

**NOTICE OF APPLICATION**

**BETWEEN:**

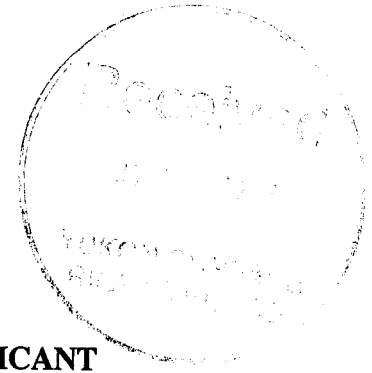
**THE CITY OF WHITEHORSE**

**APPLICANT**

**-and-**

**ROB HAMEL and NORWEST  
ENTERPRISES INC.**

**RESPONDENT**



**TO:** The Yukon Surface Rights Board  
206 - 100 Main Street  
Whitehorse, Yukon

**AND TO:** Rob Hamel and Norwest Enterprises Inc.  
Box 5269  
Whitehorse, Yukon  
Y1A 4Z2

1. The City of Whitehorse (the "City") hereby applies to the Yukon Surface Rights Board (the "Board") for an Order under Sections 42 and 43 of the *Yukon Surface Rights Board Act* (the "Act"), preventing Rob Hamel ("Hamel") and Norwest Enterprises Inc. ("Norwest") from having access to Quartz Mining Claims YB57537 through to and including YB57540, YB58050, YB8053, YB58049, YB58055 and YB58056 (the "Claims"), until such time as Hamel and Norwest provides security in the form of letter of credit, guarantee or indemnity bond in the amount of \$1,000,000.00.

2. The Applicant's name, address for service, telephone and facsimile number:

The City of Whitehorse  
2121 Second Avenue  
Whitehorse, Yukon  
Y1A 1C2  
Phone: 667-6401  
Fax: 668-8384

3. The person designated as the Applicant's agent:

Bruce L. Willis, Q.C.

Preston Willis & Lackowicz  
2093 Second Avenue  
Whitehorse, Yukon  
Y1A 1B5  
Phone: 668-5252  
Fax: 668-5251

4. The Respondents' names, address for service, telephone and facsimile numbers:

Rob Hamel and Norwest Enterprises Inc.  
c/o Box 5269  
Whitehorse, Yukon  
Y1A 4Z2  
Phone: 633-3901

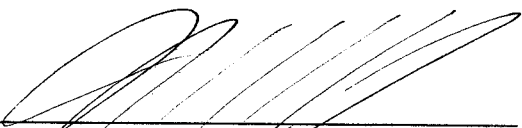
5. A concise statement of the nature of the outstanding matters and the order requested by the Applicant is stated in paragraph 1 herein.

6. There have been offers and counter-offers made by the Applicant and the Respondent, but the negotiations have not met with success.

7. We enclose a copy of the Amended Writ of Summons and Statement of Claim that sets out what has occurred with the dispute to the ownership and possession of the lands. The steps taken by the Respondents are causing damages to the position of the Applicant and the Applicant is requesting for this reason that this Honourable Board assist all parties with a resolution to this problem.

8. The Applicant wishes to have a hearing of this matter at such time or place as the Board deems just and necessary.

Dated at the City of Whitehorse, in the Yukon Territory, this 19th day of August, 1997.

  
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Bruce L. Willis, Agent for The  
City of Whitehorse



## Yukon Surface Rights Board

September 10, 1997

SRB File 97-3002.

Bruce Willis  
Preston, Willis & Lackowicz  
2093 Second Avenue  
Whitehorse, Yukon  
Y1A 1B5

Dear Mr. Willis:

**Re: City of Whitehorse Application to the Surface Rights Board**

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The Yukon Surface Rights Board (the 'Board') is in receipt of your application respecting the City of Whitehorse and Rob Hamel and Norwest Enterprises Inc. However, the Board cannot accept your application as submitted.

The City has applied for an order of the Board under sections 42 and 43 of the *Yukon Surface Rights Board Act* (the 'Act') to prevent Rob Hamel and Norwest Enterprises from accessing certain quartz mining claims until Hamel and Norwest provide security in the amount of \$1,000,000. Sections 42 and 43 of the Act address access orders that the Board may make for persons who have a right of access described in section 1 of Schedule II of the Act. All of these situations involve a right of access subject to the consent of a Yukon First Nation, or order of the Board, and apply to Settlement Land only. The Board does not believe that sections 42 and 43 apply to the issue raised by the City of the Whitehorse in its application and hence our rejection of the application as submitted.

I should also note for your future reference that as per the Yukon Surface Rights Board Rules of Procedure, an application must contain a record of negotiation efforts. Section 4 of the Rules describes the detail required in the record of negotiation. Proof of service respecting written notice to the other parties of the application would also be appreciated.

Should you have any questions on the above, please do not hesitate to contact the Board's office.

Sincerely,



Stephen J. Mills

Chair

Yukon Surface Rights Board