

File No. MA 008-15

L. Kamerman )  
Mining and Lands Commissioner )

Friday, the 30th day  
of September, 2016.

**THE MINING ACT**

**IN THE MATTER OF**

Mining Claim L-4202280, situate in the Township of Michaud, in the Larder Lake Mining Division, recorded in the names of Mr. Jordan Ryan Belanger and Northern Gold Mining Inc., each as to a 50% interest, (hereinafter referred to as the Mining Claim);

**AND IN THE MATTER OF**

An application for the vesting of the ownership of 50% of the Mining Claim in the applicant, pursuant to section 68 of the **Mining Act**.

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

NORTHERN GOLD MINING INC.  
Applicant

- and -

JORDAN RYAN BELANGER, HIS EXECUTORS,  
HEIRS, SUCCESSORS OR ASSIGNS  
Respondent

**ORDER**

**WHEREAS THIS APPLICATION** with materials filed in support, was received by this tribunal on the 27th day of September, 2016, from Mr. Robert A Dinnen, counsel for the applicant;

**AND WHEREAS** the Mining Claim is recorded in the names of Mr. Jordan Ryan Belanger and Northern Gold Mining Inc., each as to a 50% interest, having been recorded on the 26th day of June, 2007;

**AND WHEREAS** the tribunal is satisfied that the applicant herein has met the requirements for making an application pursuant to section 68 of the **Mining Act**;

**UPON THE APPLICATION** of Northern Gold Mining Inc., a co-owner of a 50% interest in Mining Claim L-4202280, for an Order vesting the interest of the respondent in the applicant, pursuant to section 68 of the **Mining Act**;

**1. IT IS ORDERED** that Ms. Elaine Belanger and/or Mr. Marcel Belanger notify the tribunal, through its Mediator/Registrar within 14 days of the date of this Order, being the 14th day of October 2016, of whether it is either of their intentions to take out Letters of Administration for the Estate of Jordan Ryan Belanger **AND FURTHER** to obtain an Ontario Prospector's Licence through the Ministry of Northern Development and Mines.

**2. IT IS FURTHER ORDERED** that if neither Ms. Elaine Belanger or Mr. Marcel Belanger do not take out Letters of Administration for the Estate, an Order vesting the 50% ownership of the respondent in Mining Claim L-4202280 in the applicant, pursuant to section 68 of the **Mining Act**, may issue.

**3. THIS TRIBUNAL FURTHER ADVISES** that it will serve the Mrs. Elaine Belanger and Mr. Marcel Belanger with a copy of this Order by regular mail.

**4. THIS TRIBUNAL FURTHER ADVISES** that it will serve Mr. Tom O'Connor, the predecessor to the Applicant, Northern Gold, with a copy of this Order by regular mail.

**REASONS** for this Order are attached.

**DATED** this 30th day of September, 2016.

L. Kamerman  
MINING AND LANDS COMMISSIONER

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

NORTHERN GOLD MINING INC.

Applicant

- and -

JORDAN RYAN BELANGER, HIS EXECUTORS,  
HEIRS, SUCCESSORS OR ASSIGNS

Respondent

**REASONS**

[1] This matter is not a usual section 68 application for the vesting of the rights of a co-owner who is in default of payment of his, her or its proportionate share of work within the meaning of section 68 of the **Mining Act**. Rather, it is a case in which one of the co-owners has been deceased for a period of greater than one year, died intestate and failing anyone taking out letters of administration on his estate, the remaining co-owner has had to resort to a section 68 application.

[2] The tribunal has determined that it will use its jurisdiction found in clause 116(1)(c) to give such directions respecting the procedure as it considers proper and section 121 of the **Mining Act** to make its decision on the real merits and substantial justice of the case to proceed in the manner set out below.

[3] The application for a Vesting Order made pursuant to section 68 of the **Mining Act** was made by Mr. Robert Dinnen, Counsel for Northern Gold Mining Inc., (“Northern Gold”) a 50% owner of Mining Claim L-4202280, located in the Township of Michaud in the Larder Lake Mining Division (the “Mining Claim”). The other 50% of the Mining Claim is registered in the name of Jordan Ryan Belanger.

[4] An Affidavit in support of the application, dated the 21st day of September, 2016, was filed and executed by Mr. Brian Madill, setting out that he is the authorized agent of Northern Gold Mining Inc., whose client number is 403059. Its address is Hwy 101 East, Box 453, Kirkland Lake, Ontario, P2N 3J1.

[5] The stated purpose of the Affidavit is for the making of this section 68 application.

[6] Mr. Belanger’s client number is 303957. Mr. Belanger passed away on December 13, 2009. This fact was noted on the abstract for the Mining Claim on December 18, 2009 and pursuant to section 74 of the **Mining Act** the claim was not open for staking for a period of one year. Section 74 states:

74. Where a licensee in whose name a mining claim has been staked dies before the claim is recorded or where the holder of a claim dies before issue of the lease for the claim, no other person is, without leave of the Commissioner, entitled to stake or record a mining claim upon any part of the same lands or to acquire any right, privilege or interest in respect thereof within twelve months after the death of the licensee or holder, and the Commissioner may at any time make such order as the Commissioner considers just for vesting the claim in the representative of such holder and extending the time for performing the work or applying for lease, despite any lapse, abandonment, cancellation, forfeiture or loss of rights under any provision of this Act. R.S.O. 1990, c. M.14, s. 74; 2009, c. 21, s. 101 (1, 2).

[7] The tribunal has been advised through the efforts and inquiries of its Mediator/Registrar, Mr. Daniel Pascoe, that Mr. Belanger died intestate. He was unmarried with no children. His parents, Ms. Elaine Belanger of Kirkland Lake and Mr. Marcel Belanger of Kirkland Lake, did not take out Letters of Administration, although the tribunal has been advised by Mr. Pascoe that Ms. Belanger took care of Jordan Belanger’s funeral expenses.

[8] More than one year has passed since the time of Mr. Belanger’s death. With this period of time, the legislative freeze imposed by section 74 lapses and it is once again open for other sections of the **Mining Act** to become operational. In this manner, a co-owner such as Northern Gold may, if conditions are applicable, make application to the tribunal pursuant to section 68.

[9] Mr. Madill's Affidavit sets out the following information. The predecessor in title to Northern Gold was Mr. Tom O'Connor who performed work on the claim on the following dates in the following amounts:

June 26, 2009	\$1,837.00
September 16, 2011	<u>\$3,690.00</u>
Total by O'Connor	\$5,527.00

[10] The Abstract for the Mining Claim confirms that that the work performed was done and applied in these amounts on the aforementioned dates. It was not appended to the Affidavit but was obtained directly by the tribunal from the Provincial Recording Office.

[11] Mr. O'Connor transferred his 50% interest to Northern Gold on April 29, 2014, also confirmed by the Abstract.

[12] The Affidavit goes on to state that Northern Gold performed the following work on the following dates and in the following amounts:

December 5, 2014	\$800.00
January 8, 2016	\$ 73.00
January 8, 2016	\$490.00
January 8, 2016	<u>\$237.00</u>
Total by NG	\$1,600.00

[13] No invoices or other materials proving these amounts were filed as exhibits to the Affidavit. The Abstract for the Mining Claim shows that a further \$800 of work was applied on December 18, 2014.

[14] No mention of the additional amounts is made on the Abstract. As the tribunal has no hard evidence with respect to the remaining amounts purportedly spent on the Mining Claim, it is unable to make any findings in connection with this work.

[15] Mr. Madill asserts that the total work performed by Northern Gold and its predecessor in title, Mr. O'Connor, on the Mining Claim is \$7,127.00. Based upon the absence of invoices to support the work for the January 8, 2016 amounts, the tribunal is prepared to find that Northern Gold and Mr. O'Connor have spent a total of \$6,327.00 on the Mining Claim.

[16] Mr. Madill further asserts that that Mr. Belanger performed no work and did not pay his proportionate share of the work as a co-holder of the Mining Claim, within the contemplation of section 68. Therefore, Northern Gold makes this application for a vesting of the interest of Jordan Belanger in Northern Gold.

## Findings

[17] The tribunal has found, as stated above, that Northern Gold and its predecessor in title, Mr. Tom O'Connor have, according to the Affidavit of Mr. Brian Madill, spent at least \$6,327.00 on the Mining Claim, there being an additional \$800 in work which was not substantiated by invoices or appearing on the Abstract for the Mining Claim. Mr. Belanger's share is \$3,163.50.

[18] Pursuant to subsection 47(3) of the **Succession Law Reform Act**, R.S.O. 1990, c. S.26, as amended, the parents of an intestate person who is not married and without issue (children) are next in line to inherit property. However, in this case, the property is a Mining Claim which comes with a co-owner obligation. The tribunal also finds that Ms. Elaine Belanger of 156 Duncan Avenue South, Kirkland Lake, Ontario, P2N 1Y7, and Mr. Marcel Belanger of 13 Comfort Street, Kirkland Lake, Ontario, P2N 3A8, have, to the best of the information provided to it, not taken out letters of administration in the Estate of Jordan Ryan Belanger, but nonetheless are entitled in law to Notice of this application as his potential heirs, successors in title or assigns and will be served with copies of this Order.

[19] The tribunal also finds that Mr. Tom O'Connor will be served with a copy of this Order.

[20] Normally, an application such as this would go to a full hearing. The tribunal is advised by its Mediator/Registrar that all attempts have been made to mediate a solution to this matter but that no one had the authority to act on behalf of the Estate of Jordan Ryan Belanger. Therefore, the tribunal Orders that unless Ms. Elaine Belanger or Mr. Marcel Belanger come forward within a period of 14 days from the date of this Order (being October 14, 2016) indicating that they are prepared to take out Letters of Administration and obtain an Ontario prospector's license, the interest of Mr. Jordan Ryan Belanger will be vested in Northern Gold Mining Inc.