

Mineral Rights Adjudication Board

Activity Report 2020-21

Message from the Chair

In accordance with the provisions of the **Transparency and Accountability Act** for category 3 entities, I am pleased to submit the activity report for the Mineral Rights Adjudication Board. This report covers the period of April 1, 2020 to March 31, 2021.

The Mineral Rights Adjudication Board is committed to its supporting role to ensure that mineral exploration and development companies who have been aggrieved by the application of the **Mining Act** or the **Mineral Act**, have recourse to an appeal.

The Mineral Rights Adjudication Board was successful in achieving all indicators of its objective for the reporting period. My signature below is on behalf of the entire Board and is indicative of the Board's accountability for the preparation of this report and the results reported on its objectives for 2020-21.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Megan Reynolds', with a long horizontal flourish extending to the right.

Megan Reynolds
Chairperson

A handwritten signature in blue ink, appearing to read 'Liam O'Brien', with a long horizontal flourish extending to the right.

Liam O'Brien
Temporary Chairperson

Table of Contents

Entity Overview	1
Report on Performance	3
2020-21 Objective	4

Entity Overview

Section 37 of the **Mineral Act** provides for the appointment of a Mineral Rights Adjudication Board (the Board). The Board is appointed by the Lieutenant-Governor in Council. Members serve for a three year period and are eligible for reappointment. The Board consists of three persons, at least one of whom is a barrister, who shall be chairperson, and one of whom is experienced in mining.

The Mineral Rights Adjudication Board receives operational and financial support from the Department of Industry, Energy and Technology.

Mandate

The mandate of the Mining and Mineral Development Branch of the Department of Industry, Energy and Technology includes the supervision, control and direction of all matters relating to promotion, exploration and development of mineral resources and related industry developments. The Mineral Rights Adjudication Board contributes to this mandate by ensuring that the land tenure rights and development requirements of mineral development companies are fairly administered and regulated.

The Board has exclusive jurisdiction to hear and determine a question, dispute or matter arising out of the application of the **Mineral Act** or the **Mining Act** and applicable regulations, including hearing and determining on:

- the rights of persons to the issuing of licences, certificates and leases, including extensions of licences and leases;
- the suspension and reinstatement of a person's right to stake out claims;
- a decision by the minister to withhold approval of a transfer, assignment, mortgage, pledge or conveyance of a license;
- disputes or questions arising between a person and the minister or recorder, or between competing claimants, respecting the boundaries of areas physically staked or the manner and time of staking; questions of priority for the right to obtain licences; all matters respecting the cancellation of licences and leases, including

allegations of default of the conditions of licences and leases, and whether a misrepresentation by applicants for licences or leases is material;

- the right of persons to certificates;
- a question pertaining to security deposits required to be made by applicants for licences, including rights to refund and forfeitures to the Crown and amounts of refund and forfeiture; and
- other matters pertaining to the rights, privileges, obligations or duties of persons claiming or holding licences or leases conferred or imposed under the applicable legislation.

Core Values and Guiding Principles

The Mineral Rights Adjudication Board performs its duties within the following core values.

- **Integrity** - Each individual will be honest, dependable, fair, credible and trustworthy. They will openly acknowledge mistakes, take corrective action and learn from these mistakes.
- **Respect** - Each individual will provide opportunities for others to express their opinions and will consider these views in making decisions. Each individual will treat the public and other employees with courtesy and acceptance.
- **Professionalism** - Each individual will demonstrate high professional standards and positive attitudes and deliver quality service in an objective, timely and responsive manner.
- **Collaboration** - Each individual is open to sharing their knowledge with others and actively seeking the opinions and ideas of others to achieve the desired results.
- **Innovation** - Each individual will demonstrate initiative, creativity and flexibility in responding to challenges and change.
- **Safety** - Each individual views the personal safety of themselves and co-workers in the highest regard and will promote workplace safety at all times.

Primary Clients

The clients of the Mineral Rights Adjudication Board are mineral exploration and development companies who have rights under the **Mineral Act** or mineral developments subject to the **Mining Act**.

Report on Performance

Strategic Issue: Mineral Rights Adjudication

A person affected and aggrieved by a matter falling within the mandate of the Mineral Rights Adjudication Board may apply to the Board to have the matter adjudicated.

Upon receipt of a notice of grievance, the Board shall hear the grievance, decide the matter of the grievance and record its decision not later than 90 days from the date of the receipt of the notice of grievance unless the minister extends that period of time.

The Board, comprising all of its members, shall hear the grievance on a day appointed by it for the purpose, and shall decide the matter of the grievance, record its decision in writing, disclosing in that record whether the decision is unanimous or by majority, and transmit copies of the decision to the grievor, other persons affected by the appeal and the minister.

The Board may, before deciding the matter of the grievance, refer a question of law raised at the hearing of the grievance for the opinion of a judge of the Trial Division.

The Board may award costs in an adjudication under this section for or against a party to the grievance, or the Crown, and fix the amount of the costs.

ACTIVITY REPORT 2020-21

In consideration of the mandate and financial resources of the Board of Directors, the Board reports on the objective and indicators below, through its activity reports, for each fiscal year of its 2020-23 activity plan.

2020-21 Objective

By March 31, 2021, the Mineral Rights Adjudication Board will have reviewed all notices of grievance filed under the **Mineral Act**.

Indicators:

- **Adjudicated all grievances in a timely manner**
- **Issued decisions in a timely manner**

During this reporting period, four grievances were filed with the Board.

The grievance proceeding related to mineral licences 21890M and 21891M was initiated at the early stages of the COVID-19 pandemic, which caused unanticipated delays. As a result, the 90-day legislated timeframe for the Board to provide a decision was extended by the Minister on September 25, 2020. This grievance was further delayed due to the expiry of the temporary Chairperson's term and a conflict of interest that arose and required that a Board member recuse themselves from the grievance process.

The two grievances (related to mineral licences 027496M/027497M and 021847M) filed in February 2021 were heard within the legislated 90-day timeframe and are now closed.

The grievance related to mineral licence 031315M was paused as the Board Chairperson declared a conflict, but will recommence following the temporary appointment of a Chairperson.

Table 1. Grievances filed with the Board in 2020-21

ACTIVITY REPORT 2020-21

Grievance	Submission Date	Decision Date	Current Status
21890M and 21891M	June 17, 2020	n/a	Ongoing
027496M and 027497M	February 5, 2021	February 22, 2021	Closed
021847M	February 21, 2021	March 15, 2021	Closed
031315M	March 22, 2021	n/a	Ongoing

Financial Information:

The Board does not have a stand-alone budget and therefore audited financial statements are not required. Expenses are borne through the Department of Industry, Energy and Technology's budget.