

Building More Mines Act, 2023

FACT SHEET

April 2024

NEW EXCLUSION FROM DEFINITION OF “MINE” FOR CLASS OF FACILITIES

Under subsection 1(1) of the *Mining Act*, the definition of “mine” is broad, but “*does not include any prescribed classes of plant, premises, or works*”.

Where a prescribed class of plant, premises, or works (a “class of facilities”) is excluded from the definition of “mine”, the owner of a facility that is included in a prescribed class is not required to have a filed closure plan prior to developing or operating the facility.

Previously, the excluded classes of facilities were set out in Ontario Regulation 240/00. Effective April 1, 2024, the prescribed classes of facilities that are excluded from the definition of “mine” are now set out in Ontario Regulation 45/11 (General), under section 0.1.

The existing classes of facilities that are excluded from the definition of “mine” remain the same:

1. Research facilities not located on or directly related to a site.
2. Analytical laboratories not located on or directly related to a site.
3. Refineries of scrap jewellery and metal not located on or directly related to a site.
4. Precious metal refineries engaged in refining only not located on or directly related to a site.
5. Steel mills not located on or directly related to a site.
6. Pits and quarries the closure or rehabilitation of which is regulated by the *Aggregate Resources Act*.

Additionally, a new class of facilities has been added to the list:

7. Facilities not located on a site or located on a site on which a closed out mine is located, if they primarily produce one or more of,
 - nickel, cobalt, and manganese sulphates,
 - lithium carbonate,
 - lithium hydroxide, and
 - spheronized graphite.

The addition of this class of facilities, where applicable, will support the development of Ontario's electric vehicle battery supply chain. This change does not exempt these facilities from other legislative requirements that may apply, including, where applicable, requirements to obtain permits or other approvals from other Ontario ministries.

While this fact sheet is intended to provide information on amendments to the prescribed classes of plant, premises and works for the purposes of the definition of "mine" under the *Mining Act* and its regulations, it is not legal advice. To ascertain whether a proposed facility requires a closure plan, proponents should refer to the Act and its regulations. While all efforts are made to ensure the accuracy of this information, if there is any discrepancy between this fact sheet and the Act or its regulations, the provisions of the Act and/or regulation prevail.