

## COVID – 19 PANDEMIC - ASSESSMENT WORK RELIEF APPLICATIONS UNDER THE MINING ACT (ONTARIO) – UPDATE

by G. Michael Hobart

In our article of March 31, 2020 we expressed hope that the Ministry of Energy, Northern Development and Mines (the "**Ministry**") would provide relief to holders of mining claims from the requirement to perform assessment work amid the COVID-19 pandemic.

On April 17, 2020 the Ministry acknowledged in a Mining Lands Administration System Update (the "**Update**") that the pandemic is a special circumstance creating challenges for all claim holders in Ontario. The Update provides that holders with claim anniversary dates on or before December 31, 2020 will be given an exclusion order by simply making a brief email request to the Provincial Mining Recorder Office at [pro.ndm@ontario.ca](mailto:pro.ndm@ontario.ca) on a no cost basis. The exclusion order will remove the requirement to carry out assessment work for a period of time of up to 12 months.

### Obtaining An Exclusion Order

To obtain an exclusion order, claim holders or their authorized agents must email the request no earlier than the 30<sup>th</sup> day before the anniversary date of the claim and no later than the anniversary date. The request must include the list of claims and request a specific exclusion time period (of up to 12 months). In order to reduce the number of applications that must be submitted, claims that are due outside the 30-day window, but due on or before December 31, 2020 may also be included in the request if: (i) the claims are contiguous to eligible claims due within the 30 days of the request; and (ii) assessment work credit for work that will be performed in the future is intended to be distributed to all claims listed in the request.

Upon making the email request, the Ministry has stated that the eligible claims listed in the request will be automatically protected from forfeiture until the Ministry has processed the request. After the request has been processed, the Ministry will provide the claim holder with a copy of the exclusion order which will set a new anniversary (due) date for the claim(s) and the transaction will be entered onto the mining claims abstract(s).

### What This Means for the Industry

The Ministry's announcement will allow holders to retain ownership of claims which might otherwise be forfeited due to their inability to perform assessment work within the required time period and is a welcomed signal that the Ontario government is attuned to the needs of mining claim holders and the mining industry in Ontario.



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