

Guide to obtaining a mining lease in Ontario

Learn how to apply for a mining lease

For the purposes of this guide, a mining lease means a lease of a mining claim pursuant to [Section 81 of the *Mining Act*](#).

The process to obtain a mining lease pursuant to Section 81 of the *Mining Act* contains 10 broad stages that generally proceed as follows:

Mining claim acquisition and assessment work

Upon registering a mining claim or acquiring a claim through a transfer, a claim holder must satisfy the annual required units of assessment (exploration) work to keep the claim in good standing and to satisfy requirements to obtain a lease of the claim.

Claim holders may decide to obtain a lease of a claim to enable advanced exploration activities requiring the extraction of minerals, as the holder of a mining claim cannot take, remove, or otherwise dispose of any minerals found on, in, or under the land (except in limited circumstances where a permission to test is granted under [section 52 of the *Mining Act*](#) or where extraction of material is below certain thresholds).

Notice of intent

To begin the process of obtaining a lease, a Notice of Intent letter must be submitted to the Provincial Mining Recorder, Ministry of Mines (MINES, the “ministry”), at pro.ndm@ontario.ca.

The Notice of Intent letter may be submitted by the claim holder or an individual that has been authorized to act on the claim holder’s behalf any time after a claim has been acquired.

Applicants must be aware that while submitting a Notice of Intent letter initiates the process of obtaining a mining lease, this letter is not the same thing as the [Application for Lease form](#) that must be submitted later in the process as part of the application for lease package.

Submission of a Notice of Intent letter does not relieve a claim holder from their obligation to satisfy assessment work requirements for the claim.

The Notice of Intent letter must include:

- a list of the mining claims the applicant is seeking to lease and if the applicant is seeking a single lease for several mining claims or individual leases
- whether the applicant is seeking a lease for both the surface and mining rights or only the mining rights
- confirmation that a minimum of five units of assessment (exploration) work have been completed and filed for the claims, or confirmation that the assessment requirements will be met in the near future
- a signed authorization letter if the applicant is requesting a lease on the claim holder's behalf
- if the mining claims are held by two or more claim holders, the Notice of Intent letter will also need to identify whether the lease will be held in joint tenancy or tenancy-in-common
- the name and contact information for the Ontario Land Surveyor selected to survey the mining claim(s)
- land title documents for any land tenure within or abutting the requested area, including parcel abstracts (PINs), Crown grants, plans of survey (other than Crown surveys) and block maps (property index maps or e-maps)

The Notice of Intent letter must be accompanied by the following land title documents for any land tenure within or abutting the requested area:

- parcel abstracts (commonly referred to as PINs) that are current within 6 months
- Crown grants
- plans of survey (other than Crown surveys)
- block maps (commonly referred to as property index maps or e-maps)

Applying for a lease on a claim holder's behalf

Individual claim holders are not required to provide any agent authorization information if they are requesting a lease of any claims that they hold, either solely or in tenancy-in-common with other holders.

A person other than the claim holder can request a lease of a claim, but only if they submit a written authorization letter from the claim holder.

When claims are held by an individual, the authorization letter must be signed by that individual that holds the claims.

When claims are held by a corporation, the authorization letter must be signed by an individual with the authority to bind the corporation. They must confirm this authority in the letter and must indicate their position/title.

When claims are held by several holders, at least one holder must provide written authorization in the above-noted manner.

What to include in an authorization letter

An authorization letter should:

- set out the specific authorization being provided to the individual who is being appointed as agent on the claim holder's behalf
- be signed and dated
- be submitted to the Provincial Recording Office, along with the Notice of Intent letter, as part of Step 1 of the leasing process

Sample authorization letter

I am hereby authorizing [name] to act as an agent representing the claim holder, [legal name of claim holder], in all matters relating to obtaining a lease of the mining claims set out in the attached Schedule A.

Signed,

[signature]

[legal name]

[position/title] (for example, President and CEO, Mining Claim Company Inc.)

I have the authority to bind the corporation

[Enclosed] (schedule of claims being requested for lease)

Reviewing land title documents is a crucial early step in the leasing process. The boundaries of, and rights included in, existing land tenure must be examined by the ministry's technical staff in careful detail while reviewing the lands and preparing survey instructions to ensure that the Crown issues a lease with the proper legal description and boundaries. **Certainty of tenure is crucial to prevent disputes about property boundaries and rights to minerals.**

Applicants may enlist the services of a title searcher to obtain copies of land title documents, or they may obtain documents through the province's [OnLand](#) system, which acts as a 'virtual Land Registry Office' for the public and hosts documents and property title records for viewing and download.

Information gathering, review and analysis

Upon receiving a Notice of Intent, the ministry will review the claims being requested for lease and prepare a response letter to the applicant setting out the following, if applicable:

- acknowledging receipt of the Notice of Intent
- identifying any claims for which the required 5 units of assessment work have not been satisfied
- requesting additional required details, as set out above, if they were not included in the Notice of Intent
- requesting any required land title documents, as set out above, that have not yet been provided
- any other information the ministry may require

If any required information or documents have not been provided, the ministry's acknowledgment letter will specify that the leasing process can only continue once the applicant has provided all required documents and information.

MINES notifies other Provincial and Federal ministries, agencies, and offices, where applicable, of its receipt of the Notice of Intent and works with them to review the requested areas for any land use conflicts, areas of concern, or areas requiring a reservation of rights to ensure the continued use of those lands (example: roadways, waterbodies). The identified areas may be surveyed separately, and certain rights may be reserved in the lease, where appropriate.

The ministry will also notify Indigenous communities known to credibly assert or exercise Aboriginal and/or treaty rights in the area and respond to any questions or concerns they may raise.

Survey instructions

A survey of the mining claim(s) will be required at the expense of the applicant. The survey must comply with the *Surveys Act*. MINES works with the Office of the Surveyor General (OSG) to examine the mining claims within the area of land being requested for lease, the land title documents and existing plans of survey within and abutting the requested area, and any withdrawals or other alienations that may affect the issuance of the mining lease.

While an applicant may request draft survey instructions in order to procure quotes from various surveying firms, a plan of survey cannot be carried out according to draft instructions.

Final instructions for the carrying out of the survey are required and may only be issued directly to an Ontario Land Surveyor.

- **Individual claim survey:** The Provincial Mining Recorder, MINES, issues Provincial Requirements and a Consent to Survey to direct the completion of the survey.
- **Perimeter survey:** The Coordinator of Crown Land Surveys, Ministry of Natural Resources and Forestry (MNR) issues the Crown survey instructions to direct the completion of the survey.

For more information, please consult the [Office of the Surveyor General](#) or the selected [Ontario Land Surveyor](#).

Survey

An Ontario Land Surveyor carries out the survey according to the issued instructions and in compliance with all legislative and regulatory requirements. Upon completion, the surveyor provides a copy of the draft plan of survey to the Provincial Mining Recorder.

Draft plan of survey review

The draft plan of survey is reviewed by both MINES and OSG to ensure compliance with all legislative and regulatory requirements and the Crown survey instructions. When all requirements have been met, the surveyor is granted permission to deposit the plan of survey.

Plan of survey deposit

The surveyor submits the plan of survey to the Ministry of Public and Business Service Delivery (MPBSD) and then to the local Land Registry Office (LRO) through the required pre-approval process.

When all requirements have been met and all final deliverables have been submitted, as outlined in the [Instructions Governing Ontario Crown Land Surveys and Plans](#), the plan of survey is assigned a reference plan number and signed by the Land Registrar.

Legal description

A copy of the deposited plan of survey is provided to OSG to prepare a legal description for the surveyed area. Copies of both items are provided to MINES.

Application for lease

The ministry completes a final review of the claims upon receiving a copy of the deposited plan of survey and legal description.

If all requirements have been satisfied:

The ministry sends a letter to the applicant confirming that the requirements set out in the *Mining Act* and its regulations have been satisfied and the applicant may submit a complete Application for Lease package as defined in the letter.

The application for lease package must contain:

- a complete [Application for Lease form](#)
- payment of the Minister's required fees and the first year's rent (see below)
- a copy of the approved plan of survey (if one has not already been provided to the ministry)
- an agreement or order for surface rights compensation, where applicable
- a [Corporation Profile Report](#) (or equivalent in other jurisdiction), current within 6 months, where the claim holder is a corporation

Cost and fees

The cost to obtain a mining lease includes:

- application fees as set out in the Minister's required fee schedule
- the first year's annual lease rent

You might incur additional costs throughout the leasing process, such as title searching costs and surveying costs. You must cover all additional costs.

Lease fees

Description: Lease application (under subsection 81(2) of the Act). Includes application fee per lease, plus the amount related to assessment work for each cell in a mining claim \$4,400 less the dollar value of assessment work recorded to date.

Cost: \$75

Tax: No tax

If requirements have not been satisfied:

The ministry sends a letter to the applicant advising that a complete Application for Lease package cannot be submitted until all requirements have been satisfied.

Lease issuance

Once a complete Application for Lease package has been submitted to, and accepted by, the Provincial Mining Recorder, claim holders are no longer required to satisfy annual assessment work requirements for the claims listed in the application.

The ministry compiles all necessary documentation, prepares the leasehold letters patent which is subject to [terms and conditions](#) and obtains the required permissions and authorizations for the documents to be signed by the Lieutenant Governor, sealed with the Great Seal of Ontario, and registered in the appropriate LRO. The LRO provides the lessee with a copy of the registered leasehold letters patent.

The ministry then completes final steps in the [Mining Lands Administration System \(MLAS\)](#) and [MLAS Map Viewer](#), including:

- updating the status of, and adding the appropriate abstract entries to, the leased mining claims
- populating the land tenure details for the lease and creating the appropriate mining lease rent account in MLAS
- archiving the mining claims on the MLAS Map Viewer
- creating the lease polygon on the MLAS Map Viewer according to the deposited plan of survey and linking it to the associated land tenure details

Terms and conditions of a mining lease

A mining lease is subject to terms and conditions under the *Mining Act*. For example:

- every mining lease includes the provision that the lessee's rights are subject to the protections provided for existing Aboriginal and treaty rights in Section 35 of the *Constitution Act*
- the lands, surface rights or mining rights must be used solely for the purposes of the mining industry

To maintain a mining lease in good standing, the lessee must comply with the specific terms and conditions of the lease and with the *Mining Act* and its regulations. Failure to do so could lead to the termination of the lease.

Most mining leases have a 21-year term and cannot be renewed unless the government is satisfied either that:

- the production of minerals has occurred continuously for more than one year since the lease was issued or last renewed
- the lessee has demonstrated a reasonable effort to bring the property into production

If you have any questions

If you have questions about this guide, or mining leases in general, please send an email to pro.ndm@ontario.ca You can also contact the [Provincial Recording Office](#) by calling 705-670-5742 or toll-free at 1-888-415-9845, ext. 5742.