

EMGOLD MINING CORP  
Form NT 20-F  
July 01, 2009

SEC FILE NUMBER:

**000-51411**

CUSIP NUMBER:

**290928100 (Canada)**

UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
Washington, D.C. 20549

FORM 12b-25

NOTIFICATION OF LATE FILING

(Check One):  Form 10-K  Form 20-F  Form 11-K  Form 10-Q  Form N-CSAR

For Period Ended: **December 31, 2008**

Transition Report on Form 10-K  
 Transition Report on Form 20-F  
 Transition Report on Form 11-K  
 Transition Report on Form 10-Q  
 Transition Report on Form N-SAR  
For the Transition Period Ended: \_\_\_\_\_

If the notification relates to a portion of the filing checked above, identify the Item(s) to which the notification relates:  
**N/A**

**PART I -- REGISTRANT INFORMATION**

**EMGOLD MINING CORPORATION**

Full Name of Registrant

**361869 B.C. Ltd., HLX Resources Ltd., Emperor Gold Corporation.**

Former Name if Applicable

**Suite 1400 570 Granville Street**

Address of Principal Executive Office (*Street and Number*)

**Vancouver, British Columbia, Canada V6C 3P1**

City, State and Zip Code

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**PART II -- RULES 12b-25(b) AND (c)**

If the subject report could not be filed without unreasonable effort or expense and the registrant seeks relief pursuant to Rule 12b-25(b), the following should be completed. (Check box if appropriate)

(a)

The reasons described in reasonable detail in Part III of this form could not be eliminated without unreasonable effort or expense;

(b)

**b** The subject annual report, semi-annual report, transition report on Form 10-K, Form 20-F, 11-K or Form N-SAR, or portion thereof, will be filed on or before the fifteenth calendar day following the prescribed due date; or the subject quarterly report or transition report on Form 10-Q, or portion thereof will be filed on or before the fifth calendar day following the prescribed due date; and

(c)

The accountant's statement or other exhibit required by Rule 12b-25(c) has been attached if applicable.

**PART III -- NARRATIVE**

**The Registrant is unable to file the subject report within the prescribed time period because the Registrant has been unable to provide its Auditor and legal counsel with a final version of the 20-F in time for such external parties to complete a review of such report without incurring unreasonable effort or expense.**

**PART IV-- OTHER INFORMATION**

(1) Name and telephone number of person to contact in regard to this notification

**Rodrigo Romo**

**(604) 687-4622**

(Name)

(Telephone Number)

(2) Have all other periodic reports required under Section 13 or 15(d) of the Securities Exchange Act of 1934 or Section 30 of the Investment Company Act of 1940 during the preceeding 12 months or for such shorter period that the registrant was required to file such report(s) been filed? If answer is no, identify report(s). Yes No

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(3) Is it anticipated that any significant change in results of operations from the corresponding period for the last fiscal year will be reflected by the earnings statements to be included in the subject report or portion thereof?

Yes  No

If so, attach an explanation of the anticipated change, both narratively and quantitatively, and, if appropriate, state the reasons why a reasonable estimate of the results cannot be made.

**EMGOLD MINING CORPORATION**  
(Name of Registrant as Specified in Charter)

has caused this notification to be signed on its behalf by the undersigned hereunto duly authorized.

Date: **July 1, 2009**

By:

**/s/ I. Rodrigo A. Romo, Corporate Secretary**