

File No. MA 005-98

L. Kamerman) Thursday, the 4th day
Mining and Lands Commissioner) of March, 1999.
M. Orr)
Deputy Mining and Lands Commissioner)

THE MINING ACT

IN THE MATTER OF

An application under subsections 51(1) and 80(2) of the **Mining Act** and an application under section 21 of the **Public Lands Act**, in respect of Mining Claims P-1190575 and 1190576, situate in the Townships of Lisgar and Wadsworth, in the Porcupine Lake Mining Division, hereinafter referred to as the "Mining Claims";

AND IN THE MATTER OF

A referral by the Minister Of Northern Development and Mines to the tribunal pursuant to subsection 51(4) of the **Mining Act**;

AND IN THE MATTER OF

An application for an order under the **Public Lands Act** for a grant of easement in favour of the Applicant over the Mining Claims;

AND IN THE MATTER OF

An application for an order excluding the surface rights from the Mining Claims pursuant to subsection 51(6) of the **Mining Act**.

B E T W E E N:

MINISTER OF NATURAL RESOURCES
Applicant

- and -

MICHAEL YVON C. GAGNE & YVON MICHAEL GAGNE
Respondents

- and -

SPRUCE FALLS INC.
Party of the Third Part

ORDER

WHEREAS this application was filed with this tribunal on the 28th day of January, 1998 and was heard on the 15th day of September, 1998, in Kirkland Lake, Ontario and reconvened by telephone conference call on the 20th day of January, 1999;

AND WHEREAS a Conditional Order was issued by this tribunal on the 12th day of February, 1999, which ordered that conditional upon payment by the applicant, the Minister of Natural Resources to the Respondents, Michael Yvon C. Gagne and Yvon Michael Gagne, of \$31,000, as compensation for expenditures on the Mining Claims, the application would be granted, consent to disposition of the surface rights of the Mining Claims would be ordered by the tribunal and the Mining Claims would be cancelled, thereby permitting the land exchange for the Missinaibi Provincial Park to proceed;

AND WHEREAS the aforesaid Conditional Order of this tribunal also ordered that failure to make the aforementioned payment by the Minister of Natural Resources by no later than the 29th day of March, 1999, providing proof of payment to the tribunal, would result in the dismissal of the application;

AND WHEREAS the Minister of Natural Resources provided the tribunal on the 1st day of March, 1999, with proof of payment of \$31,000 as compensation for expenditures on the Mining Claims to the Respondents, Michael Yvon C. Gagne and Yvon Michael Gagne;

1. THIS TRIBUNAL ORDERS that this application be and is hereby granted.

2. THIS TRIBUNAL FURTHER ORDERS that the notation "Pending Proceedings" which is recorded on the abstracts of the Mining Claims, to be effective from the 28th day of January, 1998, be removed from the abstracts of the Mining Claims.

3. THIS TRIBUNAL FURTHER ORDERS that the Mining Claims be and are hereby cancelled.

4. THIS TRIBUNAL FURTHER ORDERS that this Order be filed without fee in the Office of the Provincial Mining Recorder in Sudbury, Ontario, pursuant to subsection 129(4) of the Mining Act.

DATED this 4th day of March, 1999.

Original signed by
L. Kamerman
L. Kamerman
MINING AND LANDS COMMISSIONER

Original signed by
M. Orr
M. Orr
DEPUTY MINING AND LANDS COMMISSIONER