

Mining and Lands Tribunal
Tribunal des Mines et des Terres



ISSUE DATE: April 12, 2019

CASE NO.: MA 005-16

PROCEEDING COMMENCED UNDER section 68 of the *Mining Act*, R.S.O. 1990, c. M.14, as amended

Applicant: Northern Gold Mining Inc.
Respondent: GeoProMining Gold Canada Ltd.
Subject: Application to vest the Mining Claim interests of GeoProMining Gold Canada Ltd. in the Applicant
Mining Claims: See Schedule A attached and forming part of this Order
MLT Case No.: MA 005-16
MLT Case Name: Northern Gold v. GeoProMining

Heard: In writing

Parties

Representative

Northern Gold Mining Inc.

Tania Poehlman

ORDER OF THE TRIBUNAL DELIVERED BY D. STEPHEN JOVANOVIC

REASONS

Background

[1] Northern Gold Mining Inc. (“Northern Gold” or “Applicant”) (ENDM Client No. 403059), has applied to the Tribunal for an order, under s. 68 of the *Mining Act* (“Act”), to vest the interests of co-owner GeoProMining Gold Canada Ltd. (“GeoProMining”) (ENDM Client No. 194505) in Northern Gold.

[2] Northern Gold is the recorded holder of an 87.5% interest in the subject Mining Claims listed in Schedule A attached hereto, situate in the Townships of Garrison and Thackeray, in the Larder Lake Mining Division. GeoProMining is the recorded holder of a 12.5% interest in the same Mining Claims referred to above.

[3] Preliminary materials in this matter were filed in February 2016. Supporting materials for the application were received from Tania Poehlman, Land Manager for Northern Gold, to the Tribunal on March 20, 2019.

RELEVANT LEGISLATION

[4] Section 68 of the Act states that:

68 Where two or more persons are the holders of an unpatented mining claim, they shall contribute proportionately to their respective interests, or as they otherwise agree between themselves, to the work required to be done thereon or to a survey, patent or the first year's rental of a lease, and, in case of default by any holder, the Tribunal, upon the application of any other holder and upon notice to and after hearing all persons interested or such of them as appear, may make an order vesting the interest of the defaulter in the other co-owners or in any of them upon such terms and conditions and in such proportions as it considers just.

ANALYSIS

[5] Northern Gold claims that GeoProMining is in default of its obligation to perform its share of the assessment work. In support of the application, the Applicant set out in an affidavit from Ms. Poehlman sworn to on March 20, 2019, that it owns 87.5% of the Mining Claims; that GeoProMining owns 12.5% of the Mining Claims and that the affidavit was made for the purpose of applying under s. 68 of the Act for an order vesting GeoProMining's interest in Northern Gold. The affidavit further set out that GeoProMining "has never performed or filed any prescribed assessment work on the mining claims."

[6] The Tribunal obtained a Yukon Corporation Report ("Report") from Yukon Community Services; (part of the Government of Yukon's Department of Community Services) dated February 7, 2017, which indicated that GeoProMining's registered office delivery address was 200 – 204 Lambert Street, Whitehorse, Yukon. The Report also

confirmed that GeoProMining was incorporated on January 1, 2005 and was dissolved by its directors on June 13, 2016, pursuant to s. 212 and 213 of the Yukon *Business Corporations Act*. No subsequent name changes, amalgamations, related entities or continuances exist.

[7] The Tribunal notes that the Applicant, as stated in the affidavit, undertook extensive efforts to locate any signing officers or any staff representing GeoProMining. However, these efforts were unsuccessful.

[8] Abstracts for the Legacy Mining Claims (now the cell and boundary mining claims as outlined in Schedule A which form the subject matter of this application) from January 6, 2017, confirmed numerous transactions outlining the performance and filing of prescribed assessment work by the Applicant from August 29, 2013 onwards. The Applicant also confirmed in its supporting affidavit that GeoProMining had not performed any work on the Mining Claims, nor had it paid for any of its proportionate share of assessment work as a co-holder.

[9] This matter is a case in which the co-owner of the Mining Claims has been in default of its obligation to pay and/or to perform its proportionate share of assessment work, within the meaning of s. 68 of the Act. The Tribunal finds that GeoProMining has not met its obligations and will grant the application to vest the interest of GeoProMining in the Applicant. This will result in Northern Gold having a 100% interest in the ownership of the Mining Claims.

[10] The Tribunal notes that the Applicant is not seeking an extension of time in which to perform and file prescribed assessment work on the Mining Claims, that it has kept the Mining Claims in good standing and that the due dates for the Mining Claims are in 2021 and 2022.

ORDER

[11] The Tribunal directs that the interest of GeoProMining in the Mining Claims, be and is hereby vested in the Applicant, Northern Gold, pursuant to s. 68 of the *Mining Act*.

[12] The Tribunal further directs that no costs shall be payable by any party to this application.

[13] The Tribunal further directs that, pursuant to s. 129(4) of the *Mining Act*, a copy of this Order shall be forwarded to the Provincial Mining Recorder who is hereby directed to amend the records in the Provincial Recording Office as necessary.

“D. Stephen Jovanovic”

D. STEPHEN JOVANOVIC
ASSOCIATE CHAIR

Mining and Lands Tribunal

A constituent tribunal of Tribunals Ontario - Environment and Land Division
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Schedule A

Legacy Claim Id	Township / Area	Tenure ID	Tenure Type	Anniversary Date
737278	GARRISON	213421	Boundary Cell Mining Claim	2021-12-28
737278	GARRISON	224933	Boundary Cell Mining Claim	2021-12-28
737279	GARRISON	102060	Single Cell Mining Claim	2021-12-28
737279	GARRISON	164857	Boundary Cell Mining Claim	2021-12-28
737280	GARRISON	171025	Boundary Cell Mining Claim	2021-12-28
737281	GARRISON	158860	Single Cell Mining Claim	2021-12-28
737281	GARRISON	129587	Single Cell Mining Claim	2021-12-28
737282	GARRISON	189833	Boundary Cell Mining Claim	2021-12-28
737283	GARRISON	266919	Boundary Cell Mining Claim	2022-02-21
737283	GARRISON	209002	Single Cell Mining Claim	2021-12-28
737284	GARRISON	103063	Single Cell Mining Claim	2022-02-21
737284	GARRISON	154405	Single Cell Mining Claim	2021-12-28
737285	GARRISON	278089	Single Cell Mining Claim	2022-02-21
737285	GARRISON	128893	Single Cell Mining Claim	2022-02-21
789859	GARRISON,THACKERAY	218451	Boundary Cell Mining Claim	2022-02-21
789859	GARRISON,THACKERAY	118105	Boundary Cell Mining Claim	2022-02-21
789860	GARRISON,THACKERAY	259561	Single Cell Mining Claim	2022-02-21
789861	GARRISON,THACKERAY	164187	Single Cell Mining Claim	2021-03-14
789861	GARRISON	259560	Single Cell Mining Claim	2021-02-21
789861	GARRISON	230878	Single Cell Mining Claim	2021-02-21
789862	GARRISON	285627	Boundary Cell Mining Claim	2021-02-21
789865	GARRISON,THACKERAY	314664	Boundary Cell Mining Claim	2021-03-14
792304	THACKERAY	127633	Boundary Cell Mining Claim	2021-03-14
792304	THACKERAY	324878	Boundary Cell Mining Claim	2021-03-14
792306	THACKERAY	210212	Boundary Cell Mining Claim	2021-09-06
792307	THACKERAY	202148	Single Cell Mining Claim	2021-09-06
792307	THACKERAY	276724	Boundary Cell Mining Claim	2021-03-14
792310	THACKERAY	102939	Boundary Cell Mining Claim	2021-03-14
792310	THACKERAY	286370	Boundary Cell Mining Claim	2021-03-14
792310	THACKERAY	227064	Single Cell Mining Claim	2021-03-14
792312	THACKERAY	322253	Single Cell Mining Claim	2021-03-14
792313	THACKERAY	344638	Boundary Cell Mining Claim	2021-03-14
792313	THACKERAY	285710	Boundary Cell Mining Claim	2021-09-06
792314	THACKERAY	218457	Single Cell Mining Claim	2021-03-14
792315	THACKERAY	285628	Single Cell Mining Claim	2021-03-14
792316	THACKERAY	117991	Single Cell Mining Claim	2021-03-14
792317	THACKERAY	102680	Boundary Cell Mining Claim	2021-03-14
792318	THACKERAY	125036	Boundary Cell Mining Claim	2021-03-14
792318	THACKERAY	116460	Single Cell Mining Claim	2021-03-14

792319	THACKERAY	116459	Single Cell Mining Claim	2021-03-14
792320	THACKERAY	204129	Single Cell Mining Claim	2021-03-14
792326	THACKERAY	292437	Boundary Cell Mining Claim	2021-03-14
792326	THACKERAY	273593	Boundary Cell Mining Claim	2021-03-14
792326	THACKERAY	125103	Boundary Cell Mining Claim	2021-03-14
792327	THACKERAY	182479	Boundary Cell Mining Claim	2021-03-14
792328	THACKERAY	183109	Boundary Cell Mining Claim	2021-03-14
792329	THACKERAY	164842	Boundary Cell Mining Claim	2021-03-14
803545	THACKERAY	118386	Single Cell Mining Claim	2021-09-06
803545	THACKERAY	325027	Boundary Cell Mining Claim	2021-09-06
803545	THACKERAY	175833	Boundary Cell Mining Claim	2021-09-06