



# The Mining and Lands Commissioner Le Commissaire aux mines et aux terres

Appeal No. MA 015-92

L. Kamerman  
Mining and Lands Commissioner

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)

Tuesday, the 9th day  
of August, 1994.

## THE MINING ACT

### IN THE MATTER OF

A "filed only" application to record Mining Claim 1151216 comprised of the northwest quarter and southwest quarter of Lot 16 and the northwest quarter and southwest quarter of Lot 17, in Concession IV, in the Township of Lake, in the Southern Ontario Mining Division.

### B E T W E E N:

MICHAEL OSIEL

Applicant

- and

THE MINISTER OF NORTHERN DEVELOPMENT AND MINES

Respondent

### AND IN THE MATTER OF

An appeal by the applicant from the decision of the Acting Mining Recorder for the Southern Ontario Mining Division dated April 22, 1992 cancelling the "filed only" application.

## ORDER

WHEREAS THIS APPLICATION was received on the 27th day of May, 1992, as was an appeal in the matter of a dispute against Mining Claim SO-1150997, situate in the Township of Lake, in the Southern Ontario Mining Division, between Michael Osiel, disputant and Uldis Abolins, respondent, and in the matter of an appeal by the disputant from the decision of the Acting Mining Recorder of the Southern Ontario Mining Division dated the 22nd day of April, 1991, dismissing the dispute;

**AND WHEREAS** by letter dated the 26th day of June, 1992, the former Deputy Mining and Lands Commissioner separated part of this matter to the application identified in paragraph one on this Order;

**AND WHEREAS** on the 23rd day of August, 1993, the Respondent requested, pursuant to Section 122 of the **Mining Act**, that security for costs in the amount of \$3,000 be posted by the Applicant prior to the hearing of this matter and a hearing of the Respondent's motion was held in the courtroom of this Tribunal on the 11th day of April, 1994;

**AND WHEREAS** on the 21st day of April, 1994, this Tribunal ordered that the Respondent's motion was allowed and that security for costs in the amount of \$3,000 were to be filed and posted by the Applicant by the 1st day of August, 1994, or the application as identified in paragraph one of this Order would be dismissed;

**AND WHEREAS** the Applicant did not file and post security for costs in the amount of \$3,000 by the 1st day of August, 1994;

**1. THIS TRIBUNAL ORDERS** that the application as identified in paragraph one of this Order is hereby dismissed.

**IT IS FURTHER DIRECTED** under section 178 of the **Mining Act** that the the Mining Recorder for the Southern Ontario Mining Division record this Order without fee.

**DATED** this 9th day of August, 1994.

Original signed by  
L. Kamerman

L. Kamerman  
**MINING AND LANDS COMMISSIONER**