prospecting, mining claim registration or working by any person.

Lien for compensation

(6) The compensation is a special lien upon any mining claim or mining lands, as the case may be, and no prospecting, mining claim registration or performing of work, except by leave of the Commissioner, shall be done by any person after the time fixed for the payment or securing of the compensation, unless the compensation has been paid or secured as directed.

55 (1) Subsection 80 (1) of the Act is repealed and the following substituted:

Reduction in size of claim

(1) The Commissioner or the recorder may reduce the size of a mining claim registered where the surface rights have been granted, sold, leased or located by excluding a cell or cells, if in his or her opinion a smaller size is sufficient for exploring for and developing the minerals within the claim, but the reduction shall not be such that it results in the mining claim containing partial cells.

(2) **Subsection 80 (2) of the Act is amended by striking out “staked” at the end and substituting “registered”.**

56 The heading immediately before section 81 of the Act is amended by striking out “Patent or”.

57 (1) Subsection 81 (2.1) of the Act is repealed and the following substituted:

Resolution of disputes over encumbrances on mining claim

(2.1) For the purpose of issuing a lease under this section, the Minister may refer the matter to the Commissioner who shall, upon notice to all interested parties, determine any issues relating to encumbrances or any other right or interest recorded on the abstract of an unpatented mining claim that appears to affect the claim.

(2) **Subsection 81 (9) of the Act is repealed.**

(3) **Subsection 81 (13) of the Act is amended by striking out “staking” and substituting “mining claim registration”.**

(4) **Subsections 81 (16), (17) and (18) of the Act are repealed.**

58 Subsection 82 (8) of the Act is amended by striking out “staking” and substituting “mining claim registration”.

59 Subsection 90 (2) of the Act is amended by striking out “staked and recorded” at the end and substituting “registered or, if the mining claim was staked and recorded under this Act before the day section 21 of Schedule 2 of the *Aggregate Resources and Mining Modernization Act, 2017* comes into force, at the time it was staked and recorded”.

60 (1) Subsection 92 (3) of the Act is amended by striking out “Crown lands that have been staked and recorded under this Act” and substituting “Crown lands on which a mining claim has been registered”.

~~(2) Subsection 92 (4) of the Act is amended by striking out “staked” wherever it appears and substituting in each case “registered”.~~

~~(2) Subsection 92 (4) of the Act is repealed and the following substituted:~~

~~**Conditions under which holder, owner or lessee may cut trees**~~

~~(4) Despite subsection (1) and (3) and subject to subsections (5) and (6), the recorded holder of a mining claim registered with respect to Crown lands or the owner or lessee of lands acquired under this Act may cut such trees on those Crown lands or acquired lands as may be necessary for building, fencing or fuel purposes or for any other purpose necessary for the development or working of the minerals thereon.~~

~~(3) Subsection 92 (8) of the Act is amended by striking out “staked” and substituting “registered a mining claim”.~~

~~(3) Subsection 92 (8) of the Act is repealed and the following substituted:~~

~~**Holder, etc., of mining rights not to cut trees**~~

~~(8) This section does not confer upon the recorded holder or the owner or lessee of the mining rights any right to cut trees upon.~~

~~(a) the lands with respect to which the holder has registered a mining claim; or~~

~~(b) the lands on which the owner or lessee has acquired only the mining rights.~~

61 (1) Subsection 95 (3) of the Act is repealed and the following substituted:

Perimeter survey

(3) Where two or more mining claims in unsurveyed territory are contiguous and are registered in the same name, the Minister may, upon application therefor, consent to a perimeter survey being made of the circumference of the contiguous claims in lieu of a survey under subsection (1).

(2) Subsections 95 (5) and (6) of the Act are repealed and the following substituted:

Rental where perimeter survey made

(5) Where a perimeter survey is made under subsection (3), the rental shall be computed on the total area of the claims within the perimeter survey.

62 Section 97 of the Act is repealed.

63 Section 104 of the Act is amended by striking out “stake a mining claim or claims on Crown land” and substituting “register a mining claim or claims on Crown land”.

64 (1) Subsection 110 (3) of the Act is repealed and the following substituted:

Note of decision

(3) The recorder shall,

- (a) record a detailed note of all decisions that he or she makes;
- (b) notify all persons affected by a decision in the prescribed manner; and
- (c) make any necessary changes in the mining claims registry to reflect the decision.

(2) Subsections 110 (6), (8), (9) and (10) of the Act are repealed.

65 Subsections 129 (4) and (5) of the Act are repealed and the following substituted:

Order sent to recorder

(4) The Commissioner shall forward a copy of each order or judgment to a recorder who shall amend the records in the mining claims registry as necessary.

Notice of amendment to records

(5) As soon as possible after amending the records in accordance with subsection (4), a recorder shall, in the prescribed manner, give notice in writing of the amendment of the records to the parties to the hearing before the Commissioner.

66 Section 138 of the Act is repealed and the following substituted:

Time expiring on Saturday, etc.

138 (1) Where the time limited for any proceeding or for the doing of anything in one of the following offices 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 other day on which the relevant office is closed:

1. The Provincial Recording Office.
2. An office of a Director of Mine Rehabilitation.
3. An office of a Director of Exploration.
4. An office of the Commissioner.
5. An office of the Minister or of the Deputy Minister.

Time expiring when system down

(2) Where 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 any reason, a recorder may order, before or after the expiry of the time, an extension of time, subject to the regulations.

Extension of time, assessment work

(3) If a recorder grants an extension of time with respect to a deadline for submitting a report of assessment work or making payments in place of assessment work for a mining claim after the anniversary date of the mining claim, the claim holder’s interest in the mining claim is deemed not to have ceased under section 72 and the mining claim is deemed not to be forfeit under that section.

67 Paragraph 2 of subsection 145 (1) of the Act is amended by striking out “Schedule I” and substituting “Schedule I or II”.

68 (1) Subsection 147 (1) of the Act is amended by striking out “staking” wherever it appears and substituting in each case “registration”.

(2) Section 147 of the Act is amended by adding the following subsection:

Transition, application to converted mining claims

(1.1) Despite subsection (1), if an unpatented mining claim referred to in that subsection was staked and recorded on a day before the day section 21 of Schedule 2 to the *Aggregate Resources and Mining Modernization Act, 2017* came into force and then converted from a legacy claim under section 38.2 and deemed to have been registered under subsection 38 (2), any reference in subsection (1) to the registration of the claim shall be deemed to be a reference to the staking of the claim.

69 (1) Subsection 148 (4) of the Act is amended by striking out “or” at the end of clause (b), by adding “or” at the end of clause (c) and by adding the following clause:

(d) there is no proponent of the mine hazard and the mine hazard is located on Crown land or on prescribed land.

(2) Subsection 148 (9) of the Act is amended by striking out “staking” wherever it appears and substituting in each case “registration”.

(3) Section 148 of the Act is amended by adding the following subsection:

Transition, application to converted mining claims

(10) Despite subsection (9), if an unpatented mining claim referred to in that subsection was staked and recorded on a day before the day section 21 of Schedule 2 to the *Aggregate Resources and Mining Modernization Act, 2017* came into force and then converted from a legacy claim under section 38.2 and deemed to have been registered under subsection 38 (2), any reference in subsection (9) to the registration of the claim shall be deemed to be a reference to the staking of the claim.

70 Subsection 151 (5) of the Act is repealed and the following substituted:

Cessation of charge

(5) The Director may have a cessation of charge registered in the proper land registry office, on such terms as he or she considers acceptable including settlement of the debt or terms of payment, with respect to,

- (a) a lien and charge described in subsection (1) or (3); or
- (b) a lien and charge that was imposed with respect to rehabilitation work done by the Crown under a predecessor of this Act.

Same

(6) Upon the Director registering a cessation of charge with respect to a lien and charge described in clause (5) (a) or (b), the lien and charge is void and of no effect.

71 Subsection 153.2 (3) of the Act is amended by striking out “staking” wherever it appears and substituting in each case “registration”.

72 Clause 153.3 (2) (b) of the Act is repealed and the following substituted:

- (b) the date the lands that were subject to the lease are re-opened for prospecting, mining claim registration, sale or lease or for any alienation or disposition of the lands under this Act.

73 Clause 158 (1) (a) of the Act is amended by striking out “staking” and substituting “mining claim registration”.

74 (1) Subclause 164 (1) (b) (i) of the Act is amended by striking out “staked and recorded” and substituting “registered”.

(2) Clause 164 (1) (g) of the Act is repealed and the following substituted:

- (g) unlawfully registers a mining claim;

(3) Subsection 164 (2) of the Act is repealed and the following substituted:

False statements

(2) Every person is guilty of an offence and on conviction is liable to a fine of not more than \$25,000 who knowingly makes a false statement,

- (a) in any information entered in or document submitted to the mining lands administration system; or
- (b) in an application, certificate, report, statement or other document filed or made as required by or under this Act or the regulations.

75 (1) Subsection 176 (1) of the Act is amended by adding the following paragraphs:

- 1.1 governing the provincial grid;

- 1.2 governing the mining claims registry;
- 1.3 governing the Ministry's mining lands administration system;
- (2) Paragraph 2 of subsection 176 (1) of the Act is repealed and the following substituted:**
2. governing documents required, permitted or provided for, by or under this Act, including the use and delivery of the documents;
- 2.0.1 respecting a recorder's powers to delete, correct, amend or make entries in the mining claims registry;
- (3) Paragraph 2.1 of subsection 176 (1) of the Act is amended by striking out "lands on which mining claims shall not be staked or recorded" and substituting "lands with respect to which mining claims shall not be registered".**
- (4) Paragraph 2.2 of subsection 176 (1) of the Act is repealed and the following substituted:**
- 2.2 governing mining claims;
- (5) Paragraph 2.3 of subsection 176 (1) of the Act is amended by striking out "prospector's licence awareness program" and substituting "*Mining Act* awareness program".**
- (6) Paragraph 4 of subsection 176 (1) of the Act is repealed and the following substituted:**
4. governing confirmation of registration of mining claims and verification of the confirmation for the purposes of section 46;
- (7) Paragraph 6 of subsection 176 (1) of the Act is repealed.**
- (8) Paragraph 11 of subsection 176 (1) of the Act is amended by striking out "recording" and substituting "mining claims registration".**
- (9) Paragraph 15 of subsection 176 (1) of the Act is repealed.**
- (10) Paragraph 17 of subsection 176 (1) of the Act is repealed and the following substituted:**
17. respecting abandoning a mining claim, in whole or in part, under section 70;
- (11) Paragraph 17.1 of subsection 176 (1) of the Act is amended by adding "and circumstances in which the Director of Exploration may require an exploration permit" at the end.**
- (12) Subsection 176 (1) of the Act is amended by adding the following paragraph:**
- 17.2.1 respecting the waiver of standard terms and conditions that apply to an exploration permit for the purposes of subsection 78.3 (3.1);
- ~~**(13) Subsection 176 (1) of the Act is amended by adding the following paragraph:**~~
- ~~20.1 respecting extensions of time that may be ordered under subsection 138 (2), including prescribing conditions for the extension;~~
- (13) Paragraph 20 of subsection 176 (1) of the Act is repealed and the following substituted:**
20. governing the surveying of mining claims, including prescribing the methods and procedures to be followed when conducting such surveys;
- 20.1 respecting extensions of time that may be ordered under subsection 138 (2), including prescribing conditions for the extension;
- (14) Paragraph 22 of subsection 176 (1) of the Act is repealed and the following substituted:**
22. respecting the manner and time of registering an unpatented mining claim to be held by the owner, lessee or holder with respect to lands or parts of lands under subsection 183 (3);
- (15) Paragraph 24.5 of subsection 176 (1) of the Act is repealed.**
- (15.1) Paragraph 26 of subsection 176 (1) of the Act is repealed and the following substituted:**
26. respecting anything in this Act that is required or permitted to be prescribed or to be done by or in accordance with the regulations or that is subject to the regulations or required to be authorized, specified or provided in or by the regulations.
- (16) Subsection 176 (1.1) of the Act is repealed and the following substituted:**

Regulations, transition

(1.1) The Lieutenant Governor in Council may make regulations governing transitional matters arising from the enactment of the *Aggregate Resources and Mining Modernization Act, 2017* that, in the opinion of the Lieutenant Governor in Council, are necessary or desirable to facilitate implementation of amendments to this Act made by the *Aggregate Resources and Mining Modernization Act, 2017*, including regulations,

- (a) governing the delineation of legacy claims on the provincial grid under section 38.1 and the powers and duties of recorders with respect to the delineation;
- (b) governing the conversion of legacy claims to mining claims under section 38.2 including the election that may be made by a legacy claim holder under subsection 38.2 (3);
- (c) governing the cell claims and boundary claims that result from the conversion of legacy claims to mining claims under section 38.2 including determining the circumstances in which such cell claims do not apply to an entire cell for the purposes of clause 38.2 (6) (d);
- (d) governing the determination of the anniversary date of a cell claim or boundary claim for the purposes of clauses 38.2 (6) (e) and 38.3 (5) (e);
- (e) governing the circumstances in which boundary claims may be changed to mining claims for an entire cell under section 38.3 including the election that may be made by the holder of two or more boundary claims under subsection 38.3 (4);
- (f) governing the cell claims that result from a change of a boundary claim to a mining claim for an entire cell under section 38.3 including determining the circumstances in which such cell claims do not apply to an entire cell for the purposes of clause 38.3 (5) (d).

Same

(1.2) A regulation made under subsection (1.1) may provide that it applies despite this Act.

76 Section 177.1 of the Act is amended by adding the following subsection:

Non-application

(4) Part III of the *Legislation Act, 2006* does not apply with respect to the establishment of fees under this section.

77 Section 178 of the Act is amended by striking out “mining recorder” and substituting “recorder”.

78 (1) Subsection 179 (1) of the Act is amended by striking out “staking” and substituting “mining claim registration”.

(2) Subsection 179 (4) of the Act is amended by striking out “staking” and substituting “mining claim registration”.

79 Subsections 183 (2), (3), (4) and (5) of the Act are repealed and the following substituted:

Holding unpatented mining claims

(2) An owner, lessee or holder of any mining lands or mining rights granted under this Act who surrenders their mining lands or mining rights under subsection (1) may file a notice with the recorder indicating that the owner, lessee or holder wishes to hold unpatented mining claims in respect of the lands or part of the lands.

Registering unpatented mining claims

(3) Where a notice has been filed under subsection (2), a recorder shall register or cause to be registered, in such manner and time as are prescribed, unpatented mining claims to be held by the owner, lessee or holder with respect to the lands or part of the lands.

Prospecting, etc., on surrendered lands

(4) Mining lands or mining rights surrendered to the Crown under subsection (1) and with respect to which unpatented mining claims are not registered under subsection (3) shall not be open for prospecting, mining claim registration, sale or lease under this Act until a date fixed by the Deputy Minister, notice of which shall be published in *The Ontario Gazette* at least two weeks prior to the date.

80 (1) Subsection 184 (2) of the Act is amended by striking out “staking” and substituting “mining claim registration”.

(2) Subsections 184 (4) and (5) of the Act are repealed and the following substituted:

Transfer of forfeited interest

(4) If a person co-owns mining lands or mining rights and the person’s interest is forfeited to the Crown, any other co-owner of the mining lands or mining rights may apply to the Minister for a transfer of the forfeited interest, and the Minister may transfer it to the co-owner at the price and on the terms the Minister considers appropriate.

Same

(5) If all co-owners of the mining lands or mining rights waive their right to apply to the Minister for a transfer of the forfeited interest described in subsection (4), any other person with an interest in the mining lands or mining rights may apply to the Minister for a transfer of the forfeited interest, and the Minister may transfer it to that person at the price and on the terms the Minister considers appropriate.

81 (1) Subsection 185 (2) of the Act is repealed and the following substituted:

Recording of order

~~(2) If an order under subsection (1) concerns unpatented mining claims, the order shall be noted on the abstract for the claim and a copy of the order, if any, shall be recorded in the mining claims registry.~~

Recording of order

(2) If an order under subsection (1) concerns unpatented mining claims, the order shall be noted on the abstract for the claim and recorded in the mining claims registry.

(2) Subsection 185 (4) of the Act is amended by striking out “prospecting, staking, sale or lease” and substituting “prospecting, mining claim registration, sale and lease”.

(3) Section 185 of the Act is amended by adding the following subsection:

Where no relief from forfeiture

(5) Despite subsection (1), the Minister shall not relieve from forfeiture a boundary claim in any case where subsection 38.3 (2) applies.

82 (1) Subsection 197 (4) of the Act is amended by striking out “staking” and substituting “mining claim registration”.

(2) Subsection 197 (7) of the Act is repealed and the following substituted:

Where forfeited lands open

(7) Lands and mining rights forfeited to and vested in the Crown under this Part that are mentioned in a notice published in one issue of *The Ontario Gazette* during May of any year shall become open for prospecting, mining claims registration, sale and lease under this Act as of 10:00 a.m. eastern standard time or eastern daylight time, as the case may be, on the following June 1, unless the land is otherwise not open for the registration of mining claims under any other provision of this Act.

Commencement

83 This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.