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

File No. MA 013-95

B. Goodman)
Deputy Mining and Lands Commissioner)

Monday, the 24th day
of June, 1996.

THE MINING ACT

IN THE MATTER OF

Mining Claims P-1035741 to 1035745, both inclusive, 1035747 to 1035750, both inclusive, 1112630, 1112631, 1113132, 1113134 and 1113136 to 1113139, both inclusive, situate in the Townships of Loveland and Robb, in the Porcupine Mining Division, recorded in the name of David J. Meunier and cancelled on the 12th day of April, 1995, hereinafter referred to as the "Cancelled Mining Claims";

AND IN THE MATTER OF

An application by David J. Meunier pursuant to section 105 of the **Mining Act** calling into question the applicability of clause 72(1)(b) in rendering the Cancelled Mining Claims forfeited on the 12th day of April, 1995;

AND IN THE MATTER OF

Mining Claims P-1155645, 1207297 and 1207462 to 1207465, both inclusive, situate in the Townships of Loveland and Robb, in the Porcupine Mining Division, having been recorded on the 1st day of May, 1995, hereinafter referred to as the "Restaked Mining Claims";

AND IN THE MATTER OF

An application by David J. Meunier pursuant to subsection 72(2) of the **Mining Act** for leave of the tribunal to raise a question of forfeiture in connection with these proceedings;

AND IN THE MATTER OF

An alternative application by David J. Meunier pursuant to section 105 of the **Mining Act** for a declaration that the forfeiture of the Cancelled Mining Claims was the result of an administrative error within the meaning of subsection 49(1), and a deemed reference to the tribunal by the Mining Recorder for the Porcupine Mining Division pursuant to subsection 49(2);

AND IN THE MATTER OF

An application by David J. Meunier pursuant to section 105 of the **Mining Act** to reinstate the Cancelled Mining Claims and cancel the Restaked Mining Claims upon whatever terms or conditions the tribunal deems just.

B E T W E E N:

DAVID J. MEUNIER

Applicant

- and -

MINISTER OF NORTHERN DEVELOPMENT AND MINES

Respondent

- and -

JOHN PETER HUOT

Party of the Third Part

O R D E R

UPON HEARING from the parties and reading the documentation filed;

1. **THIS TRIBUNAL ORDERS** that these Applications are hereby dismissed.
2. **THIS TRIBUNAL FURTHER ORDERS** that the notation "Pending Proceedings", which is recorded on the abstracts of the Restaked Mining Claims, to be effective from the 4th day of May, 1995, be removed from the abstracts of the Restaked Mining Claims.
3. **THIS TRIBUNAL FURTHER ORDERS** that the time during which the Restaked Mining Claims were pending before the tribunal, being the 4th day of May, 1995, to the 24th day of June, 1996, a total of 418 days, be excluded in computing time within which work upon the Restaked Mining Claims is to be performed.
4. **THIS TRIBUNAL FURTHER ORDERS** that the 23rd day of June, 1998, be fixed as the date by which the first and second units of prescribed assessment work shall be performed and filed on the Restaked Mining Claims pursuant to subsection 67(3) of the **Mining Act** and all subsequent anniversary dates shall be deemed to be June 23 pursuant to subsection 67(4) of the **Mining Act**.
5. **THIS TRIBUNAL FURTHER ORDERS** that no costs shall be payable by any party to these Applications.

