

File No. MA 016-04

L. Kamerman  
Mining and Lands Commissioner

Tuesday, the 15th day  
of February, 2005.

**THE MINING ACT**

**IN THE MATTER OF**

Mining Claim SO-1246529, situate in the Geographic Township of Bedford, (now the Township of South Frontenac), in the Southern Ontario Mining Division, staked by and recorded in the name of Mr. Peter Waddington Griesbach, (hereinafter referred to as the "Griesbach Mining Claim");

**AND IN THE MATTER OF**

Subsections 32(1) and 46(2) of the **Mining Act** and  
Ontario Regulation 7/96, Claim Staking;

**B E T W E E N:**

KEVIN COLLINS, JO-ANNE COLLINS  
KAREN MURPHY, JULIE HALLE, CECILIA COWDY  
ELIZABETH CAMERON AND ALEXANDER CAMERON  
Appellants (amended, February 15th, 2005)  
- and -

PETER WADDINGTON GRIESBACH  
Respondent

**AND IN THE MATTER OF**

An appeal pursuant to subsection 112(1) of the **Mining Act** from the decision of the Provincial Mining Recorder, dated the 5th day of May, 2004, for a declaration that all or part(s) of Lot 13, Concession V, the Geographic Township of Bedford, (now the Township of South Frontenac), is exempt from prospecting or staking.

**ORDER**

**WHEREAS THIS APPEAL** was received by this tribunal on the 3rd day of June, 2004;

**AND WHEREAS** a consent to grant this appeal without costs and with conditions, dated the 9th day of November, 2004, was filed by Jo-Anne Collins on behalf of and signed by each of the three initial appellants, Kevin Collins, Jo-Anne Collins and Karen Murphy;

**AND WHEREAS** a consent to grant this appeal without costs and with conditions, dated the 15th day of November, 2004, was filed by Peter Waddington Griesbach, respondent;

**AND WHEREAS** in drafting a legal description of the lands to be excluded from the Mining Claim from documentation filed, the tribunal determined that it had not properly named the owners of the properties involved and did not have the corresponding consent of those owners, whereupon it wrote to the appellants seeking clarification;

**AND WHEREAS** on the 31st day of January, 2005, the tribunal received an agency authorization appointing Alexander Fowler Cameron from joint tenant, Elizabeth Cameron, of Parts 1, 3 and 4, Plan 13R-1503, Part Lot 13, Con V, Township of Bedford along with a copy of the Transfer/Deed of land for the aforementioned property;

**AND WHEREAS** on the 14th day of February, 2005, the tribunal received an agency authorization appointing Jo-Anne Collins from co-owners and tenants in common, Karen Murphy and Julie Halle, and a further agency authorization from Cecilia Cowdy, owner of a life interest in Parcels I and II on Plan 13R-1503, Con V, Township of Bedford;

**AND WHEREAS** the tribunal has determined, notwithstanding its draft consent to the parties, that Part 2 on Plan 13R-1503 is, in fact, located within the boundaries of Lot 14, Con V, thereby being outside of the area of the Mining Claim resulting in its area not being included in this Order and calculations pertaining to the Mining Claim;

**AND WHEREAS** the amount of assessment work required on mining claims pursuant to section 2 of Ontario Regulation 6/96 is calculated in \$400 increments, based upon the number of 16 hectare units in the mining claim;

**AND WHEREAS** in attempting to calculate the size of the lands to be excluded from the Mining Claim for purposes of assessment work, the tribunal has found that the actual area of the Mining Claim is 91 hectares;

**AND WHEREAS** the respondent, Mr. Griesbach, has calculated the excluded area to be 57.327 acres, which erroneously included Part 2 on Plan 13R-1503, whose area is shown by Mr. Griesbach to be 3.46 acres, resulting in a total area of 53.887 acres or 21.808 hectares (1 acre = .4047 hectares);

**AND WHEREAS** the tribunal has measured the area as 22.086 hectares, but has further determined that the ratio of excluded to total area should be rounded to a manageable number for administrative purposes;

**AND WHEREAS** Mr. Griesbach's amended figure renders a ratio of 23.96% and the tribunal's figure renders a ratio of 24.27% **AND FURTHER**, based upon the abstract the size of the Mining Claim has been recorded as four units whose unreduced annual assessment work requirement would be \$1,600;

**1. THIS TRIBUNAL ORDERS** that this appeal be and is hereby granted on the following conditions and in accordance with the sketch attached hereto and marked as Schedule "A":

1. That Parcel I - Part of Lot 13, Concession V, the geographic Township of Bedford, (now the Township of South Frontenac), County of Frontenac, being Part 5 on Plan 13R-1503;

And Parcel II - Part of Lot 13, Concession V, the geographic Township of Bedford, (now the Township of South Frontenac), County of Frontenac, more particularly described as follows:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being Part of Lot 13, in the 5th Concession, of the geographic Township of Bedford, (now the Township of South Frontenac), in the County of Frontenac, more particularly described as follows:

PREMISING that the bearings are derived from Plan 13R-1503, which are astronomic and referred to the meridian through the Northwest corner of Lot 13, Concession 5, in the geographic Township of Bedford, (now the Township of South Frontenac), in the County of Frontenac;

Commencing at an iron bar marking the Northwest corner of lot 13, Concession 5,

Thence South 10 degrees, 47 minutes East along the Easterly side of the open Concession allowance between Concessions 4 and 5, a distance of 1874.15 feet to a point, the Easterly limited of the open Concession allowance between Concessions 4 and 5;

Thence Northeast along the highwater mark of Potspoon Lake as shown on Plan 13R1503, a distance of 108 feet, more or less to the Point of Commencement of the parcel described;

Thence North 10 degrees, 47 minutes West, 163 feet, more or less to a point;

Thence North 45 degrees 6 minutes, 40 seconds East, 14.09 feet to an iron bar planted;

Thence continuing North 45 degrees 6 minutes, 40 seconds East, 165.91 feet, more or less, to a point;

Thence South 43 degrees, 54 minutes West to the highwater mark of Potspoon Lake;

Thence Southwesterly along the shore of Postpoon Lake to the Point of Commencement,

the aforementioned Parcel I and Parcel II being registered in the names of Joanne Collins, Karen Murphy and Julie Halle, as tenants in common, and having a total area of 1.4 acres or .56658 hectares,

be excluded from Mining Claim SO-1246529, in the Southern Ontario Mining Division, pursuant to subsection 80(2) of the **Mining Act**, R.S.O. 1990, c. M.14, as amended.

2. That Part of Lot 13, Concession 5, Being Parts 6, 7, 8 & 9 on Plan 13R-1503 and being Part 5 on Plan 13R-1436, the geographic Township of Bedford, (now the Township of South Frontenac), County of Frontenac,

the aforementioned Parts 6, 7, 8 & 9 on Plan 13R-1503 and Part 5 on Plan 13R-1436 being registered in the names of Kevin Mark Collins and Mary Joanne Collins as tenants in common, having a total area of 12.044 acres or 4.8742 hectares OR 12.584646 acres or 5.093 hectares,

be excluded from Mining Claim SO-1246529, in the Southern Ontario Mining Division, pursuant to subsection 80(2) of the **Mining Act**, R.S.O. 1990, c. M.14, as amended.

3. That Part of Lot 13, Concession 5, Geographic Township of Bedford, now Township of South Frontenac, County of Frontenac, designated as Parts 1, 3 and 4 on Plan 13R-1503, save and except Part 1 on Expropriation Plan FR 660168,

the aforementioned Parts 1, 3 and 4 on Plan 13R-1503, save and except Part 1 on Expropriation Plan FR 660168 being registered in the name of Alexander Fowler Cameron and Elizabeth Ruby Cameron, as joint tenants, having a total area of 40.443 acres or 16.3672 hectares.

be excluded from Mining Claim SO-1246529 in the Southern Ontario Mining Division, pursuant to subsection 80(2) of the **Mining Act**, R.S.O. 1990, c. M.14, as amended.

**2. THIS TRIBUNAL FURTHER ORDERS** that the notation “Pending Proceedings”, which is recorded on the abstract of Mining Claim SO-1246529, to be effective from the 3rd day of June, 2004, be removed from the abstract of Mining Claim SO-1246529.

**3. THIS TRIBUNAL FURTHER ORDERS** that the time during which this appeal was before the Provincial Mining Recorder and the tribunal, being the 15th day of December, 2003 to the 15th day of February, 2005, a total of 429 days, be excluded in computing time within which work upon Mining Claim SO-1246529 is to be performed and filed.

**4. THIS TRIBUNAL FURTHER ORDERS** that the assessment work required to be performed and filed, pursuant to section 65 of the **Mining Act** on Mining Claim SO-1246529 be and is hereby reduced in approximate proportion to the excluded surface rights areas of the aforementioned Mining Claim by a factor of 25 percent **AND FURTHER ORDERS** that based upon its jurisdiction found in section 121 of the **Mining Act** on the real merits and substantial justice of the case and the amounts determined by Ontario Regulation 6/96 in \$400 increments, that the assessment work required to be performed and filed pursuant to section 65 of the **Mining Act** on Mining Claim SO-1246529 be and is hereby reduced to \$1,200 for the second and each and every subsequent year on the date when assessment work is due.

**5. THIS TRIBUNAL FURTHER ORDERS** that the 16th day of January, 2007, be and is hereby fixed as the date by which the first and second units of prescribed assessment must be performed and filed on Mining Claim SO-1246529, in the amount set out in Schedule “B” attached to this Order, pursuant to subsection 67(3) of the **Mining Act** and all subsequent anniversary dates are deemed to be January 16th pursuant to subsection 67(4) of the **Mining Act**.

**6. THIS TRIBUNAL FURTHER ORDERS** that no costs shall be payable by either party to this appeal.

**THIS TRIBUNAL FURTHER ADVISES** that, pursuant to subsection 95(5) of the **Mining Act**, the matter of the lands in excess of 16 hectare units may become an issue at such time as a lease or mining licence of occupation is applied for, whereby the Minister may require additional assessment work or money paid in lieu thereof to be performed;

**THIS TRIBUNAL FURTHER ADVISES** that, pursuant to subsection 129(4) of the **Mining Act** as amended, a copy of this Order shall be forwarded by this tribunal to the Provincial Mining Recorder **WHO IS HEREBY DIRECTED** to amend the records in the Provincial Recording Office as necessary and in accordance with the aforementioned subsection 129(4).

**DATED** this 15th day of February, 2005.

Original signed by L. Kamerman

L. Kamerman  
MINING AND LANDS COMMISSIONER

**SCHEDULE "B"**

**MINING CLAIM  
NUMBER**

**NEW DUE  
DATE**

SO-1246529

January 16, 2007