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

Appeal No. MA 015-92

L. Kamerman)
Mining and Lands Commissioner) Tuesday, the 26th day
of April, 1994.

THE MINING ACT

IN THE MATTER OF

A "filed only" application to record Mining Claim SO-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, 1992, 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 of 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 WHEREAS a hearing of the Respondent's motion was held in the courtroom of this Tribunal on the 11th day of April, 1994;

UPON HEARING from Michael Osiel for the Applicant and John Norwood for the Respondent;

1. **THIS TRIBUNAL ORDERS THAT** the Respondent's motion is allowed.

2. **THIS TRIBUNAL FURTHER ORDERS THAT** security for costs in the amount of \$3,000 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 will be dismissed.

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

DATED this 26th day of April, 1994.

Original signed by

L. Kamerman
MINING AND LANDS COMMISSIONER