

2002 BCSECCOM 679

Headnote

Mutual Reliance Review System for Exemptive Relief Applications - relief granted from the requirement in National Instrument 43-101 to have a qualified person inspect a property that is the subject of a technical report – property inspection is not possible due to winter conditions

Applicable British Columbia Provisions

National Instrument 43-101 *Standards of Disclosure for Mineral Projects*, ss. 6.2 and 9.1

IN THE MATTER OF THE SECURITIES LEGISLATION OF BRITISH COLUMBIA, ALBERTA AND ONTARIO

AND

IN THE MATTER OF THE MUTUAL RELIANCE REVIEW SYSTEM FOR EXEMPTIVE RELIEF APPLICATIONS

AND

IN THE MATTER OF TEMEX RESOURCES CORP.

MRRS DECISION DOCUMENT

WHEREAS the local securities regulatory authority or regulator (the “Decision Maker”) in each of British Columbia, Alberta and Ontario (the “Jurisdictions”) has received an application from Temex Resources Corp. (the “Filer”) for a decision under the securities legislation of the Jurisdictions (the “Legislation”) that the requirement contained in the Legislation that at least one qualified person preparing or supervising the preparation of a technical report inspect the property that is the subject of the technical report (the “Personal Inspection Requirement”) will not apply to the Filer in respect of a technical report to be prepared in connection with the filing of the Filer’s annual information form and TSX Venture Exchange Tier 2 listing application.

AND WHEREAS under the Mutual Reliance Review System for Exemptive Relief Applications (the “System”) the Ontario Securities Commission is the principal regulator for this application;

AND WHEREAS the Filer has represented to the Decisions Makers that:

1. the Filer is a corporation governed by the *Business Corporations Act* (Ontario) with its head office located in Ontario;

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2. the Filer is a reporting issuer under the Legislation of each Jurisdiction and is not in default of any requirements of the Legislation;
3. the authorized capital of the Filer consists of an unlimited number of common shares without par value, of which 15,159,371 common shares were outstanding as at May 24, 2002;
4. the Filer's common shares are listed on the TSX Venture Exchange (the "TSX Venture Exchange");
5. the Filer has entered into an option agreement dated February 5, 2002 (the "Coronation Agreement") with 4763 NWT Ltd. to acquire a 70% interest in the Coronation property (the "Coronation Property") located in the Bear Province of the Slave Craton region of Nunavut;
6. the Coronation Property will be a material property of the Filer;
7. the Coronation Property has not had any exploration work performed on it and no resource has been defined to date;
8. the Filer has retained Watts Griffis and McOuat Limited and Dr. J.A. (Hamish) McGregor, P. Eng., a qualified person as defined in National Instrument 43-101 Standards of Disclosure for Mineral Projects ("NI 43-101"), to prepare a technical report (the "Coronation Report") in respect of the Coronation Property;
9. the Filer intends to file an annual information form in respect of its financial year ended February 28, 2002 (the "AIF") in the Jurisdictions;
10. the AIF may describe certain technical information related to the Coronation Property based on information derived from the Coronation Report;
11. the Filer is required to comply with the requirements of NI 43-101 with respect to the preparation and filing of the Coronation Report;
12. NI 43-101 requires that at least one qualified person preparing or supervising the preparation of the Coronation Report must inspect the Coronation Property; and
13. the Filer has submitted an application to the TSX Venture Exchange in order to become a Tier 2 listed issuer which application is pending receipt of the relief from the Personal Inspection Requirement; and

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14. due to the winter conditions since the Filer entered into the Coronation Agreement, access for a proper site inspection is not possible, accordingly, a qualified person is not able to complete a personal inspection of the Coronation Property prior to the filing of the AIF;

AND WHEREAS under the System, this MRRS Decision Document evidences the decision of each Decision Maker (collectively, the “Decision”);

AND WHEREAS each of the Decision Makers is satisfied that the test contained in the Legislation that provides the Decision Maker with the jurisdiction to make the Decision has been met;

THE DECISION of the Decision Makers under the Legislation is that the Filer is exempt from the Personal Inspection Requirement in respect of the Coronation Report provided that:

- (i) the Coronation Report includes a statement that a personal inspection has not been conducted by the qualified person, as defined in N1 43-101, and the reasons why a personal inspection was not conducted;
- (ii) the AIF and Coronation Report disclose that the Filer has been exempted from the Personal Inspection Requirement; and
- (iii) the qualified person will conduct a site visit and re-file the certificate as soon as practicable.

DATED this 23rd day of July, 2002

Iva Vranic