

**Energy, Mines and Petroleum Resources
Mines and Mineral Resources Division
Compliance & Enforcement Policy**

Version 1.1

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Approved:	Nathaniel Amann-Blake
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Relationship to Previous Policy:	Minor updates

Name of Program or Business Area Mines and Mineral Resources Division

Name of Policy Compliance and Enforcement Policy (C&E Policy)

Purpose

The C&E Policy is intended to enhance C&E consistency across the province by providing guidance to mines inspectors and titles inspectors (Inspectors) on the C&E tools available to them and how those tools can be used as part of an escalating enforcement program.

Scope

The C&E Policy applies to:

- All Mines and Mineral Resources Division (MMRD) staff engaged in C&E activities,
- All compliance verification activities,
- Incidents of non-compliance with the *Mines Act* and regulations, the Health, Safety and Reclamation Code for Mines in British Columbia (Code), permit conditions and orders, and
- Incidents of non-compliance with the *Mineral Tenure Act*, *Coal Act*, and regulations under these acts.

Policy

In addition to bringing MMRD’s C&E approach and tools together in one document, the C&E Policy introduces the Non-Compliance Decision Matrix, a risk-based tool designed to assist Inspectors in the consistent selection of the most appropriate C&E tool in response to potential non-compliance. Staff should consider this document and apply it when implementing C&E tools. The C&E Policy does not restrict the discretion and autonomy exercised by staff as complex, atypical or exigent circumstances will continue to arise and all staff must apply their professional expertise and judgement when performing their duties.

APPROVED AMENDMENTS:

Effective Date:	Summary of Changes:
February 20, 2018	Updated to clarify use of advisories and warnings as an enforcement tool

Chapter 1: C&E Context

Purpose of this Chapter

1. Establish Mission Statement of MMRD with respect to C&E
2. To emphasize MMRD's commitment to achieving compliance in the mining industry

Mission

To provide fair, effective, transparent regulatory oversight of mining activities for the benefit of all British Columbians.

Introduction and regulatory context

The *Mines Act* and regulations, Health, Safety and Reclamation Code for Mines in British Columbia (the Code), and *Mines Act* Permits (collectively referred to as Regulatory Requirements) apply to all mines in British Columbia. EMPR's regulatory authority applies to all metal mines, including precious and base metal mines, coal mines, industrial mineral (e.g. silica, limestone) mines, rock quarries, sand and gravel (aggregate) operations, and placer mines.

The *Mineral Tenure Act*, *Coal Act*, and regulations under these acts apply to free miners and recorded holders of mineral titles, and coal licensees and lessees as well as any person operating on a mineral or coal title. EMPR's regulatory authority under these acts applies on all "mineral lands" and "coal lands".

EMPR's regulatory activities take place during all phases of the mining life cycle including exploration, development, construction, production, reclamation, closure and post-closure. Regulation includes approving mining activities (including reclamation programs) through the issuance of permits under the *Mines Act* and establishment of site specific requirements (e.g., permit conditions). Regulation also includes compliance verification activities (e.g., reviews, audits, and inspections) and enforcement.

Within the broader EMPR mandate to regulate mining activities, Inspectors engage in a variety of C&E activities to ensure that Regulatory Requirements and the objectives of the Code are met. The purpose of the Code is to:

- Protect employees and all other persons from undue risks to their health and safety arising out of or in connection with activities at mines.
- Safeguard the public from risks arising out of or in connection with activities at mines.
- Protect and reclaim the land and watercourses affected by mining.
- Monitor the extraction of mineral and coal resources and ensure maximum extraction with a minimum of environmental disturbance, taking into account sound engineering practice and prevailing economic conditions.

Commitment to C&E

MMRD is committed to actively promoting compliance, verifying compliance, and enforcing applicable rules and requirements when compliance is not achieved.

MMRD promotes compliance through:

- Educating proponents on responsibilities and expectations of Regulatory Requirements,
- Providing educational presentations to industry that support knowledge of the Regulatory Requirements,
- Setting site specific requirements through review and establishment of *Mines Act* permit conditions,
- Inspections/field presence,
- Posting information about the C&E program on EMPR's website,
- Organizing and facilitating awards and competitions that support health and safety programs at mines, as well as effective reclamation,
- Administering certifications for shift bosses, blasting, mine rescue and supervisor, and
- Providing advisories.

MMRD verifies compliance through:

- Performing regular mine inspections and mineral and coal title inspections and monitoring mining activity for compliance with the *Mines Act*, *Mineral Tenure Act*, *Coal Act*, the Code, the regulations, permit conditions and orders,
- Reviewing plans and reports to ensure compliance with Regulatory Requirements, and
- Responding to public complaints, or reports of suspected non-compliance relating to a mine site or a mineral or coal title.

MMRD enforces compliance through:

- Issuing orders and warnings when non-compliance is identified,
- Issuing notices and orders under the *Mineral Tenure Act* and *Coal Act*,
- Issuing administrative monetary penalties in situations of contravention of the acts, regulations, Code or orders, and
- Investigating and recommending (through reports to Crown Counsel) court prosecution for serious contraventions.

Transparency and Reporting

Enforcement actions for major mines are publicly reported on the [BC Mine Information Website](#). Through this website, EMPR, the Ministry of Environment and the Environmental Assessment Office collaborate to make information on the Province's oversight of major mines in British Columbia publicly accessible.

Purpose of Public Reporting:

- Provides the public with up to date mine information,
- Demonstrates government's commitment to transparency, and
- Provides an incentive to individuals and corporations to achieve compliance.

The [Mines and Mineral Resources website](#) provides additional information related to EMPR's regulatory activities. All orders of the Chief Gold Commissioner are posted on the [Mineral Titles public website](#).



Additionally, the Chief Inspector of Mines issues an annual report summarizing regulatory, permitting, and mine inspection activities. The report also summarizes dangerous occurrence and incident data (e.g., number of incidents, type of work and equipment involved) and the results of various competitions and awards promoting mine safety and reclamation.

Chapter 2: Inspections and Investigations

Purpose of this Chapter

1. To review regulatory authority in relation to inspections and investigations
2. To provide a common understanding of inspections and investigations

Inspectors of Mines

Definition of a Mines Inspector

The Chief Inspector of Mines (Chief Inspector) is the senior statutory decision maker for all mining activities in British Columbia. An Inspector is a person who has been appointed by the Chief Inspector under the *Mines Act*. An Inspector has a number of responsibilities and authorities in relation to permitting, compliance verification (e.g. inspections) and enforcement. C&E activities are a core responsibility of Inspectors met through setting site-specific requirements, conducting inspections, and undertaking enforcement actions and investigations.

Definition of a Titles Inspector

The Chief Gold Commissioner is the main statutory decision maker under the *Mineral Tenure Act* and *Coal Act*. Titles Inspectors are delegated as Gold Commissioners by the Chief Gold Commissioner, and have specific delegations and authorities under that act. Titles Inspectors may also have specific delegations from the Chief Inspector of Mines under the *Mines Act* and Code to conduct inspections and issue *Mines Act* orders. C&E activities are a core responsibility of Titles Inspectors when conducting inspections of mineral and coal titles, mines sites, and undertaking enforcement actions and investigations.

Inspector authority

Inspectors are authorized under the *Mines Act* to conduct inspections. Inspectors have authority to enter a mine and have a worker or management representative accompany them during the inspection. In the course of conducting an inspection, the Inspector may access and review any records, equipment, machinery or area of the mine that is relevant to verifying compliance. When an inspection is underway, all persons on the mine site must provide the Inspector with any assistance necessary for the completion of an inspection. As Gold Commissioners, Titles Inspectors may enter and examine any land covered by a mineral title.

Where non-compliance is identified, the Inspector may utilize a number of C&E tools to bring the proponent into compliance. The available tools are discussed in more detail in Chapters 3 and 4 of this document.

Inspector duties

Inspectors perform a diverse range of mine regulation duties for the purpose of ensuring the health and safety of workers and the public, and protection of the environment.

Inspectors are diverse and multidisciplinary and work as a team to undertake C&E activities such as:

- Performing regular mine inspections and monitor mining activity for compliance with Regulatory Requirements;
- Performing reviews of mine plans to assess compliance with all applicable codes and good mining practice;
- Performing reviews of mine health and safety programs and policies for workers health and safety and;
- Working with Indigenous groups, communities, unions, associations, and industry to promote responsible safe mining that considers concerns from stakeholders.

Inspections

Purpose of a Mine Inspection

The purpose of a mine inspection is to verify compliance with Regulatory Requirements. More specifically, the purpose is to verify that relevant persons (e.g., the owner, agent or manager) are complying with a wide range of applicable Regulatory Requirements.

Purpose of a Titles Inspection

The purposes of mineral and coal title inspections include gathering information to support an order recommendation to the Chief Gold Commissioner, investigation of complaints, disputes with an owner of the surface of land, disputes between recorded holders on the same mineral lands, and verification of exploration and development work registered under the *Mineral Tenure Act*. Where a mine is located on a mineral or coal title, an inspection may include both aspects of mines and titles inspections.

Inspection Planning

Mine and titles inspections may occur in fulfillment of a planned inspection schedule or may be undertaken in response to an unexpected situation or incident. Planned mine and titles inspections are coordinated to reflect a variety of factors including phase of the mine, compliance history, time of year, region and risk. An inspection plan is developed annually by regional and provincial inspectors for health, safety and permitting inspections. In addition, specialist inspectors coordinate with regions for focused technical inspections. Reactive inspections may occur for a number of reasons including employee or public complaints, notification of a potential non-compliance, referrals from other agencies or following a dangerous occurrence as outlined under section 1.7.1(b) of the Code.

Inspections may be conducted by individuals or teams of inspectors. When an inspector becomes aware of non-compliance that is beyond the scope of their expertise, they must promptly request the assistance of an appropriate specialist (e.g. occupational health, electrical or geotechnical inspector). Inspectors may also schedule joint inspections with other agencies in order to coordinate resources and address issues that encompass other agency mandates (e.g., stream crossings, water management and water quality, and wildlife issues). Coordinated inspections may also take place for the purpose of inspector mentorship and continuous learning; increasing familiarity with other inspectors and agencies; supporting program implementation; and in the interests of the public and Indigenous Groups.

Interagency Coordination

Annual inspection plans are communicated to the Environmental Assessment Office and Ministry of Environment and Climate Change Strategy compliance teams to support greater coordination and integration of C&E activities across the mining sector.

Risk Based Approach

Risk-based considerations for inspection planning include:

- Phase/cycle of the mine program,
- Compliance record – results from previous inspections and need for escalated enforcement,
- Time of year – inspections of some projects will be focused on high-risk times of the year (e.g., spring freshet) or during higher-risk events specific to individual conditions, and
- Project location – based on regional area, and logistics for inspecting remote sites.

Adaptive Management and Event Based Inspections

The inspection plan is adaptively managed as required to deal with events or emerging issues that develop (e.g., freshet flooding or forest fire risks). Inspections may be unplanned or reactive in nature in response to events occurring at a mine site (e.g., fatality, serious injury, dangerous occurrence or geotechnical incident), or complaints or information received related to potential non-compliance.

Other Compliance Verification Activities

In addition to performing inspections to verify compliance, inspectors also verify compliance by undertaking various in-office reviews and assessments including reviews of mine plans, reclamation plans, permit applications, technical reports, annual summaries of exploration activities, and manager responses to inspection reports and orders.

Investigations

Purpose of a Mines Investigation

The purpose of an investigation is to gather evidence to determine whether or not there is non-compliance or suspected offences pursuant to the *Mines Act*. Investigations may also be undertaken to determine the root cause of an incident for the purpose of preventing reoccurrence.

Authority to Investigate

An inspector may, and on the direction of the Chief Inspector must, make an investigation of and report about an incident that has caused serious personal injury, loss of life or property or environmental damage.

Inspectors can order a person to answer questions under oath and produce records in the person's possession or control. Section 8 also provides an inspector with the ability to apply to Supreme Court for an order directing compliance with such an order.



During the exploration, development, operation, closure or abandonment of a mine, an inspector may investigate any matter relating directly or indirectly to the health and safety of any person or the public, including an investigation with respect to:

- death or injury,
- accidents,
- dangerous or unusual occurrences, or
- complaints or allegations relating to health or safety.

Transition from Inspection to Investigation

Inspections may lead an inspector to identify the need for further investigation into non-compliance. A transition from inspection to investigation may take place when non-compliance is detected during an inspection and the purpose shifts from verifying compliance to collecting information and evidence that may be required to support enforcement actions, such as an offence prosecution. Investigations may also be conducted after a dangerous occurrence (as defined in the Code), accident, or incident.

The transition from inspection to investigations is a step that has potential legal ramifications including questions about admissibility of evidence and viability of prosecutions. Inspectors will refer to the C&E Branch for guidance and direction on this issue.

Chapter 3: Tools for Addressing Non-Compliance

Purpose of this Chapter

1. To ensure a common understanding of the purpose and use of available enforcement tools,
2. To outline the criteria that should be considered when selecting the most appropriate C&E tool.

Compliance and Non-Compliance Tools

There is a range of C&E tools to promote compliance or address non-compliance. This chapter briefly describes each C&E tool, including its purpose and the general circumstances in which it may be used. Available enforcement tools:

- Advisory
- Warning
- Order
- Administrative monetary penalty
- Administrative sanctions
- Prosecution

Advisory

Definition

An advisory is a written notification to a person that draws attention to a specific regulatory requirement. An advisory is used where the proponent is in compliance at the moment but actions may be needed to avoid future non-compliance (e.g., volumetric or height limit is being approached or there is a pending deadline for the submission of a plan or report). An advisory promotes compliance and reduces the likelihood of a future non-compliance issue from developing.

When to use

Advisories are proactive in nature and can be very useful for compliance promotion. They can be used to advise and/or remind proponents of pending regulatory deadlines and requirements, industry best practices or actions that may be needed to avoid a future non-compliance. Advisories must be recorded in NRIS.

Warning

Definition

A warning, as established by this policy, may be issued by an inspector using the discretionary authority provided to inspectors under the *Mines Act*. A warning is a written notification to a person that is not in compliance with a specific Regulatory Requirement at the time of inspection, but the non-compliance is determined to be minor and the non-compliance is either remedied at the time of inspection or remedial actions are underway at the time of inspection.

A warning will clarify the expectations or required outcomes. How the required outcomes will be achieved remains the responsibility of the proponent and not the inspector. Inspectors may include references to where additional information and educational materials may be found.

When to use

A warning can be the first enforcement response taken in cases of minor non-compliance where the non-compliance is addressed immediately or where remedial actions are underway and there is a high likelihood of achieving compliance.

Warnings provide an important tool to ensure that minor non-compliance in the circumstances described above is recorded to form part of the mine's compliance history and inform future C&E activities such as subsequent inspections or trend analysis.

Warnings are issued as part of an inspection report and will be recorded in NRIS. Mine managers will be requested to include in their inspection report response an outline of the remedial action taken to address the non-compliance identified in the warning.

Order

Definition

An order, as authorized under the *Mines Act*, is a written, legal instrument issued by an inspector to address non-compliance with a Regulatory Requirement and/or to reduce and manage risk. This is the most common C&E tool that will be used by inspectors in all disciplines.

An order issued by the Chief Gold Commissioner under the *Mineral Tenure Act* or *Coal Act* may be issued independently, or with an order issued under the *Mines Act*. Under the *Mineral Tenure Act* and *Coal Act*, the Chief Gold Commissioner may make orders that relate to things required under the *Mines Act*.

When to Use

Inspectors may issue an order where the facts demonstrate non-compliance with the Regulatory Requirements or non-compliance with previous orders, or where information gathering is required to verify whether non-compliance has occurred. Orders may relate to a number of issues including health and safety, the environment, or permitting.

An inspector may request that the Chief Gold Commissioner issue an order under the *Mineral Tenure Act* or *Coal Act*. Such an order requires a person and/or the owner of a mineral or coal title to comply with the order(s) issued under the *Mines Act*.

Administrative Monetary Penalty

Definition

Authorized under the *Mines Act* and the Administrative Penalties (Mines) Regulation, administrative monetary penalties (AMPs) are financial penalties that can be imposed on any person contravening a prescribed provision of the *Mines Act*, Regulations, Code, or for failing to comply with an order. There are three AMPs tiers established in the Administrative Penalties (Mines) Regulation (up to a maximum of \$40,000, up to a maximum of \$100,000, and up to a maximum of \$500,000). The applicable AMP tier will depend on the specific contravention involved.

As an administrative remedy, an AMP can be imposed with simplified procedural and legal requirements. It is important to note that while the AMPs process is simpler than a court prosecution, there are rules in place to ensure procedural fairness.

When to Use

An AMP may be an appropriate response to non-compliance where a person has contravened a provision (i.e. a Regulatory Requirement) prescribed in the Administrative Penalties (Mines) Regulation or has failed to comply with an order issued under the *Mines Act*. An AMP may be an appropriate compliance tool when:

- an order does not adequately reflect the severity of the contravention and therefore would not be an effective deterrent;
- an order has already been issued but has not been effective in achieving compliance;
- an administrative sanction (e.g., permit cancellation or suspension) is disproportionate to the non-compliance or would cause undue hardship;
- the time and cost of court prosecution would not be in the public interest;
- it is appropriate to recover any economic benefit the person received as a result of the non-compliance or to recoup government costs associated with the non-compliance.

Administrative Sanctions

Definition

Under the *Mines Act*, the Chief Inspector of Mines can impose specific administrative sanctions in specified circumstances. Under s.10(8) of the *Mines Act*, if an owner, agent, manager or permittee fails to perform or complete reclamation obligations or comply with permit conditions, the Chief Inspector of Mines may:

- apply all or part of the security toward payment of the cost of the work required to be performed or completed,
- close the mine, or
- cancel the permit.

When to Use

An administrative sanction may be appropriate when other enforcement tools may not be effective in protecting the health and safety of workers, the public or the environment.

Sanctions under other Acts

In addition to the administrative sanctions under the *Mines Act*, mines inspectors may refer the matter to a Titles Inspector or the Chief Gold Commissioner for consideration of remedies available under the *Mineral Tenure Act* and *Coal Act*. Inspectors may also consider referrals to other regulatory partners for consideration of sanctions under other acts (e.g., Ministry of Environment & Climate Change Strategy, Ministry of Forests, Lands, Natural Resource Operations & Rural Development)

Prosecution

Definition

A prosecution is a proceeding initiated against a person (individual or corporation) alleged to have committed an offence.

When to Use

In appropriate cases where the evidence is supportive, charges are recommended for approval by Crown Counsel. A person convicted of an offence under the *Mines Act* is liable to a fine of not more than \$1,000,000 or to imprisonment for not more than three years or both. A person convicted of an offence under the *Mineral Tenure Act* or *Coal Act* may be liable to a fine of not more than \$25,000 or to imprisonment for not more than 6 months, or both.

Chapter 4: Non-Compliance Decision Matrix

Purpose of this Chapter

1. To introduce the Non-Compliance Decision Matrix
2. To guide the application of C&E tools using the matrix

Introduction

The Non-Compliance Decision Matrix is a risk-based tool used by staff when considering the context and specifics of individual cases of non-compliance. The Non-Compliance Decision Matrix supports the professional judgment, discretion and autonomy exercised by inspectors to achieve consistency in MMRD's response to non-compliance. Inspectors also consider how similar situations have been addressed in the past, while recognizing that each case of non-compliance will have different circumstances which may suggest a different response.

Using the Matrix

The non-compliance decision matrix takes into account the nature of the non-compliance and the likelihood of achieving compliance and determines what enforcement tool is appropriate to use based on a resulting color band.

Step 1 – Determining location on the matrix

A. Nature of the non-compliance

Consider the nature of the non-compliance (i.e., the level of actual or potential harm) across the top of the matrix. How significant is the actual or potential harm that the non-compliance has produced?

Minor: A minor non-compliance does not, or is unlikely to, result in adverse impacts to workers, the environment and the public. The actual or potential impacts of the non-compliance are minimal and temporary in nature. Examples include non-compliances of an administrative nature such as failing to supply a required report; to include specific information in a plan; or to keep adequate records.

Moderate: A moderate non-compliance results in potential or actual impacts to workers, the environment or the public, typically localized and short term. Examples include failing to perform a requirement such as applying sediment control measures or adhering to timing windows.

Major: A major non-compliance results in potential or actual severe impacts to workers, the environment or the public. Examples include constructing or operating the mine in a manner that threatens human health and safety, or the environment (e.g., failing to adequately train workers, failing to establish and implement safe operating procedures, failing to manage water or waste rock appropriately).

B. Likelihood of achieving compliance

Consider the likelihood of achieving compliance on the left side of the matrix. What is the likelihood that the individual or company will respond appropriately to the enforcement action?

High: There may be a high likelihood of achieving compliance if:

- a. the non-compliance can be easily remedied; and
- b. the person:
 - i. has a good compliance history;
 - ii. voluntarily disclosed the non-compliance if aware of it;
 - iii. did not deliberately cause the non-compliance or was not willfully negligent; and/or
 - iv. demonstrates awareness of Regulatory Requirements and the willingness and capacity to comply.

Moderate: There may be a moderate likelihood of achieving compliance if:

- a. the non-compliance will be technically challenging to remedy;
- b. the person is willing to cooperate with government officials; however, the person
 - i. has had previous contraventions;
 - ii. may not have the capacity to comply due to the technical complexity or cost of the requirements; and/or)
 - iii. was aware of the requirements but deliberately did not complete the required action or took contrary action.

Low: There may be a low likelihood of achieving compliance if:

- a. the non-compliance cannot be remedied (e.g., the damage is irreparable);
- b. remedying the non-compliance would be technically very challenging or very expensive;
- c. there is evidence that the non-compliance was deliberate or the result of willful negligence; or
- d. the person:
 - i. has multiple past contraventions;
 - ii. displays a poor attitude regarding compliance oversight;
 - iii. hinders or obstructs government officials; and/or
 - iv. refuses to provide information or provides false or misleading information.

Once the nature of the non-compliance and the likelihood of achieving compliance are assessed, the inspector will intersect the points on the matrix and land on one of three colored bands each representing a degree of potential enforcement action:

- Level 1: Yellow band,
- Level 2: Blue band, or
- Level 3: Orange band

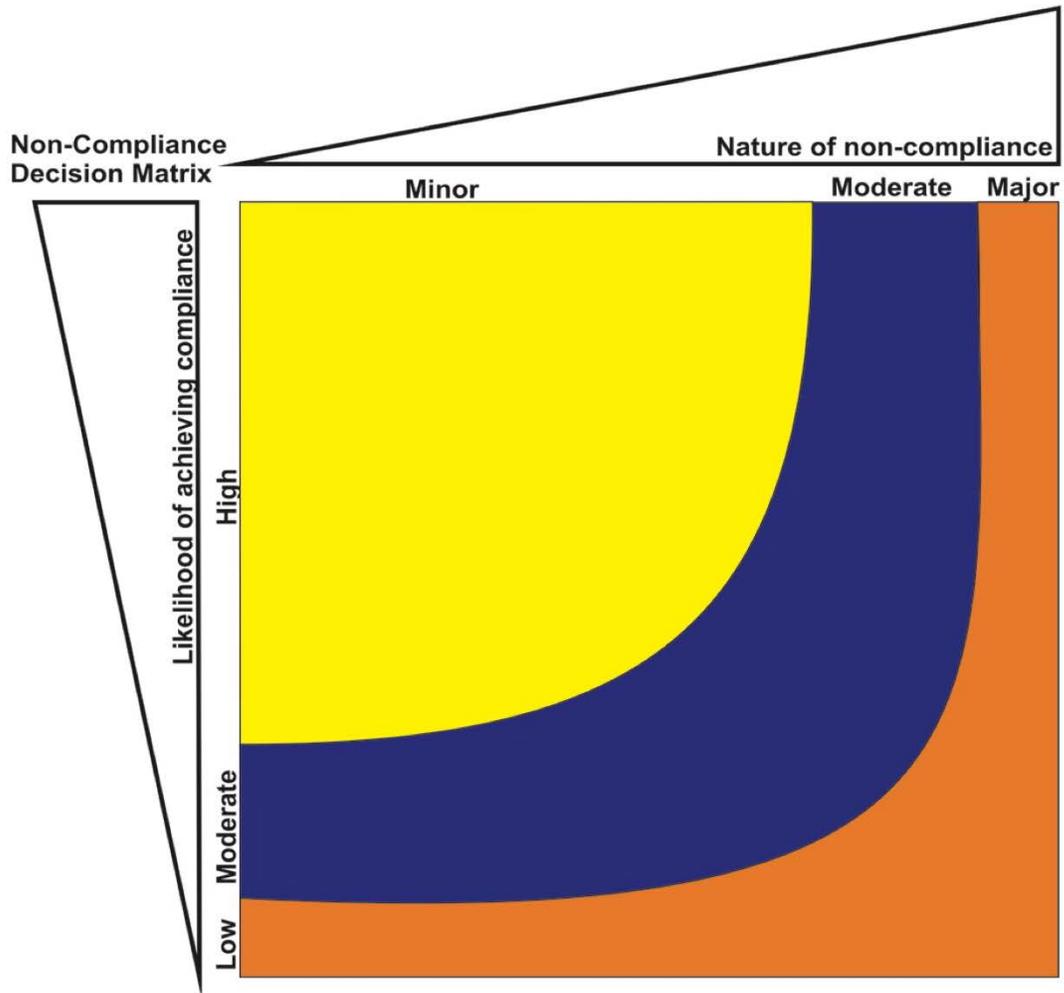
For example, if the nature of the non-compliance (actual or potential harm) is “major” and the likelihood of compliance is “low”, the appropriate enforcement action may be in the lower right



corner of the matrix (Level 3 orange band). If the nature of the non-compliance (actual or potential harm) is “minor” and the likelihood of compliance is “high”, the appropriate enforcement action may be in the upper left corner of the matrix (Level 1 yellow band).

As the degree or level increases, an Inspector may wish to engage with colleagues, branch management or partner agencies to discuss potential enforcement actions to ensure consistency and create awareness of serious non-compliances that have been identified.

Non-Compliance Decision Matrix



Step 2 - Choose the most appropriate enforcement action from the selected band

Each band contains multiple enforcement actions that can be selected by an inspector of mines after determining the most appropriate band (yellow, blue, orange).

Level 1: Yellow band		
Potential enforcement action	Description	Additional notes/consultation
Warning	Written warning to address minor non-compliance	
<i>Mines Act</i> s.15(4) Order	Order to remedy contraventions observed during inspection and noted in inspection report (e.g., contraventions of a requirement under the <i>Mines Act</i> , the regulations, the code, a permit condition, or contraventions of a previous order under s.15)	
<i>Mines Act</i> s.35(1) Order	In yellow band, a s.35(1) order will generally be an order to comply with a provision of the <i>Mines Act</i> , the regulations, the code or a permit based on office review.	While the issuance of a s.35 order does not specifically require an inspection, an inspection/investigation may be required if potential court involvement under s.35(2) is contemplated.

Level 2: Blue band		
Potential enforcement action	Description	Additional notes/consultation
<i>Mines Act</i> s.15(4) Order	Order to remedy contraventions noted during an inspection and detailed in the inspection report (e.g., contraventions of a requirement under the <i>Mines Act</i> , the regulations, the code, a permit condition, or contraventions of a previous order under s.15)	
<i>Mines Act</i> s.35(1) Order	In blue band, a s.35(1) order may be an order to comply with a provision of the	While the issuance of a s.35 order does not specifically

	<i>Mines Act</i> , the regulations, the code or a permit based on office review . It may also be issued as a repeat order for failing to comply with a s.15(4) order.	require an inspection, an inspection/investigation may be required if potential court involvement under s.35(2) is contemplated (e.g., when used as a repeat order).
<i>Mines Act</i> s.10(8)(a) Order	Order to stop the mining operation where failure to perform or complete reclamation program, or comply with permit condition	CIM and Deputy Chief Inspector, Reclamation and Permitting must be consulted. (Note that this order may only be issued following notice to remedy the failure)
<i>Mines Act</i> s.15(4.1)(a) Order	Order to take immediate remedial action where inspector believes on reasonable grounds that contravention of a s.15 order, a provision of the <i>Mines Act</i> , regulations, or code, or permit condition has detrimental environmental impact	
<i>Mines Act</i> s.15(5)(a) Order	Mandatory order to take immediate remedial action if there is a hazardous situation where inspector believes delay in remedying would be dangerous to persons or property.	
<i>Mines Act</i> s.10(8)(b),(c), and (d) Administrative sanction	If a person fails to complete reclamation obligations or comply with permit conditions, the CIM may: <ul style="list-style-type: none"> • apply all or part of the security toward payment of the cost of the work required to be performed • close the mine or • cancel the permit. 	CIM and Deputy Chief Inspector, Reclamation and Permitting must be consulted. (Note that this sanction may only be use following notice to remedy the failure)
<i>Mineral Tenure Act</i> s.18(1) or 18(2) order for administrative sanction	Recommendation to Chief Gold Commissioner to order compliance. If order not complied with, Chief Gold Commissioner may order suspension of activities.	Titles Inspectors/Mineral Titles Branch
<i>Mineral Tenure Act</i> s.50(2) and (3) notice and	Recommendation to Chief Gold Commissioner to issue notice to comply with rental payment requirements, provisions of the <i>Mineral Tenure Act</i> , the	Titles Inspectors/Mineral Titles Branch

order	regulations, or conditions respecting the lease. If the holder does not comply the Chief Gold Commissioner may order forfeiture of the lease.	
<i>Coal Act</i> s.25 Notice and order	Recommendation to Chief Gold Commissioner to notify recorder holder of failure to comply with <i>Coal Act</i> , a licence or lease under it, or the <i>Mines Act</i> or a permit under it. If holder does not comply, Chief Gold Commissioner may suspend operations, refuse to renew any licence or lease of the holder, or cancel the licence or lease.	Titles Inspectors/Mineral Titles Branch
<i>Mines Act</i> AMP	Recommendation to CIM to impose an AMP	Investigation Team is a resource and will provide assistance to inspectors who are preparing AMP packages.

Level 3: Orange band

Potential enforcement action	Description	Additional notes/consultation
<i>Mines Act</i> s.15(4) Order	Order to remedy contraventions noted in inspection report (e.g., contraventions of a requirement under the <i>Mines Act</i> , the regulations, the code, a permit condition, or contraventions of a previous order under s.15)	
<i>Mines Act</i> s.35(1) Order	In orange band, a s.35(1) order will generally be a repeat order where the person has failed to comply with a s.15(4) order.	While the issuance of a s.35 order does not specifically require an inspection, an inspection/investigation may be required if potential court involvement under s.35(2) is contemplated (e.g., when used as a repeat order).
<i>Mines Act</i>	Order to stop the mining operation where	CIM and Deputy Chief

s.10(8)(a) Order	failure to perform or complete reclamation program, or comply with permit condition)	Inspector, Reclamation and Permitting must be consulted. (Note that this order can only be issued following notice to remedy the failure)
<i>Mines Act</i> s.10(8)(b),(c), and (d) Administrative sanction	If a person fails to complete reclamation obligations or comply with permit conditions, the CIM may: <ul style="list-style-type: none"> • apply all or part of the security toward payment of the cost of the work required to be performed • close the mine or cancel the permit • cancel the permit. 	CIM and Deputy Chief Inspector, Reclamation and Permitting must be consulted. (Note that this sanction may only be used following notice to remedy the failure)
<i>Mines Act</i> s.15(4.1)(a), (b) and (c) Order	Order to take immediate remedial action, suspend regular work until remedial action is taken or close the mine or part of it until remedial action is taken where inspector believes on reasonable grounds that contravention of a s.15 order, a provision of the <i>Mines Act</i> , regulations, or code, or permit condition has detrimental environmental impact.	CIM must be notified when issuing an order to suspend work or close a mine.
<i>Mines Act</i> s.15(5)(a), (b) and (c) Order	Mandatory order to take immediate remedial action, suspend regular work until remedial action is taken or close the mine or part of it until remedial action is taken where inspector believes a delay in remedying would be dangerous to persons or property.	CIM must be notified when issuing an order to suspend work or close a mine.
<i>Mineral Tenure Act</i> s.18(4) Order	Recommendation to Chief Gold Commissioner to order cancellation of claim of holder who deliberately fails to comply with: <ul style="list-style-type: none"> • an order of the chief gold commissioner or other person under this section, • the <i>Mineral Tenure Act</i> or the regulations, • the <i>Mines Act</i> or the Code, • the protection of a protected heritage property under the <i>Heritage Conservation Act</i>, or • any enactment under which a mining activity has been or is required to be authorized. 	Titles Inspectors/Mineral Titles Branch

<i>Mineral Tenure Act</i> s.50(2) and (3) notice and order	Recommendation to Chief Gold Commissioner to issue notice to comply with rental payment requirements, provisions of the <i>Mineral Tenure Act</i> , the regulations, or conditions respecting the lease. If the holder does not comply the Chief Gold Commissioner may order forfeiture of the lease.	Titles Inspectors/Mineral Titles Branch
<i>Coal Act</i> s.25 Notice and order	Recommendation to Minister to notify recorder holder of failure to comply with Coal Act, a licence or lease under it, or the Mines Act or a permit under it. If holder does not comply, Minister may suspend operations, refuse to renew any licence or lease of the holder, or cancel the licence or lease.	Titles Inspectors/Mineral Titles Branch
<i>Mines Act</i> AMP	Recommendation to CIM to impose an AMP	Investigation Team is a resource and will provide assistance to inspectors who are preparing AMP packages.
Prosecution	Recommendation to CIM/Investigation Team to pursue prosecution	CIM/Investigation Team