

### LANDOWNER RESPONSIBILITIES

Private landowners have the responsibility to ensure that individuals travelling on or using their land are made aware of potential dangers associated with abandoned mine sites and ensure measures are taken to prevent personal injury. Private landowners should:

- Ensure that all individuals entering their property, including trespassers, are made aware of the potential dangers of abandoned mine openings through proper signage or notices.
- Take reasonable measures to guard an open hole or related hazard to prevent individuals from personal injury.

### Legal Code

Section 263 of the Canadian Criminal Code deals with offenses related to the Duty To Safeguard Openings in Ice and Excavations on Land. The section imposes legal duties in connection with openings in ice and excavations on land and describes the circumstances under which criminal liability may be attracted for failure to perform either duty.

Subsection (2) of Section 263, states that:

*"Everyone who leaves an excavation on land that he owns or of which he has charge or supervision is under a legal duty to guard it in a manner that is adequate to prevent persons from falling in by accident and is adequate to warn them that the excavation exists".*

Subsection (3) states that:

*"Everyone who fails to perform a duty imposed by subsection (2) is guilty of*

- manslaughter, if the death of any person results therefrom;*
- an offence under section 269, if bodily harm to any person results therefrom;*
- an offence punishable on summary conviction."*

