

File No. MA 028-97

L. Kamerman )  
Mining and Lands Commissioner )

Monday, the 28th day  
of September, 1998.

**THE MINING ACT**

**IN THE MATTER OF**

An application for an aggregate permit dated April 2nd, 1997, having been made pursuant to subsection 34(1) of the **Aggregate Resources Act**, R.S.O. 1990, c. A.8, as amended, made by Nordic Group, which application was placed in abeyance by the District of the Ministry of Natural Resources, neither having been allowed nor refused, hereafter referred to as the "Nordic Aggregate Application";

**AND IN THE MATTER OF**

A second subsequent application for an aggregate permit made by Marcel J. Labelle on a date subsequent to the Nordic Application, and issued by the Ministry of Natural Resources on July 11, 1997 for lands which overlap some of the lands in the Nordic Aggregate Application, hereinafter referred to as the Labelle Aggregate Permit;

**AND IN THE MATTER OF**

Mining Claims P-1213801 and 1213802, situate in the Township of Pitt, in the Porcupine Division, recorded in the name of Marcel J. Labelle, covering the same lands as the Labelle Aggregate Permit and the Nordic Aggregate Application, hereinafter referred to as the "Labelle Mining Claims";

**B E T W E E N:**

NORDIC GROUP  
Applicant  
- and -

MARCEL J. LABELLE  
Respondent  
- and -

MINISTER OF NATURAL RESOURCES  
Party of the Third Part  
- and -

MINISTER OF NORTHERN DEVELOPMENT AND MINES  
Party of the Fourth Part

**AND IN THE MATTER OF**

An application under section 105 of the **Mining Act** for a declaration that the lands covered by the Labelle Mining Claims should have been removed from staking, by the Mining Recorder for the Porcupine Mining Division, pursuant to clause 30(b) of the **Mining Act**, being land "for which an application brought in good faith is pending in the Ministry of Natural Resources under the *Public Lands Act*, or otherwise, ...", for a declaration of the respective rights of the applicant, Nordic Group and Marcel J. Labelle and such other relief as the tribunal may allow;

**AND IN THE MATTER OF**

An appeal pursuant to subsection 112(1) of the **Mining Act** from the decision of the Mining Recorder for the Porcupine Mining Division, dated the 20th day of May, 1997, to record the Mining Claims.

**ORDER**

**WHEREAS** this application was received by this tribunal on the 5th day of August, 1997;

**AND WHEREAS** a Pre-Hearing Telephone Conference Call was held on the 1st day of April, 1998;

**AND WHEREAS** this tribunal issued an Interlocutory Order in this matter dated the 28th day of August, 1998, ordering that the appeal pursuant to subsection 112(1) of the **Mining Act** from the decision of the Provincial Mining Recorder was dismissed and that the application pursuant to section 105 for a declaration that the lands included in the Labelle Mining Claims were not open for staking within the meaning of clause 30(f) of the **Mining Act** was also dismissed, without prejudice at such time as a validly conducted review of the actions of MNR had occurred;

**AND WHEREAS** the tribunal also ordered in the aforementioned Interlocutory Order that the notation of "pending proceedings" would remain on the abstracts of the Labelle Mining Claims for a period of thirty (30) days from the date of the Order, whereupon, failing notification that other actions had commenced in connection with issues raised in this matter, would be ordered removed from the aforementioned abstracts;

**AND WHEREAS** the tribunal has not received any such notification to date, being thirty (30) days from the date of the aforementioned Interlocutory Order;

**1. THIS TRIBUNAL ORDERS** that the notation "Pending Proceedings", which is recorded on the abstracts of the Labelle Mining Claims, to be effective from the 5th day of August, 1997, be removed from the abstracts of the Labelle Mining Claims.

**2. THIS TRIBUNAL FURTHER ORDERS** that the time during which the Labelle Mining Claims were under pending proceedings, being the 5th day of August, 1997, to the 28th day of September, 1998, a total of 420 days, be excluded in computing time within which work upon the Labelle Mining Claims is to be performed.

**3. THIS TRIBUNAL FURTHER ORDERS** that the 13th day of July, 2000, be fixed as the date by which the first two prescribed units of assessment work must be performed and filed on the Labelle Mining Claims, pursuant to subsection 67(3) of the **Mining Act**, and all subsequent anniversary dates are deemed to be July 13, pursuant to subsection 67(4) of the **Act**.

**4. THIS TRIBUNAL FURTHER ORDERS** that no costs shall be payable by any party to this application.

**5. 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 28th day of September, 1998.

Original signed by

L. Kamerman  
MINING AND LANDS COMMISSIONER