



**Grand River Conservation Authority
Addendum - General Meeting**

Friday, September 27, 2019

9:30 a.m.

Auditorium

Grand River Conservation Authority
400 Clyde Road, Box 729
Cambridge, ON N1R 5W6

Pages

8. Hearing of Delegations

- a. Julia Morrison and Leonard Chaplinsky - Further information regarding residential property*

Documentation provided by the delegation has been prepared as an addendum and distributed to the Board electronically in an effort to reduce printed materials. The addendum is also available to the public on GRCA's online calendar

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September 18, 2019

HAND-DELIVERED

Grand River Conservation Authority
400 Clyde Road
P.O. Box 729
Cambridge, Ontario N1R 5W6

Dear Board Members,

**Re: Morrison, Julia & Chaplinsky, Leonard
5501 Wellington Road 38, R.R. # 4, Guelph, Ontario**

We are writing this letter, on behalf of Ms. Julia Morrison and Mr. Leonard Chaplinsky, following the General Board Meeting of the Grand River Conservation Authority on August 23, 2019, and with respect to the property municipally known as 5501 Wellington Road 38, R.R.#4, Guelph, Ontario. As discussed at the Board Meeting, Ms. Morrison and Mr. Chaplinsky (collectively the "Tenants") have an interest in purchasing the residential house, the farm shed and three (3) acres of land surrounding the buildings (the "Property").

Please find enclosed and below, items Julia and Leonard would like to present to the Board with respect to the severance and purchase of the Property, at the upcoming General Board Meeting scheduled for September 27, 2019:

1. On or around July 26, 2016, the GRCA sent the Tenants a report with respect to the phase out of the GRCA's Residential Tenancy Program. The report stated that the wind-down of the program would be implemented over the next 10 to 15 years.
2. On or around May 23, 2019, the Tenants received notification from the GRCA, a mere three (3) years following the report, that they required the Tenants to execute a Termination Agreement to end the tenancy. This came as quite a surprise. The GRCA stated that if the Tenants did not execute the Termination Agreement they would apply to the Landlord and Tenant Board to evict the Tenants and demolish the residence they have lived in for 35 years.
3. On August 23, 2019, the Tenants attended the General Board Meeting and proposed the severance and purchase of the Property. It was and continues to be the Tenants hope that the GRCA Board dismiss the demolition request and approve their offer to purchase the Property which they have lived in and built their business over the last 35 years.

Enclosed at Tab A is a copy of our proposal to purchase the Property, for ease of reference.

4. In preparation for the Tenants to present their proposal at the August 23, 2019 meeting, a parcel register was ordered for the Property on July 18, 2019. The parcel register shows no items or registrations on title which would prohibit the severance or sale of the Property.

Enclosed at Tab B is a copy of the Parcel Register dated July 18, 2019.

On or around August 2, 2019, the Tenants had Mr. Rob Green of Royal LePage Royal City Realty, provide them with an evaluation of the Property. The evaluation included a market value price of the Property at \$720,000.00 to \$730,000.00.

Enclosed at Tab C is a copy of Mr. Green's Report dated August 2, 2019.

5. Following the Board Meeting, the Tenants have obtained two additional evaluations of the Property.

On September 10, 2019, Mr. Don McLaughlin, a sales representative of Golden Triangle Realty Inc., provided the Tenants with an evaluation of the Property. The evaluation included five (5) comparable listings and a sale price for the Property of \$699,900.00.

Enclosed at Tab D is Mr. McLaughlin's Report dated September 10, 2019.

On September 17, 2019, Mr. Kevin Hern, a sales representative of Re/Max Real Estate Centre, provided the Tenants with an evaluation of the Property. The evaluation included a market value price of the Property of \$705,000.00.

Enclosed at Tab E is Mr. Hern's Report dated September 17, 2019.

The above evaluations included the residential house, the farm shed and three (3) acres of land surrounding the house and farm shed.

6. Pursuant to the Wellington County Official Plan, specifically section 10.3.4: Residence Surplus to a Farming Operation, a severance may be considered for an existing residence that is surplus to a farming operation, provided that:
 - a. The remaining vacant farmland is large enough to function as a significant part of the overall farm unit;
 - b. The result of removing the surplus dwelling from the farm does not render the remaining farmlands difficult or inefficient to farm;
 - c. The amount of good farmland retained with the surplus house is kept to a minimum size needed for residential purposes, taking into consideration environmental and topographic features; and
 - d. The surplus residence is habitable and is not expected to be demolished by a future owner;

- e. The Minimum Distance Separation formula will be met; and
- f. The vacant parcel of farmland is rezoned to prohibit a residential use.

It is the Tenants position that the area of land (including the house and farm shed) they intend to purchase from the GRCA meets the above requirements pursuant to the Wellington County Official Plan.

Enclosed at Tab F is a copy of the Wellington County Official Plan s. 10.3.4.

Further to the above, the Tenants are open to the idea of purchasing the Property zoned as Agricultural. Currently, the Tenants operate Chaplinsky Farms from the Property and are a registered farm with the Ontario Federation of Agriculture. It is their intention to continue to use the land as a farm and support the transplanting of trees and agriculture in the area.

7. In order to continue with the severance process under the Wellington County Office Plan, an Application for Consent-New Lot Severance, has to be completed by the owner of the Property. The Application requires the following:
 - a. Application Fee;
 - b. Conservation Review Fee;
 - c. Application Sketch completed by an Ontario Land Surveyor; and
 - d. Registration Fee.

Enclosed at Tab G is a copy of the Application for Consent-New Lot Severance.

8. During the Board Meeting on August 23, 2019, it was brought the parties attention, that there may be policies or by-laws in place to prevent the GRCA from selling the Property to the Tenants without placing the Property on the open-market or being granted approval from the Ministry of Natural Resources and Forestry.

Our office has been unable to locate any policy or by-law which relates to the above requirements for this specific Property.

9. The GRCA website states the following regarding the sale of land owned by the GRCA:

"The GRCA acquires land to protect natural features in priority areas or to add to existing properties to expand habitat areas.

Land sales require the approval of the GRCA Board and **usually** the approval of the Ontario Ministry of Natural Resources and Forestry.

Ministry Rules govern how sales must take place and how the proceeds can be used.”

10. The Ministry of Natural Resources and Forestry (“MNRF”), Policy 4.02.01 Land Disposition Process and Policy applies provincially to the discretionary disposition of:
 - a. Ungranted public lands;
 - b. Acquired property, except in the case of the issuance of a sale, lease or easement;
 - c. Acquired property which has been deemed to be public lands;
 - d. Common and public highways In territory without municipal organization; and
 - e. Lands granted pursuant to the land granting provisions.

11. MNRF’s Policy 4.02.01 does not deal with lands unless they are deemed to be public lands pursuant to subsection 38(2) of the *Public Lands Act*. Further, a certificate is required to be registered in the Land Registry Office deeming the property to be public lands in accordance with the above subsection, or where other protocols have been developed between the MNRF and the Ontario Realty Corporation.

Enclosed at Tab H is a copy of the MNRF’s Policy 4.02.01.

Enclosed at Tab I is a copy of the *Public Lands Act*.

12. Pursuant to the Parcel Registered ordered on July 18, 2019, the GRCA purchased the Property on or around July 25, 1972, directly from Emma Leishman. The Property was not purchased from nor has it ever been in the ownership of the Ontario government. Further to the above and the enclosed Parcel Register, the Property has not been deemed public lands pursuant to the MNRF Policy 4.02.01 and *Public Lands Act*.
13. Further, and pursuant to the GRCA’s Report Number GM-08-19-76, the Property has “no natural features of provincial significance and the Township of Guelph/Eramosa has confirmed that the house does not have any heritage attributes.”

The Report also states, “Houses that are in good condition and qualify for disposition, will be proposed for severance/disposition.”

14. As the Property does not fall within the interests of the MNRF, has not been deemed public lands and the house remains in good condition as the Tenants continue to maintain the house and farm, without any request for reimbursement

from the GRCA, it is the Tenants position that the Property may be sold by the GRCA to them without any recommendations or approval from the MNRF or listing of the Property on the open market.

If there is a by-law or policy in place by the GRCA, it is not on the public website and we would request to review the policy prior to the Board making a decision with respect to the future of the Property.

15. Further to the GRCA's assertions that the Property may have to be placed on the open market and/or valued appropriately, we reference MNRF's Policy 2.03.01 Appraisal and Valuation of Public Lands which applies to the disposition of public land or the determination of value for the annual rent and fees for the use of these lands. The policy outlines the requirements to establish market value for public lands.

Enclosed as Tab K is a copy of MNRF Policy 2.03.01.

16. As established above, the Property is not public land under the MNRF's control and therefore MNRF Policy 2.03.01 does not apply to the Property.

However, in line with the above MNRF Policy, we have provided the GRCA with multiple valuations of the Property from credible and unbiased real estate agents within the community.

After careful review of the above and enclosed information, it remains the Tenants intention to purchase the Property from the GRCA pursuant to the enclosed proposal which was brought forward at the August 23, 2019 meeting.

Julia and Leonard will continue to represent themselves at the Board Meeting on September 27, 2019, however, any further questions or inquiries regarding the enclosed can be directed to me.

We appreciate the Board taking their time to review the information we have provided and to make a decision with respect to Julia and Leonard's proposal.

Yours very truly,

NELSON, WATSON LLP



Alyssandra Kent, Paralegal
akent@nelwat.com

AK
Encls.

To the Board of Directors
For the Friday August 23, 2019 GRCA Board Meeting

We, Leonard Chaplinsky and Julia Morrison are residents of 5501 Wellington Rd. 38, Guelph Eramosa (the "Property"). We began our tenancy at the Property in 1984.

In 1972 Earl Leishman, the farmer owner, sold his farm to the GRCA. In contrast to the other properties in the area of the dam, it was not expropriated. Earl Leishman visited us periodically. He was proud of the house he built in 1956. This property is different from other GRCA expropriated properties in the Guelph Lake dam area.

In or around July 16, 2016, we were notified that tenants from a number of the properties owned by the GRCA were to be evicted through a phase out timeline. According to the GRCA, the expense associated with the upkeep of the Property would be too high in the coming years. To the best of our knowledge, there were no flaws, issues or concerns with the house or the Property.

In or around May 23, 2019 we were requested to sign a Termination Agreement that our tenancy would end on July 3, 2020.

From that date, and to the present, we have requested the ability to purchase the Property and continue our residency there. We have been renting the property for 35 years. We appreciate living here, have been able to build a large tree transplanting business and share in the life of this community. It has always been our intention to continue to live in this home and on this land. Since 1984 we have put much money and effort into maintenance, and improvements to the Property we are leasing.

We have been told by the GRCA that it intends to obtain a demolition permit. As there is nothing wrong with the Property, we would like to purchase it so that we can continue the life and business we have built over the past 35 years.

The GRCA Property Managers witnessed constant improvement at no cost to the GRCA. We made these improvements with the intention of continuing our residency. Only recently has the GRCA spent money on maintenance regarding the replacement of the roof shingles. The house is very well built and in good condition.

Following our request to purchase, we were advised by the GRCA that the Ministry of Natural Resources had an interest in the land and/or an agreement with the GRCA regarding the use of the Property and/or any further purchase and sale of the Property.

Through our own research, we have exchanged correspondence with representatives of the Ministry of Natural Resources and Forestry, as well as the Ministry of Environment, Conservation and Parks. Both agencies have confirmed they have no interest in this particular Property.

Based on the above, it continues to be Julia's and my intention to purchase the Property from the GRCA.

Proposals From Len Chaplinsky and Julia Morrison

We have 2 Proposals for the House, Shop and 3 Acres at 5501 Wellington Rd. 38, Guelph Eramosa.

1. Purchase of the House and Shop Severed with the 3 acres currently used off the 100 acre farm; or
2. Purchase of the House and Shop, and Lease the Land from the GRCA.

NOTE In Both Cases All Liability for the GRCA, and Demolition Costs are Eliminated.

Proposal One

On July 19, 2019, a representative from Royal LePage Royal City Realty, the realtor used by the GRCA to sell the Watson Road Farmhouse, appraised the value of the Property to be \$720,000.00 to \$730,000.00. This appraisal included the house, shop and 3 acres of land surrounding the buildings.

In accordance with the appraisal, it is our intention to offer the GRCA a total of \$730,000.00 to purchase the above.

Julia and I, will be responsible for the all costs and disbursements in relation to the severance of the land, pursuant to Guelph Eramosa severance policy. It is our understanding that the severance should be straight forward as there are no existing prior severances on this one hundred acre farm and no rezoning is required.

At our expense, we will have our counsel draft an Agreement of Purchase and Sale, to be reviewed by counsel for the GRCA.

In good faith, a deposit of \$50,000.00 will be given to counsel/real estate brokerage of the GRCA to be held in trust pending completion of the sale. The deposit will be refundable if, for some unforeseen reason, the land cannot be severed and the purchase cannot continue.

Proposal Two

Purchase of the Buildings, and Lease the three acres of land. As is already a precedent on other sections of this 100 acre Leishman farm, where the Rogers Tower and the Guelph Eramosa Township Water Tower are permanent structures on leased GRCA land, this proposal is no different.

The house has an area of 1,350 square feet. A new build on an average new house costs \$150.00 per square foot. This would equal \$202,500.00.

A finished plot barn of 1,600 square feet would cost \$40.00 per square foot. This would equal \$64,000.00.

These structures would be considered at half-life therefore,
 $\$202,500.00 + \$64,000.00 \text{ divided by } 2 \text{ (less depreciation)} = \frac{\$266,500.00}{2} = \$133,250.00$

In accordance with the above, it is our intention to offer the GRCA a total of \$133,250.00 for the purchase of the house and shop. As with Proposal One, a deposit of \$50,000.00 will be given to counsel/real estate brokerage of the GRCA to be held in trust until the sale of the Property is complete. Again, the deposit would be made with the understanding that if the land is not severable and the sale cannot be completed, the deposit would be refunded.

It is also our intention to pay to the GRCA a monthly/yearly lease or rent based on the market value of the surrounding three acres of land, and following a review of the lease agreement by our legal counsel/representative.

If the GRCA, is agreeable to one of the following proposals, we will retain legal counsel to draft the appropriate documents to be reviewed by counsel for the GRCA, acting reasonably.

A brief of documents will be provided prior to the Board Meeting scheduled for August 23, 2019, which will include the appraisal, property drawings and the parcel register for the Property.



Lakeside Church



5501 Wellington 38

Chaplinsky Farms

5501 Wellington 38

38

38

38

Conservation Rd

Conservation Rd

6







Ontario ServiceOntario

PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

LAND

REGISTRY

OFFICE #61

PAGE 1 OF 1

PREPARED FOR PRAYER1

ON 2019/07/18 AT 16:49:26

71368-0011 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

PROPERTY DESCRIPTION:

LOT 1, CONCESSION 9, DIVISION C , PT LOT 2, CONCESSION 9, DIVISION C , TOWNSHIP OF GUELPH, PARTS 1, 2,3, 61R244, SAVE AND EXCEPT PT 1 61R6941, PT 1 61R6839 ; TOWNSHIP OF GUELPH

PROPERTY REMARKS:

ESTATE/QUALIFIER:

FEE SIMPLE

LT CONVERSION QUALIFIED

RECENTLY:

FIRST CONVERSION FROM BOOK

OWNERS' NAMES

GRAND RIVER CONSERVATION AUTHORITY

CAPACITY SHARE

BENO

PIN CREATION DATE:

1998/09/28

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT / CHKD
EFFECTIVE 2000/07/29 AS REPLACED WITH THE "PIN CREATION DATE" OF 1998/09/28		THE NOTATION OF THE "BLOCK IMPLEMENTATION DATE" OF 1998/09/28 ON THIS PIN**				
** PRINTOUT INCLUDES ALL DOCUMENT TYPES AND DELETED INSTRUMENTS SINCE 1998/09/25 **						
**SUBJECT, ON FIRST REGISTRATION UNDER THE LAND TITLES ACT, TO						
** SUBSECTION 44 (1) OF THE LAND TITLES ACT, EXCEPT PARAGRAPH 11, PARAGRAPH 14, PROVINCIAL SUCCESSION DUTIES *						
** AND ESCHEATS OR FORFEITURE TO THE CROWN.						
** THE RIGHTS OF ANY PERSON WHO WOULD, BUT FOR THE LAND TITLES ACT, BE ENTITLED TO THE LAND OR ANY PART OF						
** IT THROUGH LENGTH OF ADVERSE POSSESSION, PRESCRIPTION, MISDESCRIPTION OR BOUNDARIES SETTLED BY						
** CONVENTION.						
** ANY LEASE TO WHICH THE SUBSECTION 70(2) OF THE REGISTRY ACT APPLIES.						
**DATE OF CONVERSION TO LAND TITLES: 1998/09/28 **						
61R244	1972/06/15	PLAN REFERENCE				
MS117925	1972/07/25	TRANSFER	\$110,000		GRAND RIVER CONSERVATION AUTHORITY	C
61R3825	1987/04/23	PLAN REFERENCE				C
ROS639225	1991/03/12	NOTICE OF LEASE				C
ROS639226	1991/03/12	ASSIGNMENT LEASE				C
WC188245	2007/09/25	NOTICE	\$2	GRAND RIVER CONSERVATION AUTHORITY		C
REMARKS: ROS639225, ROS639226						
WC365201	2013/01/29	NOTICE OF LEASE	\$1	GRAND RIVER CONSERVATION AUTHORITY	ROGERS COMMUNICATIONS INC.	C

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.

NOTE: ENSURE THAT YOUR PRINTOUT STATES THE TOTAL NUMBER OF PAGES AND THAT YOU HAVE PICKED THEM ALL UP.



THIS INDENTURE made in duplicate this 1st day of June, A.D. 1972.
IN PURSUANCE OF THE SHORT FORMS OF CONVEYANCES ACT AND OF THE
DEVOLUTION OF ESTATES ACT.

B E T W E E N :

EMMA LEISHMAN, of the Township of Guelph,
in the County of Wellington, Widow,
Executrix of the estate of the late
William Leishman, formerly of the Township
of Guelph, in the County of Wellington,
Farmer, and the said Emma Leishman per-
sonally; WILLIAM JAMES EARL LEISHMAN of
the said Township of Guelph, Farmer, and
SARAH ISABELLA ROBENA LEISHMAN, of the
said Township of Guelph, Spinster,

hereinafter called the Grantors

OF THE FIRST PART

- and -

GRAND RIVER CONSERVATION AUTHORITY

hereinafter called the Grantee

OF THE SECOND PART

WHEREAS the lands hereinafter described were in his
lifetime owned by William Leishman, late of the Township of Guelph,
in the County of Wellington, Farmer, who died on or about the 8th
day of January, A.D. 1929, having duly made his last Will and
Testament and Codicil thereto, Probate whereof was granted to his
widow, the aforesaid Emma Leishman, by the Surrogate Court of the
County of Wellington on the 14th day of February, A.D. 1929.

AND WHEREAS the aforesaid Probate was registered in the
Registry Office for the South and Centre Ridings of the County of
Wellington on the 20th day of February, A.D. 1929, as number
5154.

AND WHEREAS in and by his said Will and Codicil the
aforesaid William Leishman devised all his estate, both real and
personal, to his said wife, Emma Leishman, for her sole use during
her natural lifetime, or until her remarriage, and upon her death
or remarriage to his children respectively share and share alike.

AND WHEREAS the aforesaid William Leishman died leaving
him surviving as his only children the aforesaid William James

Earl Leishman and Sarah Isabella Robena Leishman, and no child died in the lifetime of the said William Leishman leaving a child or children him or her surviving.

AND WHEREAS the widow of the said William Leishman, the aforesaid Emma Leishman, has not remarried.

AND WHEREAS the Grantors have agreed to sell the lands hereinafter described to the Grantee.

NOW, THEREFORE, THIS INDENTURE WITNESSETH that in consideration of the premises and the sum of ONE HUNDRED AND TEN THOUSAND (\$110,000.00) DOLLARS of lawful money of Canada now paid by the said Grantee to the said Grantors (the receipt whereof is hereby by them acknowledged), the said Grantors (the said Emma Leishman as executrix of the estate of the said William Leishman and personally) DO GRANT unto the Grantee in fee simple the lands described in Schedule "A" hereto annexed.

TO HAVE AND TO HOLD unto the said Grantee, its successors and assigns, to and for its and their sole and only use for ever.

SUBJECT NEVERTHELESS to the reservations, limitations, provisos and conditions expressed in the original grant thereof from the Crown.

AND FURTHER SUBJECT to the right of the Grantors to remain in occupation of the premises herein described free of rent to and including the 30th day of November, 1972.

AND the Grantors covenant with the Grantee that they have done no act to encumber the said lands.

AND the Grantors release to the Grantee all their claims upon the said lands.

IN WITNESS WHEREOF the Grantors have hereunto set their hands and seals.

SIGNED, SEALED AND DELIVERED
in the presence of

Angus Dunbar

Emma Leishman
Emma Leishman

W. J. Earl Leishman
William James Earl Leishman

Sarah I. Robena Leishman
Sarah Isabella Robena Leishman

SCHEDULE "A"

ALL THOSE PORTIONS OF PARTS of Lot 2, Concession 9, Division "C", Township of Guelph, County of Wellington; Province of Ontario, designated as Parts Two and Three on a Reference Plan deposited in the Registry Office for the Registry Division of Wellington South, in the County of Wellington as Plan No. 61R-244; and ALL THAT PORTION OF PART of Lot 1, Concession 9, Division "C", Township of Guelph, County of Wellington, Province of Ontario, designated as Part One on a Reference Plan deposited in the Registry Office for the Registry Division of Wellington South, in the County of Wellington as Plan No. 61R-244.

In The Matter of The Land Transfer Tax Act

PROVINCE OF ONTARIO

COUNTY OF
WELLINGTON

To Wit:

I

of the

in the

Robert C. Pettig
City of Kitchener
County of Waterloo, Ontario*For place of
residence insert
appropriate County,
District, Regional
Municipality, etc.

make oath and say:

This affidavit may
be made by the
purchaser or vendor
or by any person
acting for the
purchaser or the
vendor under power
of attorney, or by
an agent accredited
in writing by the
purchaser or vendor
or by the solicitor of
either of them or by
some other person
approved by the
Minister of Revenue.

1. I am Robert C. Pettig for the grantee named in the within (or annexed) transfer.
2. I have a personal knowledge of the facts stated in this affidavit.
3. (1) The Total Consideration for this transaction has been allocated as follows:

(a) Land, buildings, fixtures and goodwill	\$110,000.00
(b) Chattels—items of tangible personal property	\$ nil
Total consideration	\$110,000.00

- (2) The true consideration for the transfer or conveyance for Land Transfer Tax purposes is as follows:

(a) Monies paid in cash	\$ 110,000.00
(b) Property transferred in exchange (Detail Below) ..	\$ nil
(c) Securities transferred to the value of (Detail Below) ..	\$ nil
(d) Balances of existing encumbrances with interest owing at date of transfer	\$ nil
(e) Monies secured by mortgage under this transaction	\$ nil
(f) Liens, legacies, annuities and maintenance charges to which transfer is subject	\$ nil
(g) Other: (Detail Below)	\$ nil

All
blanks
must
be filled
in.

Total Consideration (should agree with 3(1) (a)) \$110,000.00

4. If consideration is nominal, is the transfer for natural love and affection? N/A
5. If so, what is the relationship between Grantor and Grantee? N/A
(If other than husband and wife, complete 3(2) (d).)
6. Other remarks and explanations (if necessary) N/A

Sworn before me at the City

of Guelph

in the County of Wellington

this 25th day of July

1972

(signature)

A Commissioner, etc.

Retail sales tax is payable on the valuation of items shown in 3(1) (b) unless otherwise exempted under the provisions of The Retail Sales Tax Act.

AFFIDAVIT AS TO LEGAL AGE AND MARITAL STATUS

PROVINCE OF ONTARIO

COUNTY OF
WELLINGTON

I/WE EMMA LEISHMAN, WILLIAM JAMES EARL LEISHMAN
and SARAH ISABELLA ROBENA LEISHMAN, each
of the Township of Guelph
in the County of Wellington

To Wit:

In the within instrument named, make oath and say that at the time of the execution of the within instrument,

1. I/WE were each of the full age of twenty-one years; and the recitals contained in the deed annexed hereto are true.
2. The lands herein described are one and the same as the lands described in instrument No. B15-7633 less the lands described in:
3. We are not non-residents of Canada as defined by the Instrument No. M-99998, Income Tax Act, Canada, and as such are not liable to tax pursuant to Section 116 of the Tax Reform Bill in force as of January 1st, 1972;
4. And I, William James Earl Leishman am an unmarried man.

SWORN before me at the City
of Guelph
in the County of Wellington

this 21st day of July 1972

Emma Leishman
W. J. Earl Leishman
Sarah S. Robena Leishman

A Commissioner for taking Affidavits, etc.

NOTE: If Attorney, substitute in space provided "I am Attorney for. . . (State name) one of the parties named therein and he/she was of the full age of twenty-one years."

Affidavit, Land Transfer Tax Act
IN THE MATTER OF THE LAND TRANSFER TAX ACT

PROVINCE OF ONTARIO

I,
of the
in the

for the

To Wit:

named in the within (or annexed) transfer make oath and say:

1. I am named in the within (or annexed) transfer.
2. I have a personal knowledge of the facts stated in this affidavit.
3. The true amount of the monies in cash and the value of any property or security included in the consideration is as follows:

(a) Monies paid in cash	\$	
(b) Property transferred in exchange; Equity value	\$	
Encumbrances	\$	
(c) Securities transferred to the value of	\$	
(d) Balances of existing encumbrances with interest owing at date of transfer	\$	
(e) Monies secured by mortgage under this transaction	\$	
(f) Liens, annuities and maintenance charges to which transfer is subject	\$	
Total consideration	\$	
4. If consideration is nominal, is the transfer for natural love and affection?
5. If so, what is the relationship between Grantor and Grantee?
6. Other remarks and explanations, if necessary

SWORN before me at the
of
in the

this day of

19

COUNTY OF WELLINGTON

To Wit:

I, Angus Dunbar
of the City of Guelph,
in the County of Wellington,
Solicitor (Occupation)

make oath and say:

1. THAT I was personally present and did see the within or annexed Instrument and a duplicate thereof duly signed, sealed and executed by Emma Leishman, William James Earl Leishman and Sarah Isabella Robena Leishman three of the parties thereto.
2. THAT the said Instrument and duplicate were executed by the said parties at the City of Guelph.
3. THAT I know the said parties.
4. THAT I am a subscribing witness to the said Instrument and duplicate.

SWORN before me at the City of Guelph
in the County of Wellington

this

24 day of July

1872

A Commissioner for taking Affidavits, etc.

*For place of residence insert appropriate County, District, Municipal, or other

To Wit:

I,
of the

(Occupation)

make oath and say:

1. THAT I was personally present and did see the within or annexed Instrument and a duplicate thereof duly signed, sealed and executed by
2. THAT the said Instrument and duplicate were executed by the said part at the
3. THAT I know the said part
4. THAT I am a subscribing witness to the said Instrument and duplicate.

SWORN before me at the
in the

this

day of

19

A Commissioner for taking Affidavits, etc.

19 72

June 1st

Dated

PROPERTY OF THE
REGISTRY OFFICE

EMMA LEISHMAN, WILLIAM
JAMES EARL LEISHMAN and
SARAH ISABELLA ROBENA
LEISHMAN

TO

GRAND RIVER CON-
SERVATION AUTHORITY

Address:

60 Paffray St
Box 752 - Guelph

Deed of Land

SITUATE

in the Township of Guelph

Dye & Dunham Co. Limited, 78 Richmond Street East, Toronto

RETURN TO

DUNBAR, GOETZ & DUNBAR
32 Douglas Street
GUELPH ONTARIO

Pettit & Selway
Box 752 - Guelph

M-117925

Guelph
Journal

JUL 25 PM 12 39

JUL 25 PM 12 21

THIS SPACE TO BE RESERVED FOR REGISTRY OFFICE CERTIFICATES

No. M-117925
Registry Division of Wellington South (R.O. 61)
I CERTIFY that this instrument is registered as of
P.M. 12.29

Registry Office July 25 1972 In the

at Guelph, Ontario

REGISTRAR

Paul H. Armstrong

M-117925

12:41 PM

555.00

11.00

Pettit & Selway

Letter of Opinion

August 2, 2019

Len and Julia Morrison
5501 Wellington Rd 38
Guelph-Eramosa, Ontario
N1H 6J1

Dear Len and Julia,

Thank you for the opportunity to give you an opinion of the value for the property and home located at 5501 Wellington Rd 38 in Guelph-Eramosa.

DESCRIPTION:

The property that is the subject of this appraisal is a 1.5 storey, 2 bedroom, 2 bathroom home with an attached garage to be severed from a larger parcel of land and will be approx. 2-3 acres once severed. The house consists of a main floor living room, formal dining room, and newer kitchen with granite counter tops and a 3pc bath. The second floor has 2 bedrooms and a 3pc bath. Heating is provided by an oil furnace and the house is on original septic and drilled well.

Most notable features include: detached heated and insulated workshop that is approx. 40' x 40' and the house has upgraded 200 amp service and recently replaced roof.

I hereby certify that I am a registered Real Estate Sales Representative under the Real Estate & Business Brokers Act of the Province of Ontario, and that I have no interest, nor do I contemplate having any interest, directly or indirectly, in the ownership of the above noted property.

The opinion of value may in no way be construed as binding on the signor or his firm for any court appearances, correspondence or appearance before anybody, unless prior arrangements have been made.

It is the opinion of the writer that as of August 2, 2019, the market value of the property described above would be between \$720,000 and \$730,000.

Yours very truly,

Rob Green
Sales Representative
ROYAL LePAGE ROYAL CITY REALTY

FERGUS, ON

840 Tower Street
Fergus, ON N1M 2R3
T. 519.843.1365
fergusoffice@royallepage.ca

GORDON STREET

101-848 Gordon Street
Guelph, ON N1G 1Y7
T. 519.824.9050
gordonoffice@royallepage.ca

ROCKWOOD, ON

118 Main Street S.
Rockwood, ON N0B 2K0
T. 519.856.9922
rockwoodoffice@royallepage.ca

SPEEDVALE AVENUE

214 Speedvale Ave. W.
Guelph, ON N1H 1C4
T. 519.821.6191
speedvaleoffice@royallepage.ca

September 10/2019

To whom it may concern.

I've been asked to give an opinion of value on the house at 5501 Wellington rd. 38 on 3 acres of land, which is not simple in finding comparable properties. Most country homes built in the last 60 years are bungalows on 1 acre lots cut off from larger farms.

The subject house was built in 1956 and is a 1 ½ storey stucco building with original windows. The main heat source is oil and wood and because the insulation is stacked cedar cord wood it is not energy efficient. The driveway is very long and running a gas line would be expensive.

Homes heated with gas sell for more than similar ones heated with more expensive propane which sell for more than oil heated ones as oil is the most expensive.

Here are the homes I used to establish a price if I was to list it for sale, listing information is included.

73 Conservation Trail in Belwood is a 2,800 square foot 2 storey executive home with a 2 car garage, built in 2000 on 1 acre. This house is very modern worth more than subject property.

The next one is an active listing at 6923 Speedvale Ave. W past Road 32. It's a 2 storey 2,650 square foot home with a 2,200 square foot workshop situated on a 1 acre property listed at \$ 879,900 and has been on the market for since June 5th which indicates it's overpriced.

The next one is 6695 6th Line Belwood, originally listed at \$ 749,900 then with a price drop to \$ 699,900 and finally selling at \$ 749,900. This property has a barn and a workshop and sits on a 3.52 acre lot. This shows the importance of listing a property at the correct price to attract buyers, which this one did as obviously there was some type of bidding war as it went for \$ 50,000. over list.

The property at 6986 First Line W. Alma is another. Built in 1883 it is 1,872 square feet on 1.61 acres with an oversized 2 car garage heated with oil. The home had oak flooring, 9 inch pine baseboards and was greatly improved. It was listed at \$ 719,500 and sold firm in 2 days on the market for \$ 710,000.

The last one would be 5772 Wellington Rd. 86 in Ariss. Built in 1880 it is a 1,590 square foot house on 1 acre with a 1 car garage. It was listed at \$ 545,000, price dropped to \$ 529,900 and sold for \$ 520,000 in 92 days on the market which is longer than most listings run.

Returning to the subject property, while the house is not well insulated and heated with oil it is a great location and very secluded lot with lots of trees. There have been renovations to the main floor and garage along with wiring, plumbing and roof.

If I were to list for sale a price of \$ 699,900 would be my suggest list price as to not underprice and let the market determine the value.

Don McLaughlin



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DON MCLAUGHLIN
SALES REPRESENTATIVE

kW GOLDEN TRIANGLE
REALTY INC. BROKERAGE
KELLERWILLIAMS

650 Scottsdale Dr. Guelph ON N1G 3M2
☎ 519.837.0780 • ☎ 519.821.5553
✉ 519.579.0289 • donmcl@rogers.com

Prepared By: Don McLaughlin, Salesperson Keller Williams Golden Triangle Realty Inc.

73 Conservation Trail Belwood, ON N0B 1J0
RES/Freehold/Sale

MLS@#: **30761139**
 Region: **Wellington**
 Age/Yr: **16-30 Years/2000**
 Municip: **5 - Centre Wellington**
 Nbhd: **55 - Belwood**
 SF/Src: **2,800/Other**
 Lot Front/Depth: **120.70 Ft/367.51 Ft**
 Acres: **1.020 / 0.50-1.99**
 CrossSt/Dir: **GREEN VALLEY RD & WELLINGTON RD 26**
 Recent Change: **08/27/2019 : NEW**
 Next OH: **Public: Sat Sep 14, 1:30PM-2:30PM**

Price: \$879,900 (SALE)
 Prior Price:

Status: **Active**
 Bldg Type: **Detached**
 Style: **2 Storey**

Beds AG: **3**
 Beds BG: **1**
 Bathrooms: **3.1**

Lot Shape: **Irregular**
 DOM: **14**

Property Details

Exterior: **Brick, Vinyl Siding**
 Foundation: **Poured Concrete**
 Roof/Yr: **Asphalt Shingle/2015**
 Pool: **None**
 Garage: **2/Attached**
 Drive Type: **8/Front Yard/Asphalt**
 Soil Type:
 Rec Use:

Bsmt/Fn: **Full/Fully Finished**
 Bsmt Ent:
 Water: **Well/Drilled Well**
 Well:
 Sewers: **Septic**

Heat Src: **Propane**
 Heat Type: **Forced Air**
 FP #/Type: **1/Propane, Roughed I**
 AC/Type: **/Central Air**
 Retirement:
 Visitable:

of Kitchens: **1**
 Elev YN: **No**

Frhd w/Com Elem Fee: **No**

Remarks: It is a pleasure to present this immaculate, 2 storey executive home in Belwood. A rare find, this one owner, Keating built home sits on a beautiful park like lot with mature trees. Enter the main floor to an impressive foyer. The formal living and dining rooms will host family events with ease. Bright kitchen has updated countertops and plenty of cupboard space. Adjoining dinette and cozy family room offer lovely views over the large backyard. Additionally you will find a bright main floor office and powder room. Venture to the upper level to discover a master suite with walk in closet and spa like ensuite, plus 2 other generously sized bedrooms and a 4 piece bath. Head to the lower level and be amazed the stunning wet bar, with limestone detail and flagstone flooring, as well as a large rec room, bedroom and a 3 piece bath. The one acre property is withing walking distance to Belwood Lake and the Elora/Cataract Trail. An amazing place to call home. Contact us today for a private viewing!

Property Features

Feat/Amen: **Auto Garage Door Remote(s), Central Vacuum, Satellite Dish, Sewage Pump, Sump Pump**
 Exclusions: **Projector TV, Hot tub, Clock in dinette**

Tax and Miscellaneous Information

Taxes: **\$5,717/2019**
 Assessment: **\$518,500**
 Legal Desc: **LT 25 PL 426 WEST GARAFRAXA; CENTRE WELLINGTON**
 Zoning: **Res**
 Location: **Rural**

Survey: **None**

HST Applic: **No**

UFFI: **No**
 Under Contr: **Propane Tank**

Front On: **South**

REALTOR® Information

Please attach Schedule B to all offers (supplements).

Sellers: **Joanne Elizabeth Darrah, Barry Philip Darrah & Simon Partington**

Appts: **c.o listing broker**

Deposit: **10000**

Occup: **Owner**

Possess: **30 - 59 Days**

Commission: **2.5**

Possess Dt:

Commence Dt: **08/26/2019**

Expire Date:

Hold Days: **90**

Spec Agree: **No**

Income Pot: **No**

Cntct Expd: **No**

List Broker 1: **EDGE REALTY SOLUTIONS BROKERAGE**

L/BR Phone: **(519) 843-7653**

List SP 1: **Paul Martin, Broker of Record**

L/SP Phone: **(519) 843-7653**

Email: **pmartin@edgerealtysolutions.com**

SP Cell: **L/SP Fax: (519) 843-7652**

Brokerage Web: **http://www.edgerealtysolutions.com**

L/SP Web: **http://www.edgerealtysolutions.com**

List Broker 2: **EDGE REALTY SOLUTIONS BROKERAGE**

Bkr Phone: **(519) 843-7653**

List SP 2: **Malcolm Crooks, Broker**

SP Phone: **(519) 835-0288**

Email: **mcrooks@edgerealtysolutions.com**

List Broker 3: **EDGE REALTY SOLUTIONS BROKERAGE**

Bkr Phone: **(519) 843-7653**

List SP 3: **Melissa Seagrove, Broker**

SP Phone: **(519) 843-7653**

Email: **mseagrove@edgerealtysolutions.com**

Date Printed: 09/09/2019

Prepared By: Don McLaughlin, Salesperson Keller Williams Golden Triangle Realty Inc.

6923 SPEEDVALE Avenue W Breslau, ON N0B 1M0**RES/Freehold/Sale**

MLS®#: **30741052**
 Region: **Wellington**
 Age/Yr: **100+ Years/1886**
 Municip: **4 - Guelph/Eramosa**
 Nbhd: **41 - Rural Guelph/Eramosa West**
 SF/Src: **2,650/LBO provided**
 Lot Front/Depth: **150.00 Ft/--**
 Acres: **1.000 / 0.50-1.99**
 CrossSt/Dir: **west of Cty Rd 32**

Status: **Active**
 Bldg Type: **Detached**
 Style: **2 Storey**

Price: \$879,900 (SALE)

Prior Price:

Beds AG: **4**
 Beds BG: **0**
 Bathrooms: **2.1**

Lot Shape: **Rectangul**
 DOM: **96**

Property Details

Exterior: Brick	Bsmt/Fn: Partial Basement/Unfinished	Heat Src: Propane
Foundation: Stone	Bsmt Ent: 	Heat Type: Forced Air
Roof/Yr: Asphalt Shingle	Water: Well/Drilled Well	FP #/Type: 1/Pellet Stove
Pool: None	Well: 	AC/Type: /None
Garage: 2/Detached	Sewers: Septic	Retiremnt:
Drive Type: 14/Private Double Wide, RV / Truck Parking/Gravel	# of Kitchens: 1	Visitable:
Soil Type: 	Elev YN: 	
Rec Use: 		Frhld w/Com Elem Fee: No

Remarks: Rare property located between Guelph and Kitchener. Situated on 1 acre, this century old brick home is the ideal property for someone to operate their business from home! Over 2600 sq ft this home has been well maintained and care for with recent updates to the hardwood floors, newly painted walls, new entry doors and newer roof. The 2200 sq ft workshop is suitable for an array of different businesses and includes a loading dock. The grounds have been well maintained and showcase a small fish pond with perennial gardens. If country living is a dream of yours while being only minutes to shopping and other amenities then this may be the home for you!

Property Features

Feat/Amen: **Central Vacuum, Satellite Dish, Sump Pump, Water Softener**
 Area Feat: **Clear View, Quiet Area**
 Othr Structure: **Fence - Partial, Workshop**

Tax and Miscellaneous Information

Taxes: \$4,119/2018	Survey: Unknown	HST Applic: Included
Assessment: \$388,500		
Legal Desc: DIV B CONC 4 PT LOT 7 RP61R3414 PARTS 1 TO 3		
Zoning: RURAL RES	UFFI: No	Front On: South
Location: Rural	Under Contr: Hot Water Heater	

REALTOR® Information

back property is being sold together. Contact listing Broker for more details

Sellers: **Catherine Weatherall, Martin Weatherall, Jordan Weatherall**

Appts: **contact listing agent for appts**

Deposit: yes	Occup: Owner	Possess: Flexible
Commission: 2.5		Possess Dt:
Commence Dt: 06/05/2019	Expire Date: 	Spec Agree: No
Income Pot: Yes	Cntct Expd: No	

List Broker 1: **REALTY EXECUTIVES PLUS LTD BROKERAGE**

List SP 1: **Mark Enchin, Salesperson**

Email: **mark@markenchin.com**

SP Cell: **(519) 546-3335**

L/SP Fax: **1 (905) 848-1918**

Brokerage Web: **http://www.realtyexecutivesplus**

L/SP Web: **http://www.markenchin.com**

L/BR Phone: **(866) 488-4622**

L/SP Phone: **(519) 546-3335**

Date Printed: 09/09/2019

Prepared By: Don McLaughlin, Salesperson Keller Williams Golden Triangle Realty Inc.

6695 6th Line Belwood, ON N0B 1J0**RES/Freehold/Sale**

MLS@#: **30724274 (Alt. X4367630)** Status: **Sold Closed**
 Region: **Wellington** Bldg Type: **Detached**
 Age/Yr: **51-99 Years** Style: **2 Storey**
 Municip: **5 - Centre Wellington**
 Nbhd: **52 - Rural Centre Wellington East**
 SF/Src: **2,700/Other**
 Lot Front/Depth: **358.17 Ft/465.00 Ft**
 Acres: **3.520 / 2-4.99**
 CrossSt/Dir: **6th Line and Hwy 19**

Price: \$699,999 (SALE)
 Prior Price: **\$749,900**
 Sold Price: **\$749,900**
 Beds AG: **4**
 Beds BG: **0**
 Bathrooms: **3.0**
 Lot Shape: **Rectangul**
 DOM: **50**

Property Details

Exterior: Brick	Bsmt/Fn: Full/Unfinished	Heat Src: Fireplace, Gas
Foundation: Concrete Block, Poured Concrete	Bsmt Ent: Walk-Out	Heat Type: Forced Air
Roof/Yr: Asphalt Shingle	Water: Well/Drilled Well	FP #/Type: 2/Wood, Wood Stove
Pool: None	Well: 	AC/Type: /None
Prkg Type: 	Wtr Meter: No	Wtrfront:
Garage: 1/Attached	Sewers: Septic	Retiremnt:
Drive Type: 5/Private Single Wide, Surface/Open/Gravel	# of Kitchens: 1	Visitable: Yes
Soil Type: 	Elev YN: 	
Rec Use: 		Frhld w/Com Elem Fee: No

Property Features

Feat/Amen: **Carpet Free, Central Vacuum Roughed-in**
 Othr Structure: **Barn, Workshop**
 Inclusions: **All window coverings, all electric light fixtures, fridge, stove, dishwasher, microwave, washer, dryer.**
 Exclusions: **none**

Tax and Miscellaneous Information

Taxes: **\$4,700/2018** Survey: **Unknown** HST Applic: **No**
 Assessment: **\$460,593**
 Legal Desc: **PT LT 13 CON 7 WEST GARAFRAXA, PT 1 ON PLAN 61R20747 TOWNSHIP OF CENTRE WELLINGTON**
 Zoning: **Residential** UFFI: Front On: **East**
 Location: **Rural** Under Contr: **Propane Tank, Other (see remarks)**

REALTOR® Information

Sellers: **Jeffrey Russell**
 Appts: **1 day notice please**
 Deposit: **20000** Occup: **Owner** Possess: **Flexible**
 Commission: **2.50% +HST** Possess Dt:
 Commence Dt: **02/26/2019** Expire Date: Hold Days: **30** Spec Agree: **No**
 Income Pot: **No** Cntct Expd: **No**
 List Broker 1: **Royal LePage Realty Centre** L/BR Phone: **(905) 279-8300**
 List SP 1: **Kinga Slowikowski, [img alt="Small profile picture of Kinga Slowikowski"]** L/SP Phone: **(905) 279-8300**
 Email: **kingarealestate@gmail.com**

Sold Information

Orig List Price: **\$749,900** Sale DT: **04/16/2019** Close DT: **06/03/2019** Sold Price: **\$749,900**
 LP\$/SQFT: **\$259.26** SP/LP: **107.13%** SP\$/SQFT: **\$277.74** DOM: **50**
 Coop SP 1: **Aimee Puthon, Salesperson** C/SP Ph#: **(519) 546-4665**
 Coop BR 1: **COLDWELL BANKER NEUMANN REAL ESTATE BROKERAGE** C/BR Ph#: **(519) 821-3600**
 Date Printed: **09/09/2019**

Prepared By: Don McLaughlin, Salesperson Keller Williams Golden Triangle Realty Inc.

6986 FIRST Line W Alma, ON N0B 1A0

RES/Freehold/Sale



MLS® #: **30749944**
 Region: **Wellington**
 Age/Yr: **100+ Years/1883**
 Municip: **5 - Centre Wellington**
 Nbhd: **51 - Rural Centre Wellington West**
 SF/Src: **1,872/Public Records**
 Lot Front/Depth: **256.00 Ft/274.00 Ft**
 Acres: **1.610 / 0.50-1.99**
 CrossSt/Dir: **Wellington Road 7 to Alma, West on Wellington road 17, Left (south) on First Line West**

Price: **\$719,950 (SALE)**

Prior Price:

Sold Price: **\$710,000**Beds AG: **3**Beds BG: **0**Bathrooms: **1.0**Lot Shape: **Rectangular**DOM: **2****Property Details**

Exterior: **Stone**
 Foundation: **Stone**
 Roof/Yr: **Asphalt Shingle/2018**
 Pool: **None**
 Prkg Type: **2/Attached**
 Garage: **2/Attached**
 Drive Type: **4/Surface/Open/Gravel**
 Soil Type: **None**
 Rec Use: **No**

Bsmt/Fn: **Full/Unfinished**
 Bsmt Ent: **Well/Drilled Well**
 Water: **Well/Drilled Well**
 Well: **No**
 Wtr Meter: **No**
 Sewers: **Septic**

Heat Src: **Oil**
 Heat Type: **Baseboard, Forced Air**
 FP #/Type: **1/Wood**
 AC/Type: **/None**
 Wtrfront: **No**
 Retirement: **No**
 Visitable: **No**

of Kitchens: **1**
 Elev YN: **No**

Frhld w/Com Elem Fee: **No**

Remarks: Looking for a special and unique piece of Ontario country property history? This charming century stone farmhouse is located on a very tranquil, quiet and private 1.6 treed acre setting within close proximity to Waterloo, Elmira, Elora, Fergus and Guelph. Built in 1883 this home exemplifies quality workmanship and classic period design with tall 5'-high ceilings, solid oak flooring and 9" pine baseboards. Enjoy cooking and entertaining in the spacious kitchen updated 2011 with custom antique finished solid maple cabinets and SS appliances. On the living room side enjoy cozy winter nights by a roaring fire from the limestone Rumford wood burning fireplace. On the upper level you'll find pine flooring, three bedrooms, space for your home office, and a freshly renovated 4-piece bathroom with a refinished cast iron, claw foot tub. Attached to the rear of the house is an oversized double car garage with space for storage and a workshop. The is also a small outbuilding on the property. Outdoors, there's established perennial gardens and invisible fencing to contain your pet dog. Enjoy watching the spectacular sunsets, stargazing by your outdoor campfire and let your dreams for a large garden, pond, pool or outdoor patio come to life. Move in ready, the owners have cared for this property with extensive, big ticket upgrades

Property Features

Feat/Amen: **Carpet Free, Year Round Living**
 Area Feat: **Clear View, Level, Major Highway, Quiet Area, School Bus Route**
 Othr Structure: **Shed**
 Inclusions: **Fridge, Stove, Dishwasher, washer, dryer, all window coverings**

Tax and Miscellaneous Information

Taxes: **\$5,498/2019** Survey: **Available 1986** HST Applic: **Included**
 Assessment: **\$496,750**
 Legal Desc: **PT LT 2 CON 2 WGR PILKINGTON AS IN ROS204293; CENTRE WELLINGTON**
 Zoning: **A** UFFI: **Removed** Front On: **West**
 Location: **Rural** Under Contr: **Hot Water Heater**

REALTOR® Information

Please book all viewings through Showingtime. Co-operating brokerage commission to be reduced to 1% if Listing Brokerage shows the property to another registrant's Buyer without prior knowledge or consent. Schedule B with all offers! Move in ready, the owners have cared for this property with extensive, big ticket upgrades including wiring, insulation, fascia, soffits, eavestrough and windows, septic system (2015), well upgrade (2012) offering a pristine water supply from an 85' drilled well, and new roof shingles and garage siding in 2018. Property Report on site for viewing and available upon request with receipts, septic, well and WETT report and water tests.

Sellers: **Maryanne Gaile Bodig-Wilford, Jeff Nelson Peter Wilford**Appts: **Please use showing**

time
 Deposit: **20000** Occup: **Owner** Possess: **Flexible**
 Commission: **2.5** Possess Dt:
 Commence Dt: **07/24/2019** Expire Date: Hold Days: **90** Spec Agree: **No**
 Income Pot: Cntct Expd: **No**

List Broker 1: **PLANET REALTY INC** L/BR Phone: **(519) 837-0900**List SP 1: **Matthew Lafontaine, Broker** L/SP Phone: **(519) 837-0900**Email: **matthew@quephandareahomes.com**SP Cell: L/SP Fax: **(519) 837-0020**Brokerage Web: **http://www.planetrealty.ca**L/SP Web: **http://www.quephandareahomes.com**List Broker 2: **PLANET REALTY INC**List SP 2: **Reece LaFontaine, Salesperson**Email: **reece@planetrealty.ca**Bkr Phone: **(519) 837-0900**SP Phone: **(519) 837-0900****Sold Information**

Orig List Price: **\$719,950** Sale DT: **07/25/2019** Close DT: **10/18/2019** Sold Price: **\$710,000**
 LP\$/SQFT: **\$384.59** SP/LP: **98.62%** SP\$/SQFT: **\$379.27** DOM: **2**
 Coop SP 1: **George Mochrie, Salesperson** C/SP Ph#: **(519) 766-3716**
 Coop BR 1: **Red Brick Real Estate Brokerage Ltd.** C/BR Ph#: **(226) 383-1111**

Prepared By: Don McLaughlin, Salesperson Keller Williams Golden Triangle Realty Inc.

5772 Wellington Road 86 Ariss, ON N0B 1B0**RES/Freehold/Sale**

MLS#: **30705222** Status: **Sold Closed**
 Region: **Wellington** Bldg Type: **Detached**
 Age/Yr: **100+ Years/1880** Style: **2 Storey**
 Municip: **4 - Guelph/Eramosa**
 Nbhd: **41 - Rural Guelph/Eramosa West**
 SF/Src: **1,590/LBO provided**
 Lot Front/Depth: **431.28 Ft/.00 Ft**
 Acres: **1.000 / 0.50-1.99**
 CrossSt/Dir: **Wellington Rd 86 just north of Schaefer Rd.**

Price: \$529,900 (SALE)
 Prior Price: **\$545,000**
 Sold Price: **\$520,000**
 Beds AG: **3**
 Beds BG: **0**
 Bathrooms: **2.0**
 Lot Shape: **Irregular**
 DOM: **92**

Property Details

Exterior: Board & Batten, Metal/Steel Siding, Vinyl Siding, Wood	Bsmt/Fn: Crawl Space/Unfinished	Heat Src: Electric, Gas
Foundation: Stone	Bsmt Ent: Walk-Up	Heat Type: Baseboard, Forced Air
Roof/Yr: Asphalt Shingle/2010	Water: Well/Drilled Well	FP #/Type: 1/Wood
Pool: On Ground	Well: No	AC/Type: /Window Unit
Prkg Type: 1/Attached	Wtr Meter: No	Wtrfront: Retiremnt:
Garage: 1/Attached	Sewers: Septic	Visible: No
Drive Type: 6/Private Triple Plus Wide/Gravel	# of Kitchens: 1	
Soil Type: Rec Use:	Elev YN: No	

Remarks: Just outside Guelph in the quaint hamlet of Ariss, you'll find this adorable and comfortable family home. With over a 1 acre of land and a large attached garage, you'll have more than enough space here for all the cars, toys, or even equipment that you might want. The property is complete with a huge backyard and heated above-ground pool for those warm summer days. It's a rural paradise, perfect for raising a family, which nevertheless maintains the conveniences of the City only a few minutes away. The house exudes a kind of rustic charm with exposed log walls and beautiful ceiling beams, yet undergone recent updates to the kitchen, complete with gleaming white cabinetry, stainless steel appliances, both bathrooms, a main-floor laundry room and an open-concept main-floor layout with new laminate floors. The Kissing Bridge walking trail is a short distance away as well as the Ariss Valley Golf Course. Call today to book your viewing!

Property Features

Feat/Amen: **Sump Pump, Water Softener**
 Area Feat: **Golf, Library, Major Highway, Park, Rec./Commun.Centre**
 Othr Structure: **Fence - Partial, Shed**
 Inclusions: **Fridge, stove, dish washer, washer, dryer,**
 Exclusions: **Portable Shed**

Tax and Miscellaneous Information

Taxes: \$4,128/2018	Survey: None	HST Applic: Included
Assessment: \$393,750		
Legal Desc: PT LT 17 CON 4 EAST OF GRAND RIVER PILKINGTON PT 5, 61R7547; GUELPH-ERAMOSA		
Zoning: AGR	UFFI: No	Front On: West
Location: Rural	Under Contr: Propane Tank	

REALTOR® Information

Please attach schedule B to offers. The woodstove is in "as is" condition. Electricity is approx \$100/month and gas heat is approx \$80/month.

Sellers: **Timbers, Janine Georgette; Timbers, Byron Robert**
 Appts: **Call listing brokerage to book**

Deposit: 5000	Occup: Owner	Possess: 30 - 59 Days
Commission: 2.5		Possess Dt: No
Commence Dt: 01/07/2019	Expire Date: No	Spec Agree: No
Income Pot: No	Cntct Expd: No	

List Broker 1: **ROYAL LEPAGE ROYAL CITY REALTY BROKERAGE**

L/BR Phone: **(519) 821-6191**

List SP 1: **Rob Green, Salesperson**

L/SP Phone: **(519) 821-6191**

Email: **rgreen@royallepage.ca**

SP Cell:

L/SP Fax: **(519) 821-6764**

Brokerage Web: **http://www.royalcity.com**

L/SP Web: **www.thegreenadvantage.ca**

List Broker 2: **ROYAL LEPAGE ROYAL CITY REALTY BROKERAGE**

Bkr Phone: **(519) 821-6191**

List SP 2: **Kim Christopher, Salesperson**

SP Phone: **(519) 821-6191**

Email: **kimchristopher@royallepage.ca**

Sold Information

Orig List Price: \$545,000	Sale DT: 04/09/2019	Close DT: 05/23/2019	Sold Price: \$520,000
LP\$/SQFT: \$333.27	SP/LP: 98.13%	SP\$/SQFT: \$327.04	DOM: 92
Coop SP 1: JORGE DUBON, Salesperson			C/SP Ph#: (519) 570-4447
Coop BR 1: KELLER WILLIAMS GOLDEN TRIANGLE REALTY			Date Printed: 09/09/2019

September 17, 2019

Market evaluation for 5501 Wellington Rd 38

Dear Len & Julia,

As discussed, I have prepared a letter of opinion as to the current market value of the above stated property. The method employed to determine the value was the comparable market analysis approach, where the subject property is compared to similar properties currently offered for sale as well as those recently sold.

I viewed the property September 13th at 1pm and inspected the lot, outbuildings and home with you in attendance. The house is sound structurally and functional as an operating residence. The house could use some updating, but in my opinion that would prove to be a worthwhile investment. I do not view this house as a tear down. The workshop has able power, concrete floor and overhead doors. The building certainly adds value in a country setting.

After reviewing the active listing, recent sales in the area, I believe the current market value of the property to be \$ 705,000. This value represents the value today and is subject to change depending on market conditions.

If you have any questions please feel to contact me at your earliest convenience,

Sincerely,



Kevin Hern

Re/max Real Estate Centre

1499 Gordon Street

Guelph Ontaio

519-837-1300

- c) the lot is for conservation purposes which provide an overall benefit to the environment;
- d) there will be no negative impacts on natural features or their ecological functions.

10.2.2 Environmental Impact Studies

Where the County is concerned that a proposed lot in or adjacent to the Greenlands System could negatively impact a natural feature or function, the County may require an environmental impact study to assess potential impacts and means of mitigation.

10.3 PRIME AGRICULTURAL LAND

10.3.1 New Lots

Lot creation in prime agricultural areas will be restricted to the following:

- a) agricultural uses
- b) agriculture-related uses
- c) a residence surplus to a farming operation.
- d) lot line adjustments
- e) community service facilities

10.3.2 Agricultural Uses

New lots for agricultural operations shall be of a size appropriate for the type of agricultural use(s) common in the area and sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations. New agricultural lots will normally be a minimum of 35 hectares in size. Smaller lots may only be considered where there is clear evidence that the farmer intends to conduct an agricultural pursuit which can be successful on a smaller property.

Where practical, the creation of agricultural lots along the original lots in the Township survey is encouraged even if somewhat smaller than normal lots result.

New agricultural lots may include lands in the Greenlands System where necessary to provide logical lot lines, provided that suitable building envelopes and new access routes are available outside of, and a suitable distance from, Core Greenlands and Greenlands features.

10.3.3 Agriculture-Related Uses

New lots for agricultural-related uses should be kept to a minimum size necessary for the use and appropriate water and sewage systems.

10.3.4 Residence Surplus to a Farming Operation

A severance may be considered for an existing residence that is surplus to a farming operation as a result of farm consolidation, provided that:

- a) the remaining vacant farmland is large enough to function as a significant part of the overall farm unit; and
- b) the result of removing the surplus dwelling from the farm does not render the remaining farmlands difficult or inefficient to farm; and
- c) the amount of good farmland retained with the surplus house is kept to a minimum size needed for residential purposes, taking into consideration environmental and topographic features; and
- d) the surplus residence is habitable and is not expected to be demolished by a future owner; and
- e) the Minimum Distance Separation formula will be met; and
- f) the vacant parcel of farmland is rezoned to prohibit a residential use.

The intention of this policy is to allow farmers to reduce their costs of acquiring

additional farm parcels, where the impact on existing and future farm operations can be kept to a minimum.

10.3.5 Lot Line Adjustments

Lot line adjustments may be permitted for legal or technical reasons, such as easements, corrections of deeds, quit claims, and minor boundary adjustments.

Lot line adjustments may also be permitted where no adverse effect on agriculture will occur where:

- two abutting farms are merged (merged means the joining of farm parcels under the same ownership) and an existing farm residence is made surplus to the resulting enlarged farm parcel;
- more viable agricultural operations will result;
- an undersized lot is made useable given the requirement for appropriate sewer and water systems.

Lot line adjustments are deemed not to create new lots for the purposes of this plan.

10.3.6 Community Service Facilities

A severance may be allowed for small-scale schools, churches and associated cemeteries where justified by need and public safety considerations of unique communities relying extensively on horse drawn vehicles as their sole means of transportation. In the case of small-scale schools referred to above, land leases are preferable to new lots and justification will include demonstrating that reasonable efforts to obtain land leases have been unsuccessful.

Reasonable efforts will be made to locate these uses to minimize impacts on agriculture.

10.3.7 Minimum Distance Formula (MDS)

The appropriate provincial minimum distance separation formula will be applied to all new lot creations.

10.4 SECONDARY AGRICULTURAL AREAS

10.4.1 Lot Creation

Lot creation in secondary agricultural areas may be allowed for:

- a) agricultural uses
- b) agricultural-related uses
- c) residential uses
- d) commercial, industrial or institutional uses
- e) lot line adjustments

Residential lots created under this section contribute to and are anticipated by the growth strategy of this Plan.

10.4.2 Agricultural Uses

New lots for agricultural operations shall be sufficiently large to allow the type or size of agricultural operations common to the area. Smaller lots may only be considered where there is clear evidence that the farmer intends to conduct an agricultural pursuit which can be successful on smaller property.

10.4.3 Agricultural-Related Uses

New lots for agricultural-related uses should be kept to a minimum size necessary for the use and appropriate water and sewage systems and will not hinder surrounding agricultural operations.

10.4.4 Residential Lots

One new lot for residential purposes may be allowed from a parcel of land existing on March 1, 2005, provided that:

- a) the lot generally meets a 0.4 ha minimum lot size and is not larger than needed to accommodate the intended residential use, consisting of the dwelling, accessory buildings and uses, and individual sewage

and water services, while taking into account site constraints such as grading, sightlines, natural heritage features, hazardous lands, and Minimum Distance Separation requirements;

- b) the accessory buildings referred to in a) above may include a hobby barn, subject to local regulations;
- c) the lot has access to an open public road;
- d) the residential use will not hinder or preclude the present use or future potential for agricultural or mineral aggregate operations;
- e) the residential use is compatible with surrounding development;
- f) the use is well removed from any settlement area boundary;
- g) the lands have been owned by the applicant for at least 5 years.

Residential lots in the Secondary Agricultural Area are to be considered part of the rural portion of the local municipal growth strategy. In considering new residential lots the County will assess whether other locations exist on the same property which would provide a more appropriate site given the overall policies of this Plan.

For the purposes of this section, if a parcel of land was the subject of a severance application that was submitted before March 1, 2005, then the severed and retained parcels will be deemed to have existed on March 1, 2005, and a new residential lot may be considered.

10.4.5 Commercial, Industrial & Institutional Lots

One new lot for commercial, industrial or institutional purposes may be allowed from a parcel of land existing on the date of

provincial approval of this Plan provided that:

- a) the lot is large enough to support water and sewage systems;
- b) the lot is no larger than necessary to support the proposed use unless existing natural features or development patterns make a larger lot more practical;
- c) the lot has access to an open public road;
- d) the use will not hinder or preclude the potential for agricultural or mineral aggregate operations;
- e) the use is compatible with surrounding development;
- f) the use is well removed from any settlement area boundary.
- g) the use conforms with the policies of Section 4.9.5 of this Plan.

In considering new lots for commercial, industrial or institutional purposes the County will assess whether other locations exist on the same property which would provide a better site given the overall policies of this Plan.

10.4.6 Lot Line Adjustment

Lot line adjustments are permitted where no adverse effect on agriculture will occur and are encouraged where:

- a) more viable agricultural operations will result;
- b) an undersized lot is made useable given the requirement for appropriate sewer and water systems.

Lot line adjustments are deemed not to create new lots for the purposes of this Plan.

10.4.7 Minimum Distance Formula (MDS)

The appropriate provincial minimum distance separation formula will be applied to all new lot creation.

10.5 OTHER RURAL SYSTEM LANDS

10.5.1 Mineral Aggregate Areas

A new lot may be allowed in a Mineral Aggregate Area to provide for the development of a mineral aggregate area provided that the lands will be appropriately zoned to allow the use.

10.5.2 Recreational Area

A new lot may be allowed in a Recreational Area to provide for the development of recreational land provided that the land will be appropriately zoned.

10.5.3 Rural Settlements

Limited new lots may be allowed in rural settlements for residential infilling provided that the land will be appropriately zoned.

10.5.4 Highway Commercial Areas

New lots may be allowed in Highway Commercial Areas provided that the land will be appropriately zoned.

10.5.5 Rural Industrial Areas

New lots may be allowed in Rural Industrial areas providing that the land will be appropriately zoned.

10.5.6 Country Residential Areas

New Lots may be allowed in Country Residential areas provided that the land will be appropriately zoned.

10.5.7 Lot Line Adjustment

Lot line adjustments may be permitted on other Rural System land where there is no adverse effect.

10.6 URBAN SYSTEM

10.6.1 Hamlets

New lots may be created in Hamlets provided that the land will be appropriately zoned.

Lots may be created for a variety of community uses subject to the policies of this Plan.

10.6.2 Urban Centres

New lots may be created in Urban Centres provided that the land will be appropriately zoned. Lots may be created for a variety of community uses subject to the policies of this Plan. Lot creation will normally proceed by plan of subdivision and will be based on the provision of full urban services, wherever such services are available.

10.6.3 Lot Line Adjustments

Lot line adjustments may be permitted where there is no adverse effect provided that basic lot patterns in an area are not unreasonably altered.



APPLICATION FOR CONSENT – NEW LOT (SEVERANCE)

PLEASE REVIEW THE FOLLOWING APPLICATION GUIDELINES
(Instruction Page 2 must be signed and returned with application form)

PRE-CONSULTATION:

The County of Wellington strongly encourages applicants to pre-consult with County planning staff prior to submitting an application for consent. Please contact the Planning and Development Department to discuss your proposal.
519-837-2600, ext. 2170 or 2160

APPLICATION FEE:

The fee for processing a consent application through the County of Wellington Planning and Land Division Committee is payable to the Treasurer of the Wellington County in cash or by cheque. NSF payments will result in the application being considered as incomplete subject to a "NSF" charge. Current fee amounts and other information can be obtained by calling the Land Division Office at 519-837-2600, ext. 2170 or 2160

CONSERVATION REVIEW FEE:

A conservation review fee is payment for obtaining a report/review from the appropriate Conservation Authority on an application which is in the Conservation Authority's area of review. This fee must be sent in with your application and is payable to the appropriate Conservation Authority. For details regarding the conservation review fee, please contact the appropriate Conservation Authority for the subject property.

SOURCE WATER PROTECTION REVIEW: (www.wellingtonwater.ca)

As required by the Clean Water Act, sources of municipal water supply are to be protected from potential contamination. Source protection plans have been prepared and approved by the Province to address this matter. If it is determined that if your property is subject to a Source Protection Plan in effect, you will need to complete a **Source Water Protection Screening Form** and submit it with your planning application. Your application cannot be deemed complete until a written statement is issued by the Risk Management Official under to the Clean Water Act.

Source Water Protection Contact:

Kyle Davis, Risk Management Official, 7444 Wellington Road 21, Elora, Ontario N0B 1S0
Phone: 519.846.9691 x362, email: kdavis@centrewellington.ca

APPLICATION FORM:

Each application must be filled out completely and clearly, and must be accompanied by a copy of your current deed and an Ontario Land Surveyor's severance sketch. Incomplete applications and sketches will be returned without further processing until the corrected material is filed.

Please note: one application and fee is required per consent certificate.

APPLICATION SKETCH:

The Planning and Land Division Committee **requires that all severance sketches be prepared by an Ontario Land Surveyor**. If the sketch does not contain the proper details or is not clear, the processing of the application may be impeded or result in the Planning and Land Division Committee dismissing the application due to lack of information and clarity.

SKETCH DETAILS:

The OLS survey sketch shall include, as a minimum, the following details:

1. all abutting lands owned by the owner (if any) and their boundaries and dimensions;
2. the distance between the owner's lands and the nearest lot line or appropriate landmark;
3. the parcel of land that is the subject of the application, its boundaries and dimensions, the part of the parcel that is to be severed, the part to be retained, and the location of all land previously severed
4. the approximate location of all natural and artificial features on the subject lands (e.g. buildings, railway, highways, watercourses, drainage ditches, banks, wetlands, wooded areas, wells and septic tanks), and the location of any of these features on adjacent lands that may affect this application;

- 5 the existing uses of adjoining land (e.g. residential, agricultural, extractive, cottage, commercial, etc.); the location, width and names of all road allowances, right-of-ways, streets or highways within or abutting the property and indicating whether they are public traveled roads, private roads, rights-of-way or unopened road allowances, boat docking and parking facilities on mainland where access is by water;
6. the location of any propane operation within 750 metres of the proposed subject lands;
7. the location and nature of any restrictive covenant or easement affecting the subject lands;
8. the location of all barns, livestock operations, and manure storage areas within 500 metres of the proposed lot;
9. the location of the subject lands within the local municipality.

If the sketch is larger than 11" X 17", 8 additional copies of this larger sketch must be submitted with the application for distribution to reporting agencies and to the Planning and Land Division Committee --- ONE COPY MUST BE 11" X 17" or SMALLER (e.g. 8 ½" X 14", 8 ½" x 11")

MEASUREMENTS: Measurements may be expressed in metric or imperial units

ROAD NAMES, CIVIC ADDRESSES:

Please use the street names and property addresses on the O.L.S. sketch which have been adopted by local municipalities as the civic address of the property which is the subject of the application.

MINIMUM DISTANCE SEPARATION FORM:

The applicant is required to **complete and submit Farm Data Sheets** (available from the County of Wellington) for all barns within 500 metres of the lot to be severed. This information will facilitate evaluation of MDS requirements. Please ask for this supplemental information package when you obtain an application form for severances in the rural areas (areas outside cities, towns, villages, hamlets, etc.) NOTE: The Farm Data information must be current at the time of submission.

FARM INFORMATION FORM:

This form is used to help determine whether an application to sever a surplus farm dwelling is consistent with the Provincial Policy Statement and conforms to the County Official Plan. (See Question #26 in application form).

LIST OF NEIGHBOURS:

A submission of complete names and mailing addresses with postal codes of each owner within 60 metres of the subject land must be submitted with application. Reviewed by, dated by, and signed by staff of the local municipality as being the most current information. The ONUS is on the owner/applicant to provide this information.

POSTING OF "NOTICE CARDS":

Yellow "Notice Cards" will be mailed to you after your application has been accepted by the Land Division Staff as being complete. These "Notice Cards" are then to be posted immediately on stakes at each front corner of the proposed lot to be severed, and are to remain there until the appeal period on the Planning and Land Division Committee's decision has been completed. This assists the reporting agencies in visiting the site and in preparing their reports, and for notifying the public of the proposed application. **Check frequently to ensure that the cards are in place.** If the "Notice Cards" are determined to have not been posted for this time frame, the Planning and Land Division Committee is not in a position to consider the application.

ATTENDANCE AT LAND DIVISION MEETING:

Applicants are encouraged to attend when the Planning and Land Division Committee considers the application. If the applicant or authorized agent does not attend, the Committee will still consider the application on the assigned day unless notice has been received by Land Division Staff that representation can not be made for the assigned day and time. In the matter of "expedited files", no attendance before the Planning and Land Division Committee is required.

FURTHER INFORMATION:

County of Wellington Planning and Land Division
74 Woolwich St.
Guelph, Ontario N1H 3T9
Telephone: 519-837-2600, Ext. 2170 or 2160 Fax: 519-837-3875

SIGNATURE OF PERSON WHO COMPLETED THE ATTACHED APPLICATION FORM:

I hereby acknowledge that I have read these instructions and have prepared this application to the best of my knowledge in accordance with these instructions:

Owner, Applicant, Authorized Agent

Date

APPLICATION FOR CONSENT

Ontario Planning Act

1. Approval Authority:

County of Wellington Planning and Land Division Committee
County of Wellington Administration Centre
74 Woolwich Street, GUELPH, Ontario N1H 3T9

Phone: 519-837-2600, ext. 2170 or 2160 Fax: 519-837-3875

Required Fee: \$ _____

Fee Received: _____

File No. _____

Accepted as Complete on: _____

A COPY OF YOUR CURRENT DEED MUST BE SUBMITTED WITH THIS APPLICATION

2. (a) Name of Registered Owner(s) _____

Address _____

Phone No. _____ Email: _____

(b) Name and Address of Applicant (as authorized by Owner) _____

Phone No. _____ Email: _____

(c) Name and Address of Owner's Authorized Agent: _____

Phone No. _____ Email: _____

(d) All Communication to be directed to:

REGISTERED OWNER []

APPLICANT []

AGENT []

(e) Notice Cards Posted by:

REGISTERED OWNER []

APPLICANT []

AGENT []

3. Type and Purpose of Proposed Transaction: (Check off appropriate box & provide short explanation)

RURAL RESIDENTIAL[] AGRICULTURAL[] URBAN RESIDENTIAL[] COMMERCIAL/INDUSTRIAL[]

OR

EASEMENT [] RIGHT OF WAY [] CORRECTION OF TITLE [] LEASE []

(a) If known, the name of person to whom the land or an interest in the land is to be transferred, charged or leased.

4. (a) Location of Land in the County of Wellington:

Local Municipality: _____

Concession _____

Lot No. _____

Registered Plan No. _____

Lot No. _____

Reference Plan No. _____

Part No. _____

Civic Address _____

(b) When was property acquired: _____ Registered Instrument No. _____

5. Description of Land intended to be SEVERED:

Metric []

Imperial []

Frontage/Width _____ AREA _____

Depth _____ Existing Use(s) _____

Existing Buildings or structures: _____

Proposed Uses (s): _____

Type of access (Check appropriate space)

Existing []

Proposed []

[] Provincial Highway

[] Right-of-way

[] County Road

[] Private road

[] Municipal road, maintained year round

[] Crown access road

[] Municipal road, seasonally maintained

[] Water access

[] Easement

[] Other

Type of water supply - Existing [] Proposed [] (check appropriate space)

[] Municipally owned and operated piped water system

[] Well [] individual [] communal

[] Lake

[] Other _____

Type of sewage disposal - Existing [] Proposed [] (check appropriate space)

[] Municipally owned and operated sanitary sewers

[] Septic Tank (specify whether individual or communal): _____

[] Pit Privy

[] Other (Specify): _____

6. Description of Land intended to be RETAINED: Metric [] Imperial []

Frontage/Width _____ AREA _____

Depth _____ Existing Use(s) _____

Existing Buildings or structures: _____

Proposed Uses (s): _____

Type of access (Check appropriate space)	Existing []	Proposed []
<input type="checkbox"/> Provincial Highway	<input type="checkbox"/> Right-of-way	
<input type="checkbox"/> County Road	<input type="checkbox"/> Private road	
<input type="checkbox"/> Municipal road, maintained year round	<input type="checkbox"/> Crown access road	
<input type="checkbox"/> Municipal road, seasonally maintained	<input type="checkbox"/> Water access	
<input type="checkbox"/> Easement	<input type="checkbox"/> Other	

Type of water supply - Existing [] Proposed [] (check appropriate space)

☐ Municipally owned and operated piped water system

☐ Well ☐ Individual ☐ communal

☐ Lake

☐ Other _____

Type of sewage disposal - Existing [] Proposed [] (check appropriate space)

☐ Municipally owned and operated sanitary sewers

☐ Septic Tank (specify whether individual or communal): _____

☐ Pit Privy

☐ Other (Specify): _____

7. Is there an agricultural operation, (either a barn, manure storage, abattoir, livestock area or stockyard) within 500 metres of the Subject lands (severed and retained parcels)? YES [] NO []

*If yes, see sketch requirements and the application must be accompanied by a MINIMUM DISTANCE SEPARATION FORM.

8. Is there a landfill within 500 metres [1640 feet]? YES [] NO []

9. a) Is there a sewage treatment plant or waste stabilization plant within 500 metres [1640']? YES [] NO []

10. Is there a Provincially Significant Wetland (e.g. swamp, bog) located on the lands to be retained or to be severed or within 120 metres [394 feet]? YES [] NO []

11. Is there any portion of the land to be severed or to be retained located within a floodplain? YES [] NO []

12. Is there a provincial park or are there Crown Lands within 500 metres [1640']? YES [] NO []

13. Is any portion of the land to be severed or retained within a rehabilitated mine/pit site? YES [] NO []

14. Is there an active or abandoned mine, quarry or gravel pit within 500 metres [1640']? YES [] NO []

15. Is there a noxious industrial use within 500 meters [1640']? YES [] NO []

16. Is there an active or abandoned principal or secondary railway within 500 metres [1640']? YES [] NO []

Name of Rail Line Company: _____

17. Is there an airport or aircraft landing strip nearby? YES [] NO []

18. Is there a propane retail outlet, propane filling tank, cardlock/keylock or private propane outlet/container refill centre within 750 metres of the proposed subject lands? YES [] NO []

19. PREVIOUS USE INFORMATION:

a) Has there been an industrial use(s) on the site? YES [] NO [] UNKNOWN []

If YES, what was the nature and type of industrial use(s)?

b) Has there been a commercial use(s) on the site? YES [] NO [] UNKNOWN []

If YES, what was the nature and type of the commercial use(s)?

c) Has fill been brought to and used on the site (other than fill to accommodate septic systems or residential landscaping)? YES [] NO [] UNKNOWN []

d) Has there been commercial petroleum or other fuel storage on the site, underground fuel storage, or has the site been used for a gas station at any time, or railway siding? YES [] NO [] UNKNOWN []

If YES, specify the use and type of fuel(s) _____

20. Is this a **resubmission** of a previous application? YES [] NO []

If YES, is it identical [] or changed [] Provide previous File Number _____

21. a) Has any severance activity occurred on the land from the holding which existed as of March 1, 2005 and as registered in the Land Registry/Land Titles Office? YES [] NO []

b) If the answer in (a) is YES, please indicate the previous severance(s) on the required sketch and provide:
Transferee's Name, Date of the Transfer and Use of Parcel Transferred.

22. Has the parcel intended to be severed ever been, or is it now, the subject of an application for a plan of subdivision or other Consent or approval under the Planning Act or its predecessors?

YES [] NO [] UNKNOWN []

23. Under a separate application, is the Owner, applicant, or agent applying for additional consents on this holding simultaneously with this application? YES [] NO []

24. Provide explanation of how the application is consistent with the Provincial Policy Statement.

25. In addition to Places to Grow (Provincial Growth Plan), is the subject land within an area of land designated under the Greenbelt Plan? Provide explanation of how the application conforms or does not conflict with the Provincial plan or plans.

26. a) Indicate the existing **County Official Plan** designation(s) of the subject land, and provide explanation of how the application conforms with the Official Plan (severed and retained).

Indicate the existing **Local Official Plan** (if any) designation(s) of the subject land, and provide explanation of how the application conforms with the Official Plan (severed and retained).

- c) If this consent relates directly to an Official Plan Amendment(s) currently under review by an approval authority, please indicate the Amendment Number and the applicable file number(s).

Amendment Number(s): _____ File Number(s): _____

27. Is the subject land a proposed surplus farm dwelling?* YES [] NO []

*If yes, an application to sever a surplus farm dwelling must be accompanied by a FARM INFORMATION FORM.

28. What is the zoning of the subject lands? _____

29. Does the proposal for the subject lands conform to the existing zoning? YES [] NO []

If NO, a) has an application been made for re-zoning?

YES [] NO [] File Number _____

b) has an application been made for a minor variance?

YES [] NO [] File Number _____

30. Are the lands subject to any mortgages, easements, right-of-ways or other charges? YES [] NO []

If the answer is YES, please provide a copy of the relevant instrument.
For mortgages just provide complete name and address of Mortgagee.

Questions 31 – 34 must be answered for Applications for severance in the Rural/Agricultural Area -- Otherwise, if this is not applicable to your application, please state “not Applicable”

31. Type of Farm Operation conducted on these subject lands:

Type: Dairy [] Beef Cattle [] Swine [] Poultry [] Other []
_____ _____ _____ _____ _____

32. Dimensions of Barn(s)/Outbuildings/Sheds (that are to remain) Severed & Retained Lands

<u>Severed</u>	Width _____	Length _____	Area _____	Use _____
	Width _____	Length _____	Area _____	Use _____
<u>Retained</u>	Width _____	Length _____	Area _____	Use _____
	Width _____	Length _____	Area _____	Use _____

33. Manure Storage Facilities on these lands:

DRY		SEMI-SOLID		LIQUID	
Open Pile	[]	Open Pile	[]	Covered Tank	[]
Covered Pile	[]	Storage with Buck Walls	[]	Aboveground Uncovered Tank	[]
				Belowground Uncovered Tank	[]
				Open Earth-sided Pit	[]

34 Are there any drainage systems on the retained and severed lands?

YES [] NO []

Type	Drain Name & Area	Outlet Location
Municipal Drain []		Owner's Lands []
Field Drain []		Neighbours Lands []
		River/Stream []

35. Source Water Protection Plan

Is the subject land within a Wellhead Protection Area, Issue Contributing Area, or Intake Protection Zone of a Source Protection Plan in effect? (www.wellingtonwater.ca)

YES [] NO []

If YES, please complete the Source Water Protection Form and submit with your application.

36. Have you had a pre-consultation meeting with County Planning Staff before filling out this application form?

YES [] NO []

If yes, please indicate the person you have met/spoken to: _____

37. If you wish to provide some further information that may assist the Planning and Land Division Committee in evaluating your application, please provide by a letter and attach it to this application.

NOTES:

1. **One original completed application and two original sketches must be filed with the County of Wellington Planning and Land Division office.** If original sketch is larger than 11" x 17", 8 additional copies are required plus one sketch reduced to a size of 11" x 17" (or smaller) for office photocopying and circulation to neighbours. Facsimile documents are not acceptable for reasons of the necessity of good photocopying.
2. The location of the lands (severed & retained) which are the subject of the application must also be shown on the Surveyor's sketch or on an attached "Key Map" and included with the application.
3. Since the filing fee for applications for consent change from time to time, please contact the Planning and Land Division office for current fee information. This fee may be paid in cash or by cheque payable to the County of Wellington.
4. Additional information about the process, about any particular application or obtaining application forms may be obtained by attending at the County of Wellington Administration Centre, 74 Woolwich Street, Guelph Ontario N1H 3T9, by telephone at 519-837-2600, ext. 2160 or 2170; or by facsimile (fax) at 519-837-3875.
5. Generally, regular severance application forms are also available at the local municipal office.
6. Some municipalities also require the applicant to attend at a Planning Advisory Committee or Council meeting to discuss the application prior to the Municipality's submitting comments to the County of Wellington Planning and Land Division Committee. Please check with your local municipality.
7. If the applicant is a Corporation, then the applicant's Declaration or if applicable, the Owner's authorization too, must be signed by an officer of the corporation who has authority to bind the corporation; or the corporation's seal must be affixed.

OWNER'S AUTHORIZATION:

The Owner must complete the following to authorize applicant, agent or solicitor to act on their behalf.

NOTE: If more than one owner is listed in item #2 of this application, then all owners must sign this authorization section of the application form or by a letter of authorization duly signed.

If the Owner is a corporation, the authorization must be by an officer of the corporation who has authority to bind the corporation.

I, (we), _____ the Registered Owners of
_____ Of the _____ in the
County/Region of _____ severally and jointly, solemnly declare that

_____ Is authorized to submit an application for consent on my (our) behalf.

Signature(s) of Registered Owner(s) or Corporation's Officer

APPLICANT'S DECLARATION

This must be completed by the Applicant for the proposed consent

I, (we) _____ of the
_____ In the County/Region of
_____ Solemnly declare that all
the statements contained in this application for consent for (property description) _____

And all the supporting documents are true, and I, (we), make this solemn declaration conscientiously believing it to be true and complete, and knowing that it is of the same force and effect as if made under oath, and virtue of the CANADA EVIDENCE ACT.

DECLARED before me at the _____

_____ Of

_____ (Owner or Applicant)

_____ In the

County/Region of _____

This _____ day of _____ 20 _____

_____ (Owner or Applicant)

Commissioner of Oaths

Printed Commissioner's, etc. Name

APPLICANT'S CONSENT (FREEDOM OF INFORMATION):

In accordance with the provisions of the Planning Act, it is the policy of the County Planning and Development Department to provide public access to all development applications and supporting documentation. In submitting this development application and supporting documentation, I, _____, the applicant, hereby acknowledge the above-noted and provide my consent in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act that the information on this application and any supporting documentation provided by myself, my agents, solicitors, and consultants will be part of the public record and will also be available to the general public.

Signature of Owner(s)

Date

THIS APPLICATION PACKAGE IS TO BE SUBMITTED TO:

**Secretary-Treasurer
Planning and Development Department
County of Wellington
74 Woolwich Street
Guelph, Ontario
N1H 3T9**

Phone (519) 837-2600 Ext. 2160

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Application review and land disposition process policy

This policy outlines MNRF's responsibilities and considerations when granting rights to use public land (e.g. land use permits or licence of occupation), or interests in public lands (e.g. easement, Crown lease or sale).

- Policy: PL 4.02.01
- Compiled by - Branch: Lands & Waters
- Section: Land Management
- Date Issued: July 24, 2008
- Replaces Directive Title: Same
- Number: Same
- Dated: June 7, 2005
- Page: 1 of 20

1.0 Definitions

In this policy,

communities

includes incorporated municipalities, clusters or hamlets in unorganized territory, aboriginal communities, and their inhabitants;

disposition

means the granting of property (e.g. freehold or leasehold title) or personal rights (e.g. land use permit) to public lands, as defined and described in this policy and its accompanying procedure;

EMA's

mean enhanced management areas – a land use category in the Ministry's Crown Land Use Policy Atlas;

environment

means,

- air, land or water,
- plant and animal life, including human life,
- the social, economic and cultural conditions that influence the life of humans or a community,
- any building, structure, machine or other device or thing made by humans,
- any solid, liquid, gas, odour, heat, sound, vibration or radiation resulting directly or indirectly from human activities, or
- any part or combination of the foregoing and the interrelationships between any two or more of them, in or of Ontario; and

land use occupational authority

includes a Minister's Order under Subsection 37.1(1), Order in Council transferring administration and control, sale, conditional sale, Crown lease, water lot lease, licence of occupation, land use permit, beach management agreement, or easement, but excludes a work permit;

2.0 Introduction

The vision of the Ministry of Natural Resources (MNR) is sustainable development.

The ministry envisions a healthy environment that is naturally diverse and supports a high quality of life for the people of Ontario through sustainable development. [1]

Under the concept of sustainable development, Ontario's natural resources constitute natural "capital". Resources over and above those essential for long-term sustainability requirements become available over time as "interest" for use, enjoyment and development. Development which maintains the natural capital and allows for the accumulation of this natural interest is sustainable.

The Ministry strives to achieve this vision through a mission of ecological sustainability.

The Ministry's mission is to manage our natural resources in an ecologically sustainable way to ensure that they are available for the enjoyment and use of future generations.

Ecological sustainability focuses on safeguarding the province's natural capital and nature's capacity to renew itself. It is directed toward resource management practices that protect and maintain "interest" to meet Ontario's present and future needs.

The ministry is committed to the conservation of biodiversity and the use of natural resources in a sustainable manner.

Maintaining the diversity of life on Earth is a fundamental premise for sustainable development. Biodiversity conservation is a commitment to ensure healthy ecosystems, protect our native species and sustain genetic diversity. A diverse "investment portfolio" supports our natural capital and interest for sustainable uses, and also ensures a wealthy inheritance for future generations.

Approximately 87% of Ontario's land base is public land administered by the Ministry of Natural Resources.

Public land is viewed by the Ministry as a non-renewable resource and a platform that with wise management will support the long term health of ecosystems (e.g. aquatic resources, forest and wildlife resources as well as their biological foundations).

Effective management of the public land base is critical to successfully meeting the Ministry's vision. This requires MNR to integrate consideration of the purposes of the Environmental Bill of Rights with social, economic and scientific considerations required by the Environmental Bill of Rights, when making decisions that might significantly affect the environment.

MNR will favourably consider disposition of public land to accommodate opportunities for socio-economic development that are compatible with environmental and ecological integrity. [2]

This will be done in the context of MNR's obligations and commitments under the Constitution, the *Environmental Assessment Act*, the Environmental Bill of Rights (including consideration of the Ministry's Statement of Environmental Values whenever MNR decisions are made that might significantly affect the environment), and other administrative practices.

When requests for public land are received from individuals, private enterprise or government agencies, the merits of the development initiatives are evaluated along with factors which might warrant the land's restricted use and/or retention by the province. Conversely, reasons to deny or limit disposition might include anticipated MNR land needs, projected land requirements of other government agencies, local community interests, compatibility with adjacent land uses and environmental risks. [3]

As well, a disposition might be denied due to the existence of an Aboriginal land claim or due to issues regarding aboriginal or treaty rights. When actively disposing of lands through the work planning process (e.g. disposition of surplus lands), these same merits and factors must be considered.

This policy formalizes existing **MNR** practices and conventions.

3.0 Program direction

3.1 Application

This policy applies provincially to the discretionary disposition of:

- ungranted public lands;
- acquired property, except in the case of the issuance of a sale, lease, or easement;
- acquired property which has been deemed to be public lands in accordance with Subsection 38 (2) of the *Public Lands Act* (including the issuance of a sale, lease or easement);
- common and public highways in territory without municipal organization; and
- lands granted pursuant to the land granting provisions of the *Beds of Navigable Waters Act*.

This policy does not deal with the disposition of acquired lands by sale, lease or easement, unless the lands are deemed to be public lands pursuant to Subsection 38(2) of the *Public Lands Act*. The responsibility for the disposition of acquired property lies with the Ontario Realty Corporation. Exceptions to this rule apply where a certificate has been registered in the Land Registry Office deeming the property to be public lands in accordance with Subsection 38 (2) of the *Public Lands Act*, or where other protocols have been developed between the Ontario Realty Corporation and **MNR**. For the disposition of acquired property, refer to Policy PL 8.03.01 Acquired Vacant Land and Land With Buildings.

This policy also does not deal with the issuance of quit claims. Quit claims are issued pursuant to Section 17 of the *Public Lands Act* to acknowledge that all of the Crown's right, title and interest has been extinguished under the *Real Property Limitations Act* (refer to Policy PL 2.02.01 Quit Claim Letters Patent).

3.2 Guiding Principle

When disposing of rights to use public land (e.g. land use permits or licence of occupation), or interests in public lands (e.g. easement, Crown lease, or sale), **MNR** will:

- consult with Aboriginal communities where a requested disposition may result in the infringement of an existing aboriginal or treaty right, or where a disposition involves lands that are subject to an aboriginal land claim;
- meet its requirements under the *Environmental Assessment Act*; and
- integrate consideration of the purposes of the Environmental Bill of Rights with social, economic and scientific considerations when making decisions that might significantly affect the environment.

3.3 Goal

To ensure that the disposition of public lands, or common and public highways in unincorporated territory, contributes to the environmental, social and economic well being of the province by providing for orderly use and sustainable development of Ontario's public land.

3.4 Objectives and strategies

The objectives contained in this section define the direction that **MNR** will take to achieve the goal of this policy. In individual cases, these objectives may appear to be in conflict. The challenge for **MNR** will be to

strike a balance in implementing the objectives that will integrate the environmental, social and economic well being of the province by providing for orderly use and sustainable development of Ontario's public land.

- A. To consult with Aboriginal communities where a requested disposition will infringe on the exercise of existing Aboriginal or treaty rights, or where the disposition involves lands that are subject to an aboriginal land claim.

Constitutionally protected treaty and Aboriginal rights, such as traditional harvesting activities, are often exercised on/in provincial Crown lands and waters. Some dispositions may, therefore, affect areas that are traditionally used by Aboriginal communities who hold existing Aboriginal or treaty rights. Any disposition of Crown lands that will infringe on the exercise of these rights must be justified and in that regard, the Crown has a duty to consult with the affected community.

Therefore, it is advisable that consultation with Aboriginal communities occur with respect to proposed dispositions where there will be an infringement of an existing Aboriginal or treaty right if the disposition proceeds. Any consultation process undertaken will vary with the circumstances of each individual case and disposition. In most cases, where consultation is required, it will involve, to varying degrees, a process of information exchange and consideration. If an agreement can be reached with respect to a proposed disposition by the end of the consultation process, this is a preferred outcome but is not a requirement.

The MNR or the local office of the MNR may have agreements with specific First Nations as to notice, disclosure, or consultation processes regarding MNR projects, including land dispositions. Where any such agreements are in place, the consultation process set out therein is to be followed, if appropriate. The development of local agreements is encouraged where such agreements do not exist.

In the event that an Aboriginal community, organization or First Nation identifies a land claim issue during the consultation process, or MNR is otherwise aware of a potential land claim issue, the Aboriginal Affairs Unit and Legal Services Branch should be consulted. If, as discussed above, a local protocol or agreement is in place and applies, the process set out therein should be followed.

- B. To comply with MNR's legal obligations under the *Environmental Assessment Act* and the Environmental Bill of Rights.

The Ministry is subject to obligations under the *Environmental Assessment Act*. The Ministry's obligations with respect to the disposition of land are identified in the Class Environmental Assessment for Resource Stewardship and Facility Development Projects. Staff are responsible for ensuring that the Ministry's obligations are complied with.

When deciding whether or not to approve applications for public lands, which could have a significant effect on the environment, consideration will be given to MNR's Statement of Environmental Values.

- C. To utilize an ecosystem management approach in reviewing applications and making decisions on land disposition.

An ecosystem approach to managing our natural resources enables a holistic perspective of social, economic and ecological aspects, and provides the context for integrated resource management" [4] The Application Review and Land Disposition Process requires that an ecosystem management approach be taken to achieve the optimum sustainable level of benefits from the disposition of Ontario's land.

- D. To promote environmental protection, including the protection of specific and significant natural resource values.

In order to achieve sustainable development, environmental protection must be an integral part of the development process and cannot be considered in isolation. [5] 5

MNR will consider the effect of land disposition on the environment, including the compatibility of dispositions to:

- a. protection of human life, property and natural resource values from hazards such as forest fires, floods and erosion;
- b. sustain/enhance both terrestrial and aquatic ecosystems;
- c. rehabilitate degraded lands; and
- d. to avoid social disruption.

Specific Crown land disposition policy direction for the following natural resource values are found in the Appendices to this directive including:

- o Appendix A – Crown Land Disposition and Lake Trout Lakes

E. To support development.

Economic growth and renewal through development and diversification will benefit Ontario's economy. The disposition of public land to facilitate development opportunities can stimulate investment, job creation, and tax and non-tax revenues. The availability of public land can also be important to the social development of communities to accommodate institutional and infrastructure elements.

When considering the disposition of public lands, the Ministry will have regard to the following economic considerations such as:

- a. contribution to economic renewal (i.e. jobs created/investment stimulation);
- b. effects on tourism industry;
- c. effects on resource extractive industries;
- d. expansion of the municipal tax base; and
- e. suitability of applicant's business plan, if applicable (i.e. MEDT and MNDR Regional Economic Development Branch concurrence).

F. To provide support for the resolution of Aboriginal land claims.

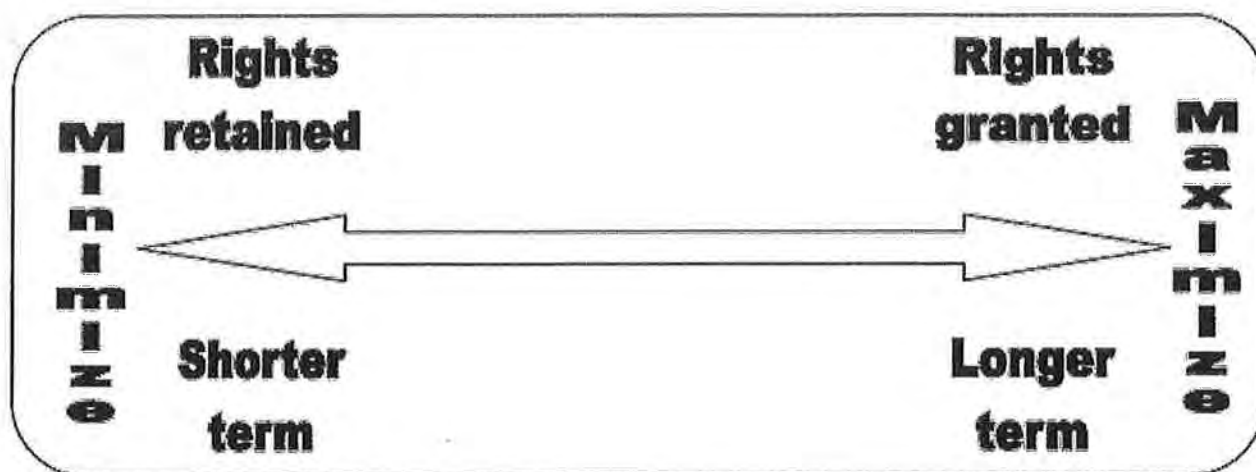
The Ontario government is working to address land claim issues. MNR has a significant role to play in contributing to the government's agenda, particularly since land requirements generally are a significant component of Aboriginal issues. Examples of MNR actions to support the resolution of land claims may include a disposition to a First Nation or Canada, or a refusal to dispose of lands subject to a land claim to the general public.

G. To maximize non-tax revenues.

The Crown, representing the people of Ontario, should receive fair compensation when rights to public land are disposed of. Revenues from the disposition of Crown land go to the Province's consolidated revenue fund and are used to fund the management of natural resources and to provide essential public services such as health and education.

When making decisions about land use occupational authority, consideration will be given to approaches that will maximize non-tax revenue. Factors that will maximize revenue include the granting of greater rights and longer term (or fee simple) documents. Conversely, factors that will minimize revenue to the Crown include the retention of rights (e.g. restrictions on the use of the premises, such as not allowing a recreation camp to be used for angling purposes) and shorter term documents (e.g. a short land use permit rather than a long term lease). The following model sets out the impact of these considerations on revenue.

Figure 1: Effect of Land Use occupational authority on Crown Land Revenues



Management decisions may, however, warrant action that will detract from the maximization of non-tax revenues (e.g. the granting of a short term land use permit rather than a long term lease to maximize future management options).

Other factors that will maximize non-tax revenues may include valuation processes that reflect a market value based on utility vs. land, the use of current appraisals, indexed rents, valuing resources on the land (e.g. trees, sand and gravel), etc.

H. To provide quality customer service.

MNR's customers include not only applicants, but the people of Ontario. Response to customer requests should be handled as promptly as possible. Service must be delivered on the basis of rational, realistic standards and priorities. When requests for public land are denied, applicants will be advised of specific reasons for the Ministry's decision. Fair treatment of customers requires that applicants, and the public where appropriate, be provided with clear and relevant reasons to demonstrate that decisions are made with reference to identifiable standards and criteria, when this information is available, and are thus made objectively and without bias. Where possible, reasons should not be limited to general policy considerations, but should include more specific information to assist customers in determining the validity of MNR's position.

MNR marketing practices will be fair to all, in keeping with site specific circumstances. Marketing options include first come - first served, public offerings, direct offerings and restricted offerings. When considering marketing options to be used, regard will be had to Section 4 of this policy.

Tenure (i.e. type of land use occupational authority) and term (i.e. rental period and renewal commitments) decisions will have regard to the security requirements, investment, and financing requirements of the applicant. Regard shall also be had to other land management considerations indicated in this policy.

Regard will be had to the Ministry's obligations under the Freedom of Information and *Protection of Privacy Act*.

I. To make public lands available through a variety of land use occupational authorities, and where appropriate, to use land use occupational authorities as a mechanism to preclude undesirable land use changes or liabilities to the Crown.

The Ministry will use a variety of options to authorize the use of public lands. When considering options to be used, regard will be had to land use authority options in Section 5 of this policy. Where appropriate,

MNR will use the options available as land use occupational authorities to maintain options for future use (e.g. public lands may be leased rather than sold, so that MNR may control/prevent undesirable land use changes to a particular site or to a general area, from significant impacts on resources or from contributing to critical land use changes).

On the other hand, where there is a potential for land to become contaminated or impaired as a result of the proposed activity (e.g. a waste management site), leases or short term land use occupational authority which will result in an eventual reversion of the land to the Crown should not be used. In such a case, to avoid potential future liabilities, consideration should be given to an outright sale of the required land so that MNR does not become a party to future liability.

J. To maintain effective land disposition records.

Area Supervisors shall ensure that effective land disposition records are maintained in accordance with Section 6.0 of this policy.

K. To develop and follow effective administrative disposition processes.

When considering the disposition of public lands, the Ministry will have regard to the application review process contained in Procedure PL 4.02.01 Application Review and Land Disposition Process.

3.5 Results Measures

This policy is to support the following six categories of results measures:

- ecosystem health & natural resource sustainability;
- social and economic benefits;
- customer services;
- fiscal effectiveness;
- partnership effectiveness; and
- organizational excellence.

4.0 Marketing options

This section will guide decisions as to whether lands should be marketed through a public offering, a restricted offering, or a direct offering.

4.1 Public Offerings (includes direct requests for Public Land)

Public offerings may be made to applicants on the basis of first come, first served; request for proposals; public tender; public auction; public draw; MNR advertisement; or realty listings.

4.1.1 First come, first served

Disposition may be made on a first come, first served basis where:

- a. supply of like sites in close proximity is thought to exceed demand;
- b. the number of sites to be disposed of is fewer than five and each site or similar sites have been previously offered, but not taken up, in another type of previous public offering (e.g. auction, tender or draw, within the preceding five years; or
- c. the site being disposed of is not otherwise viable for sale on its own and does not impede separate marketing of any residual Crown lands (e.g. additional lands required for a septic tile bed) provided that:

- d. the purchase price or annual rent/fee is established in accordance with applicable policy directives including:
 - o PL 6.01.01 Sale Price Policy;
 - o PL 6.01.02 Crown Land Rental Policy; and
 - o PL 2.03.01 Appraisals/Evaluations of Public Land;
- e. in respect of a sale, lease or easement the prospective customer is not an MNR employee or spouse, unless the minimum waiting periods prescribed in Policy PL 4.13.01 Disposition of Crown Land to a Ministry Employee have lapsed; and
- f. disposition is not restricted to specific applicants (Section 4.2).

The Ministry may dispose of public lands on a first come, first served basis to a municipality, another ministry of the provincial government, federal government departments (but not federal Crown agencies) and hydrocarbon pipeline companies, notwithstanding that the above criteria does not apply, if the disposition is otherwise consistent with this policy.

Specific provisions may exist in other policies to use the first come, first served method as the preferred means of marketing.

4.1.2 Public Request for Proposal

Subject to Section 39, PLA (see Policy PL 4.13.01 Disposition of Crown Land to a Ministry Employee), a request for proposal may be used where the Ministry pre-identifies a site for disposition and seeks a variety of options for development and/or use of the site. This option is not available where disposition is restricted to specific purchasers (Section 4.2).

The purchase price or annual rent/fee for lands made available by RFP shall not be less than that specified in policy directives:

- PL 6.01.01 Sale Price Policy; or
- PL 6.01.02 Crown Land Rental Policy.

4.1.3 Public Tender

A public tender may be used subject to Section 39, PLA, where:

- a. it is administratively practical (the reconciliation of tender submissions may become difficult if more than ten sites are involved and individuals are tendering for more than one site but will follow through on only their preferred site) and sites are not subject to different terms and conditions;
- b. disposition is not restricted to specific applicants (Section 4.2);
- c. demand in the area is thought to exceed supply; and
- d. a reserve bid is utilized to preclude a disposition from occurring at less than appraised market value or rents/fees based on market value, in accordance with:
 - o PL 2.03.01 Appraisals/Evaluations of Public Land;
 - o PL 6.01.01 Sale Price Policy; and
 - o PL 6.01.02 Crown Land Rental Policy.

Notwithstanding the above, if the sites have been extensively advertised and exposed on the open market and the bids received are not less than 85% of the appraised market value or rent/fee based on market value, then the highest of any such bids can be considered to be the market value or market rent/fee of the site.

4.1.4 Public Auction

A public auction may be used where:

- a. it is cost effective;
- b. disposition is not restricted to specific applicants (Section 4.2);
- c. demand is thought to exceed supply;
- d. a professional auctioneer is available;
- e. a suitable venue for an auction is available; and
- f. the auction can be held on a day (e.g. Saturday) when most prospective customers could conveniently attend.

An auction is an effective way of testing appraised market values. When auctioning a site, a reserved bid is to be utilized to preclude a disposition at an unrealistically low price. The reserved bid would normally be the appraised market value of the site, or the rent/fee based on market value. However, bids received at an auction are often a better indicator of actual market value. Accordingly, assuming that the auction has been extensively advertised, reserved bids can be set at no less than 85% of appraised market value or rents/fees based on market value, in accordance with policy directives:

- PL 2.03.01 Appraisals/Evaluations of Public Land;
- PL 6.01.01 Sale Price Policy, and
- PL 6.01.02 Crown Land Rental Policy.

4.1.5 Public Draw

A public draw may be used where:

- a. demand is thought to exceed supply;
- b. appraised market value or rents/fees based on market value are established in accordance with policy directives:
 - PL 2.03.01 Appraisals/Evaluations of Public Land;
 - PL 6.01.01 Sale Price Policy; and
 - PL 6.01.02 Crown Land Rental Policy;
- c. a suitable venue for a draw is available;
- d. participants agree in advance to pay the purchase price/annual rent, if successful;
- e. disposition is not restricted to specific applicants (section 4.2); and
- f. the draw can be held on a day (e.g. Saturday) when most prospective customers could conveniently attend.

4.1.6 MNR Advertisement

Sites may be offered for sale or lease publicly by MNR advertisement (e.g. newspaper/periodical ads, MNR web site, offering signs on site, etc.), where MNR has work planned for the disposition of pre-identified sites, subject to Section 39, PLA, and:

- a. disposition is not restricted to specific applicants (Section 4.2);
- b. sites are market ready (i.e. surveyed, description prepared, environmental assessment requirements met; any ORC buildings have been declared surplus by ORC, etc.);
- c. minimum purchase prices or rents/fees based on market value are established in accordance with policy directives:
 - PL 2.03.01 Appraisals/Evaluations of Public Land;
 - PL 6.01.01 Sale Price Policy; and
 - PL 6.01.02 Crown Land Rental Policy;
- d. asking prices/rents/fees are determined in consultation with the Land Management Section;
- e. all offers are irrevocable for a period of 45 days from the date of the offer and no offer is accepted within the first 30 days after commencement of formal advertising;
- f. following the initial 30 day period, offers will be considered/negotiated beginning with the highest offer received (if offered/negotiated prices/rents/fees are less than minimum purchase prices/rents/fees, concurrence of Land Management Section is required);

- g. offers are accompanied by a minimum of 10% deposit in the form of a certified cheque or money order, which is non-refundable unless the offer is not accepted; and
- the balance of the purchase price or annual rent/fee, plus HST on the total purchase price or annual rent/fee if applicable, is paid on or before the closing date.

4.1.7 Realty Listings

Sites may be offered for sale or lease publicly through the professional services of real estate firm where MNR has work planned for the disposition of pre-identified sites, subject to Section 39, PLA, and:

- a. directions for using private real estate firms are obtained from Land Management Section;
- b. disposition is not restricted to specific applicants (Section 4.2);
- c. sites are market ready (i.e. surveyed, description prepared, environmental assessment requirements met; any ORC buildings have been declared surplus by ORC, etc.);
- d. purchase price or rents/fees based on market value are established in accordance with policy directives:
 - o PL 2.03.01 Appraisals/Evaluations of Public Land;
 - o PL 6.01.01 Sale Price Policy; and
 - o PL 6.01.02 Crown Land Rental Policy;
- e. asking prices/rents/fees are determined in consultation with Land Management Section;
- f. all offers are irrevocable for a period of 45 days from the date of the offer and no offer is accepted within the first 30 days after the commencement of formal advertising;
- g. following the initial 30 day period, offers will be considered/negotiated beginning with the highest offer received (if offered/negotiated prices/rents/fees are less than minimum purchase prices/rents/fees, concurrence of Land Management Section is required);
- h. offers to the real estate firm are accompanied by a minimum of 10% deposit in the form of a certified cheque or money order, which is non-refundable unless the offer is not accepted;
- i. the balance of the purchase price or annual rent/fee less the commission, plus HST if applicable, is paid to the real estate firm on or before the closing date; and
- j. the client is responsible for the payment of the real estate commission, plus HST, directly to the realtor.

4.2 Restricted Offering

Disposition is restricted to a specific adjacent owner, subject to Section 39, PLA where:

- a. rights to a water lot are being disposed of to the adjacent riparian owner who fronts on the water lot;
- b. a road allowance in unincorporated territory or a Crown shoreline reserve is being disposed of to an abutting owner who fronts on the road allowance or Crown shoreline reserve;
- c. a subsequent disposition, including title enlargement (i.e. lease to sale), is being made to existing tenants; or
- d. the property has no legal means of access other than to the specific adjacent owner(s) (in the case of multiple owners surrounding a land locked property, the land may be sold to one owner if other owners sign-off).

4.3 Direct Offering

Subject to government pricing policies, the Ministry District Manager may choose to offer disposition directly to a government preferred recipient where:

- a. the broad public interest will be served (e.g. resolution of land claim);
- b. a development proposal for an innovative capital intensive project or new technology proposal is submitted to MNR which will potentially offer broad public benefits;
- c. cost avoidance to MNR will occur;

- d. social or economic benefits will accrue to a municipality or a First Nation (e.g. supply community infrastructure);
- e. for resource management purposes, the Ministry wishes to relocate tenants or to enter into a land exchange; or
- f. disposition will satisfactorily resolve an unauthorized occupation; and/or
- g. disposition is not restricted to specific applicants (Section 4.2).

Direct offerings are generally limited to governments (i.e. other provincial ministries; Crown agencies or commissions; the federal government including its departments, agencies and commissions; municipalities; and First Nations), or situations where resource management interests may benefit.

5.0 Land use occupational authority considerations

When reviewing options for land use occupational authority, the Ministry will have regard to:

- a. existence of Aboriginal or treaty rights;
- b. security requirements, investment, and financing requirements of the applicant;
- c. economic life of required/associated improvements (e.g. the term of a rental should allow a sufficient term over which to capitalize the cost of improvements);
- d. desire by MNR to reconsider the use of the site at a future time (i.e. return of the site after the term of a document);
- e. needs to preclude critical unwanted land use changes (e.g. to prevent a conversion of an intended remote tourism site to private recreational purposes, thus losing remote tourism opportunities) and to use appropriate land use occupational authorities to preclude such critical unwanted changes where warranted (e.g. lease only, no sale);
- f. future disposition options (e.g. limit a pipeline to an easement to facilitate future use/disposition of the site for other purposes, subject to the easement);
- g. avoidance of future liabilities (e.g. public land required for municipal waste management sites will be sold rather than leased to prevent the Crown from having future environmental or financial liabilities related to the site after its planned use has been completed); and
- h. maximizing non-tax revenues.

Appendix A of Procedure PL 4.02.01 Application Review and Land Disposition Process provides a wide variety of land use occupation authorities. The choice of an appropriate land use occupational authority will be dependant upon case specific requirements and land management considerations.

6.0 Record keeping responsibilities

6.1 Control Maps

Accurate control maps are necessary to prevent making duplicated or overlapping commitments for the same site. Area Supervisors are responsible to ensure that control maps are maintained for their areas to illustrate the location of:

- a. previous dispositions of public lands (i.e. letters patent, Orders-in-Council or Minister's Orders transferring administration and control to other governments/government agencies/ministries, leases, easements, licences of occupation, land use permits, beach management agreements, *Railway Act* transfers, etc.);
- b. resource concerns (e.g. provincial parks, conservation reserves, EMAs, hazard lands, etc.) which may preclude or require mitigation prior to proceeding with disposition;
- c. acquired property;
- d. lands declared surplus to MNR needs, that may be marketed by the ORC or centrally marketed by the Ministry's Land Management Section;

- e. Crown Land Plans under the Public Transportation and Highway Improvement;
- f. pending applications for land use occupational authority;
- g. selected structures and improvements previously authorized by work permits which may affect future dispositions or which otherwise may not be apparent from site inspections (e.g., trapline cabins);
- h. rights of way where the percentage reservation for road (i.e. 5% or 10%) has been exercised; and
- i. areas withdrawn from staking.

G plans are suitable to serve as control maps. M or T plans may be used as control maps in the absence of G Plans. These control maps should be replaced by electronic maps as they become available through Land Information Ontario, NRVIS (Natural Resources Value Information System) or MNDM electronic claim maps.

In Southern Ontario, where G, M or T plans are not available, Ontario Base Map Sheets, National Topographic Services maps or locally produced land status maps may be used as control maps. Alternatively, an inventory of public lands may be substituted for control maps where only isolated parcels of Crown land remain.

In Northern Ontario, where there are no G, M or T plans, Ontario Base Maps sheets or National Topographic Services maps may be used as control maps.

6.2 Files

Area Supervisors are responsible to ensure that files are kept of pending and completed dispositions, which will include:

- a. applications;
- b. correspondence with applicants;
- c. pre-disposition consultation records including Aboriginal community consultation (e.g. correspondence, advertisements, meeting minutes, notice to timber licensee, etc.);
- d. financial records regarding land disposition activities, including post disposition activities (i.e. receipts of rent/fee payments, purchase price paid, etc.);
- e. pre-disposition approvals (e.g. Briefing Notes for a Decision);
- f. requisitions for land use occupational authorities; and
- g. current and previous copies of land use permits, licences of occupation, leases, etc. Disposition records shall not be destroyed or transferred except in accordance with approved Records Retention Schedules.

6.3 Freedom of Information and Protection of Privacy

The Ministry will have regard to its obligations under the Freedom of Information and *Protection of Privacy Act*.

7.0 References

7.1 Legislative References

- Class Environmental Assessment for Resource Stewardship and Facility Development Projects (MNR, 2003)
- *City of Elliot Lake Act*, 2001
- *Constitution Act*, 1982
- *Freedom of Information and Protection of Privacy Act*
- *Real Property Limitations Act*
- *Planning Act*
- *Public Lands Act*, R.S.O. 1990 - Sections 17, 37.1(1), 38(2), and 39

7.2 Directive Cross References

- PL 2.02.01 (POL) Quit Claim Letters Patent
- PL 2.03.01 (POL) Appraisal and Valuation of Public Land
- PL 4.02.01 (POL) Application Review and Land Disposition Process
- PL 4.05.01 (POL) Administration of Crown Shelf Cottage Lots
- PL 4.11.03 (POL) Road Allowances and Crown Shoreline Reserves – Disposition
- PL 4.13.01 (POL) Disposition of Crown Land to a Ministry Employee
- PL 6.01.01 (POL) Sale Price Policy
- PL 6.01.02 (POL) Crown Land Rental Policy
- PL 8.03.01 (POL) Disposition of Acquired Vacant Land and Land With Buildings

7.3 Literature Review

- OMNR, 1993 Strategic Direction for Management of Ontario Crown Land, Ontario Ministry of Natural Resources, February 1993.
- OMNR, 1995 Ministry of Natural Resources Statement of Environmental Values, Ontario Ministry of Natural Resources, 1995.
- OMNR, 2002 Lake Nipigon Basin Signature Site Ecological Land Use and Resource Management Strategy, Ontario Ministry of Natural Resources, Thunder Bay.
- OMNR, 2005 Our Sustainable Future, Ontario Ministry of Natural Resources Strategic Directions.
- OMNR, 2006a Inland Ontario Lakes Designated for Lake Trout Management, Ontario Ministry of Natural Resources, May 2006 Fisheries Section, Peterborough.
- OMNR, 2006b Guidelines for the Application of a Dissolved Oxygen Criterion for the Protection of Lake Trout Habitat, Ontario Ministry of Natural Resources, Fisheries Section, Peterborough.

Appendix A

Crown Land Disposition and Lake Trout Lakes

A1 Background – Why are Lake Trout Lakes Important?

Lake trout lakes are rare. While only about one percent of Ontario's lakes (i.e. approximately 2,280) are designated by policy and managed by the Ministry for lake trout, this resource represents 20-25% of all lake trout lakes in the world. The lake trout is an important fishery resource in Ontario and is a preferred species among many resident and non-resident anglers.

The lake trout is the only major, indigenous sport fish species in Ontario that is adapted to oligotrophic lakes (i.e. lakes with low levels of nutrients, high dissolved oxygen levels and typically deep areas with very cold water). The lake trout's slow growth, late maturity, low reproductive potential and slow replacement rate make it a unique species in the province. As a top predator, the lake trout is an important part of the province's natural heritage and an excellent indicator of the health of these fragile aquatic ecosystems.

Approximately 5% of the province's lake trout populations have already become extinct. Lake trout and lake trout lakes are particularly vulnerable to the impacts of human activities including harvesting, increased phosphorus inputs from cottage septic systems and other sources of nutrient enrichment, acidification, species introductions, and habitat destruction. Development on lake trout lakes may result in habitat degradation, diminished lake trout populations and a lower quality fishing experience.

Field and laboratory research has shown the detrimental effects of low dissolved oxygen levels on lake trout. In order to protect adult and juvenile lake trout habitat, the Ministry has adopted a 7 mg/L mean volume weighted hypolimnetic dissolved oxygen (MVWHDO) criterion to determine lakeshore development capacity on all inland lake trout lakes on the Precambrian Shield.

Given the importance and ecological sensitivity of lake trout lakes, the Ministry has historically worked to protect lake trout lakes from the adverse impacts of lakeshore development. Dating as far back to the early 1980s, Ministry land use and resource management planning documents and guidelines have advanced a precautionary approach to the management of Crown land adjacent to lake trout lakes, including moratoriums on the sale of Crown cottage lots on lake trout lakes. The Ministry has also worked with municipalities and other ministries to advance the protection of lake trout lakes through the *Planning Act* and Ontario's municipal land use planning process.

From a fisheries management perspective, the Ministry designates and manages lakes with lake trout populations as either “naturally reproducing lake trout lakes” or “put-grow-take lake trout lakes”.

Naturally reproducing lake trout lakes include those lakes that may have lost populations, but have been identified for rehabilitation. For example, recent water quality improvements have allowed the reintroduction of lake trout into previously acid damaged lakes in the Sudbury area, in order to re-establish viable self-sustaining populations.

Put-grow-take lake trout lakes are managed to provide recreational fishing opportunities or to direct angling effort away from more sensitive naturally reproducing lake trout lakes. Put-grow-take lakes are generally less sensitive to potential impacts of development than lakes managed for naturally reproducing lake trout populations. In some put-grow-take lakes, the spawning habitat necessary to support a self-sustaining lake trout population is not and never has been present. In other lakes, habitat has degraded to the point where a self-sustaining population cannot be successfully re-established. In both cases, lake trout are present through continued stocking.

While the risk of harm from additional development may be less on put-grow-take lakes because the lake trout population is not dependent on spawning habitat, a healthy environment and abundant suitable juvenile and adult habitat is required to maintain the population.

A.2 Lake Trout Lake Designation

For purposes of applying this policy, a lake must be designated by policy by the Ministry for management as a lake trout lake.

The list of lakes in Ontario designated by Ministry policy for management as either a naturally reproducing lake trout lake or a put-grow-take lake trout lake are identified in *Inland Ontario Lakes Designated for Lake Trout Management*, May 2006 (OMNR, 2006a) as amended and revised.

A.3 Crown Land Disposition

The principle of this policy is that the Ministry will not dispose of vacant, undeveloped Crown land, where the disposition of Crown land could subsequently lead to impacts to habitat or lakeshore carrying capacity for lake trout.

The Ministry may however dispose of Crown land on lake trout lakes through application of the *Class Environmental Assessment for MNR Resource Stewardship and Facility Development Projects* and consideration of other Land Management policy directives in the following situations:

- where there is adequate lakeshore development capacity on put-grow-take lake trout lakes;
- the disposition relates to an existing occupation of Crown land with occupational authority (e.g. land use permit, lease, licence of occupation) as referred to in Section A.3.2 of this Appendix; or
- the disposition is recognized as not having a significant impact upon lake trout habitat (e.g. shore road allowances) as referred to in Section A.3.2 of this Appendix.

Nothing in this policy appendix is intended to prevent or adversely affect the settlement of First Nation land claims involving Crown land or the addition of Crown land to existing Indian Reserves.

Appendix A does not apply, nor relate to the Ministry's review of proposals for roads over Crown land to access private lands located on designated lake trout lakes. The review of proposals for roads over Crown land is subject to the Ministry's Class Environmental Assessment for Resource Stewardship and Facility Development Projects (MNR 2003) and applicable *Public Lands Act* policies and procedures.

For policy direction on the disposition of Crown land related to water power development on lake trout lakes, refer to PL 4.10.05 Water Power Site Release and Development Review and associated water management planning procedures and guidelines.

Further details on Crown land disposition are provided in the following sections.

A.3.1 Disposition Not Permitted

Crown land on naturally reproducing lake trout lakes will not be disposed of including:

- shelf cottage lots contained in an existing plan of subdivision or established by a Crown land survey; and
- other undeveloped, vacant Crown lands (including the surface rights of lands identified on surveys and in letters patent as 200 foot or 400 foot reservations fronting patented mining lands) where the disposition to other parties (e.g. municipality, private developer, resource based tourism industry) could lead to subsequent development that could have negative impact to habitat or lakeshore carrying capacity for lake trout.

A.3.2 Disposition Permitted

Put-Grow-Take Lake Trout Lakes

Crown land may be disposed of on put-grow-take lake trout lakes where it has been determined that the lake has sufficient lakeshore development capacity to accommodate the anticipated development impacts.

In these situations, lakeshore development capacity will be determined through application of the Ministry's criterion of 7 mg/L Mean Volume Weighted Hypolimnetic Dissolved Oxygen (MVWHDO). Application, data collection protocols and interpretation of the 7mg/L dissolved oxygen criterion will be consistent with the Guidelines for the Application of a Dissolved Oxygen Criterion for the Protection of Lake Trout Habitat (OMNR 2006b).

All Lake Trout Lakes

Crown land on all lake trout lakes (both naturally reproducing and put-grow-take lake trout lakes) may be disposed of in the following situations:

- minor expansion; improvement to; or land tenure or land use occupational authority upgrade (including sale) associated with existing occupations of Crown land authorized by land use permit, licence of occupation or lease (e.g. recreation camp, cottage lot under summer resort lease, commercial outpost camp, boathouse and other structural development), where tenure upgrade or sale would otherwise be permitted;
- disposition of shore road allowances and Crown shoreline reserves as defined in PL 4.11.03 Road Allowances and Crown Shoreline Reserves - Disposition;
- disposition related to wind power development (e.g. turbine location, support infrastructure);
- disposition related to commercial and industrial utility and telecommunication distribution and transmission corridors and support facilities, along with utility cables, heat loops, etc.. associated with

residential and commercial uses;

- disposition of small parcels of Crown land to an abutting patented landowner where additional land is required to:
 - meet the minimum lot size requirements of the local planning authority and the amount of Crown land sold is not of sufficient size to enable the patented land to be divided into two or more lots;
 - replace a poorly functioning sewage disposal system, as approved by MOE or the local health unit; or
 - obtain title to long standing major structural improvements (e.g. principle dwellings) encroaching on adjacent Crown land;
- disposition of Crown land on lake trout lakes associated with the below land use planning and land disposition projects which pre-date the approval of his policy:
 - Lake Nipigon Basin Signature Site Ecological Land Use and Resource Management Strategy (MNR 2002); and
 - disposition of Crown land in the City of Elliot Lake for recreational waterfront development, consistent with the community economic development intent of the City of *Elliot Lake Act* (2001).

Updated: August 28, 2019

Published: May 6, 2019

Footnotes

- [1] ^Ministry of Natural Resources, Our Sustainable Future - Strategic Directions 2005, page6
- [2] ^Ontario Ministry of Natural Resources, Strategic Direction for the Management of Ontario Crown Land, February 1993, page 4
- [3] ^ibid
- [4] ^Our Sustainable Future, Ministry of Natural Resources Strategic Directions, 2005, p.7.
- [5] ^Our Sustainable Future, Ministry of Natural Resources Strategic Directions, 2005, p.7.



Français

Public Lands Act

R.S.O. 1990, CHAPTER P.43

Consolidation Period: From March 22, 2017 to the e-Laws currency date.

Last amendment: 2017, c. 2, Sched. 14, s. 21.

Legislative History: [+]

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Definitions

1 In this Act,

"boat" includes a motorboat, rowboat, canoe, punt, sailboat or raft; ("bateau")

"conveyance" means a vehicle, boat or aircraft; ("moyen de transport")

"land use plan" means a land use plan mentioned in subsection 12 (2); ("plan d'aménagement du territoire")

"mines and minerals" includes gold, silver, copper, lead, iron and other mines and minerals, and quarries, and beds of stone, marble or gypsum; ("mines et minéraux")

"Minister" means the Minister of Natural Resources; ("ministre")

"Ministry" means the Ministry of Natural Resources; ("ministère")

"officer" means an officer appointed to carry out and enforce this Act and the regulations under subsection 5 (1); ("agent")

"public lands" includes lands heretofore designated as Crown lands, school lands and clergy lands; ("terres publiques")

"regulations" means the regulations made under this Act. ("règlements")

"vehicle" means any kind of vehicle that is driven, propelled or drawn on land or ice by any kind of power, including muscular power, and includes the rolling stock of a railway. ("véhicule") R.S.O. 1990, c. P.43, s. 1; 2010, c. 18, s. 25 (1); 2016, c. 8, Sched. 5, s. 1.

Section Amendments with date in force (d/m/y) [+]

Function of Minister

2 (1) The Minister shall have charge of the management, sale and disposition of the public lands and forests. R.S.O. 1990, c. P.43, s. 2.

Agreements

(2) The Minister may enter into agreements with any person for the purpose of carrying out his or her duties under this Act. 1998, c. 18, Sched. I, s. 48.

Delegation of powers

(3) In addition to the authority given the Minister to delegate powers to an employee of the ministry under section 7 of the *Ministry of Natural Resources Act*, the Minister may delegate any of his or her powers under this Act that are prescribed by regulation to a person or body prescribed by the regulations, subject to the limitations prescribed by the regulations. 2012, c. 8, Sched. 49, s. 1.

Crown not liable for delegate's acts

(4) No action or other proceeding shall be instituted against the Crown, the Minister, or any official or employee of the Ministry for any act or omission of a person or body to whom powers are delegated under subsection (3) or of an employee or agent of the delegate. 2012, c. 8, Sched. 49, s. 1.

Performance agreement

(5) If the Minister delegates powers under subsection (3), the Minister and the delegate shall enter into a performance agreement setting out measurable performance goals and objectives for the delegate. 2012, c. 8, Sched. 49, s. 1.

Annual performance assessment

(6) Every year, the delegate shall prepare a performance assessment demonstrating that the performance goals and objectives set out in the performance agreement are being met. 2012, c. 8, Sched. 49, s. 1.

Failure to meet performance goals, etc.

(7) If the Minister believes that a delegate has failed to meet the performance goals and objectives set out in the performance agreement, the Minister shall give the delegate written notice of his or her belief and require that the delegate fulfil the requirements of the performance agreement within such time period as may be specified in the notice. 2012, c. 8, Sched. 49, s. 1.

Failure to comply

(8) If a delegate fails to comply with a notice given under subsection (7), the Minister may terminate the performance agreement and revoke the delegation made under subsection (3). 2012, c. 8, Sched. 49, s. 1.

Section Amendments with date in force (d/m/y) [+]**Public reserves**

3 Where 25 per cent or more of the frontage of lands fronting on a body of water are public lands, lands comprising at least 25 per cent of the frontage and to such depth as the Minister considers appropriate shall be set apart for recreational and access purposes and, where less than 25 per cent of the frontage of lands fronting on a body of water are public lands, all public lands fronting thereon and to such depth as the Minister considers appropriate shall be set apart for such purposes. R.S.O. 1990, c. P.43, s. 3.

Power to make regulations

4 The Lieutenant Governor in Council may make such regulations as the Lieutenant Governor in Council considers necessary to carry out the provisions of this Act, or to meet cases for which no provision is made by this Act. R.S.O. 1990, c. P.43, s. 4.

Officers**Appointment**

5 (1) The Minister may appoint such officers to carry out and enforce this Act and the regulations as the Minister considers necessary. R.S.O. 1990, c. P.43, s. 5 (1).

Entry upon private land

(2) Subject to subsection (4), an officer appointed under subsection (1) and any person accompanying that officer and acting under the officer's instructions may, at all reasonable times and upon producing proper identification, enter and inspect any private land for the purposes of this Act. R.S.O. 1990, c. P.43, s. 5 (2).

(3) REPEALED: 2016, c. 8, Sched. 5, s. 2.

Search warrant

(4) An officer or any person accompanying the officer and acting under the officer's instructions shall not enter any room or place actually used as a dwelling without the consent of the occupier, except under the authority of a search warrant issued under section 158 of the *Provincial Offences Act*. R.S.O. 1990, c. P.43, s. 5 (4).

Section Amendments with date in force (d/m/y) [+]

Exercise of powers

6 The powers conferred on the Minister by this Act shall be exercised subject to the regulations and they may also be exercised by the Lieutenant Governor in Council. R.S.O. 1990, c. P.43, s. 6.

Surveys and annulments

7 (1) The Minister may cause any public lands to be surveyed or subdivided and may annul in whole or in part any survey or subdivision made under this section or a predecessor of this section. R.S.O. 1990, c. P.43, s. 7 (1).

Amended plans

(2) Where a plan of survey or subdivision made under subsection (1) or a predecessor of subsection (1) has been or is lodged with the proper land registrar and the Minister annuls in whole or in part the survey or subdivision, the Minister shall cause an amended plan to be lodged with such land registrar. R.S.O. 1990, c. P.43, s. 7 (2).

Substitution of letters patent

(3) Where letters patent have been issued for any land that is affected by an annulment under subsection (1), the Minister shall cause the letters patent to be cancelled and letters patent containing a revised description of the land to be issued in their stead and letters patent heretofore or hereafter so issued shall,

- (a) relate back to the date of the letters patent so cancelled;
- (b) have the same effect as if issued at the date of such cancelled letters patent; and
- (c) have the effect of amending with necessary modifications every instrument made prior to the date of such cancelled letters patent by the patentee or any person claiming through or under the patentee. R.S.O. 1990, c. P.43, s. 7 (3).

Altering and amending plan

8 (1) Where in any instrument, including a Crown grant, there is a description of a township lot or any part of a township lot and by reason of an error in the original survey of the boundaries of any lake, river or stream the whole or part of which is situate in or flows through the township or by reason of no survey of such boundaries having been made in the original survey of the township the boundaries of such lot or part do not approximate the boundaries of such lot or part as established by a resurvey of the township or any part thereof, the Minister may cause an altering and amending plan to be prepared by an Ontario land surveyor. R.S.O. 1990, c. P.43, s. 8 (1).

Manner of preparation

(2) Every altering and amending plan shall conform as nearly as may be to a plan of subdivision under section 144 of the *Land Titles Act* or section 78 of the *Registry Act*, as the case may be, except that it shall be signed by the Surveyor General or his deputy on behalf of all persons having an interest in the land shown thereon. R.S.O. 1990, c. P.43, s. 8 (2).

Hearing, etc.

(3) When an altering and amending plan has been prepared, the Minister shall send a print of the plan by registered mail to each person appearing to have an interest therein, whereupon the provisions of section 48 of the *Surveys Act* with respect to notice, hearing and confirmation apply with necessary modifications. R.S.O. 1990, c. P.43, s. 8 (3).

Boundaries confirmed

(4) An altering and amending plan, when confirmed by the Minister pursuant to subsection (3), shall be registered in the proper land registry office, whereupon the boundaries of the lots or blocks shown thereon shall be deemed to be the true boundaries of such lots or blocks. R.S.O. 1990, c. P.43, s. 8 (4).

Procedure in land registry office

(5) Where an altering and amending plan has been registered in a land registry office for a land titles division, the registers for the parcels affected shall be amended accordingly. R.S.O. 1990, c. P.43, s. 8 (5).

Idem

(6) Where an altering and amending plan has been registered in a land registry office for a registry division, the land registrar shall keep an index of the land described and designated by any number or letter on the plan by the name by which it is so designated and every instrument affecting the land or any part thereof, executed after the plan is registered, shall conform and refer thereto, otherwise it shall not be registered except in cases provided for by section 86 of the *Registry Act*. R.S.O. 1990, c. P.43, s. 8 (6).

Costs and expenses

(7) The costs and expenses of and incidental to the preparation and registration of an altering and amending plan shall be paid out of the money appropriated therefor by the Legislature. R.S.O. 1990, c. P.43, s. 8 (7).

Where survey required

9 (1) Where an application to purchase public lands that are open for sale but are not surveyed is received, the Surveyor General may require the applicant to have a survey made and to bear the cost thereof, or may fix the survey fee to be paid by the applicant, and upon payment of the survey fee the Surveyor General shall cause the lands to be surveyed. R.S.O. 1990, c. P.43, s. 9 (1).

Idem

(2) The requirements of subsection (1) are additional to the payment of the sale price of the lands. R.S.O. 1990, c. P.43, s. 9 (2).

GRANTS, SALES, LICENCES OF OCCUPATION, ETC.

10 REPEALED: 2000, c. 26, Sched. L, s. 9 (1).

Section Amendments with date in force (d/m/y) [+]

Public lands set apart for different purposes

11 (1) The Lieutenant Governor in Council may set apart areas of public lands for any purpose that will benefit research in, and the management, utilization and administration of, the public lands and forests. R.S.O. 1990, c. P.43, s. 11 (1).

(2) REPEALED: 2010, c. 16, Sched. 10, s. 4 (1).

Section Amendments with date in force (d/m/y) [+]

Designating planning units

12 (1) The Minister may designate as a planning unit all or any area of public land that is not a planning area, as defined in the *Far North Act, 2010*, to which a community based land use plan, as defined in that Act, applies. 2010, c. 18, s. 25 (2).

Land use plan

(2) The Minister may require that a land use plan be prepared for a planning unit. 2010, c. 18, s. 25 (2).

Section Amendments with date in force (d/m/y) [+]

Land use planning

12.1 The Minister may establish policies and guidelines for land use planning. 2010, c. 18, s. 25 (2).

Advisory committees

(2) The Minister may establish one or more advisory committees to provide the Minister with advice on land use planning. 2010, c. 18, s. 25 (2).

Section Amendments with date in force (d/m/y) [+]**Land use plans**

12.2 (1) A land use plan shall be prepared in accordance with the land use planning policies and guidelines mentioned in subsection 12.1 (1). 2010, c. 18, s. 25 (2).

Approval required

(2) A land use plan is of no effect unless the Minister approves it, as the Minister considers appropriate. 2010, c. 18, s. 25 (2).

Amendments

(3) The Minister may, at any time, amend, in accordance with the land use planning policies and guidelines, a land use plan that the Minister previously approved. 2010, c. 18, s. 25 (2).

No hearing required

(4) The Minister is not required to hold or afford to any person an opportunity for a hearing before exercising any powers under this section. 2010, c. 18, s. 25 (2).

Non-application of *Environmental Assessment Act*

(5) For greater certainty, a land use plan is not an undertaking as defined in the *Environmental Assessment Act*. 2010, c. 18, s. 25 (2).

Section Amendments with date in force (d/m/y) [+]**Consistent activities**

12.3 (1) All activities carried out within a planning unit designated under subsection 12 (1) shall be consistent with the land use plan approved for the planning unit. 2010, c. 18, s. 25 (2).

Minister's order

(2) The Minister may, by order, require any person to stop any activity that, in the opinion of the Minister, contravenes subsection (1). 2010, c. 18, s. 25 (2).

Compliance

(3) No person shall contravene or fail to comply with the Minister's order. 2010, c. 18, s. 25 (2).

Section Amendments with date in force (d/m/y) [+]**12.4****Section Amendments with date in force (d/m/y) [+]****Restricted areas**

13 (1) The Minister may designate any area in territory without municipal organization as a restricted area, and may issue permits for the erection of buildings or structures or the making of improvements on lands in any such area on such terms and conditions in any case as the Minister considers proper. R.S.O. 1990, c. P.43, s. 13 (1).

Permits

(2) Except under the authority of a permit issued under this Act, no person shall erect or cause to be erected any building or structure or make or cause to be made any improvement on any lands in any area in territory without municipal organization that is designated by the Minister as a restricted area. R.S.O. 1990, c. P.43, s. 13 (2).

Offences

(3) Every person who erects or causes to be erected a building or structure or makes or causes to be made any improvement on lands in an area designated by the Minister as a restricted area without a permit therefor and every person who contravenes or causes to be contravened any term or condition of a permit issued under this section is guilty of an offence. R.S.O. 1990, c. P.43, s. 13 (3); 2000, c. 26, Sched. L, s. 9 (2).

Daily penalty

(4) An officer who finds a building or structure being erected or an improvement being made without the authority of a permit may order that work on the building, structure or improvement cease until a permit is obtained and any person continuing the work or causing the work to be continued in contravention of the order is guilty of an offence and on conviction is, in addition to any fine that may be imposed under subsection (3), liable to a fine of not less than \$200 for each day the work is continued in contravention of the order. R.S.O. 1990, c. P.43, s. 13 (4).

Order to dismantle and remove building, etc.

(5) Upon conviction of any person of an offence under this section, the court, in addition to the imposition of a fine, may order that person to dismantle and remove any building or structure erected or improvement made in contravention of this section within such time as the court orders and, if the person convicted fails to comply with the order, the Minister may cause the building, structure or improvement to be dismantled and removed and any cost or expense incurred thereby is a debt due the Crown and may be recovered by the Minister in a court of competent jurisdiction in an action against the person convicted. R.S.O. 1990, c. P.43, s. 13 (5).

Exception, mines, etc.

(6) This section does not apply to the erection of buildings or structures or the making of improvements on lands for the purpose of the exploration or development of mines, minerals or mining rights. R.S.O. 1990, c. P.43, s. 13 (6).

Section Amendments with date in force (d/m/y) [+]

Regulations re work permits

14 (1) The Lieutenant Governor in Council may make regulations,

- (a) governing activities that may be carried out on public lands and on shore lands, including requiring that such activities be carried out in accordance with the regulations and prohibiting certain activities on public lands or shore lands unless the activity is carried out in accordance with the terms and conditions of a work permit;
- (b) defining "shore lands" for the purpose of clause (a);
- (c) governing the issue, refusal, renewal and cancellation of work permits and prescribing their terms and conditions;
- (d) providing for and governing appeals from a refusal to issue or renew a work permit, from the cancellation of a work permit or from the imposition of terms and conditions in a work permit;
- (e) exempting any person or class of person from the requirement of obtaining a work permit to carry out an activity on public lands or shore lands. 1996, c. 1, Sched. N, s. 4; 2006, c. 19, Sched. P, s. 5 (1); 2012, c. 8, Sched. 49, s. 2.

General or particular

(2) A regulation under subsection (1) may be general or particular in its application. 1996, c. 1, Sched. N, s. 4.

Fee

(3) The Minister may charge such fee as he or she considers appropriate for the issuance or renewal of a work permit. 1996, c. 1, Sched. N, s. 4.

Offence

(4) A person who contravenes a regulation made under clause (1) (a) is guilty of an offence. 1996, c. 1, Sched. N, s. 4; 2000, c. 26, Sched. L, s. 9 (3).

Order to stop activity

(5) An officer who finds that an activity is being carried on in contravention of the regulations made under clause (1) (a) without the necessary work permit may order that the activity cease until the work permit has been obtained. 1996, c. 1, Sched. N, s. 4.

Daily fine

(6) A person who continues an activity or causes an activity to be continued in contravention of an order made under subsection (5) is guilty of an offence and, in addition to any penalty imposed under subsection (4), is liable on conviction to a fine of not less than \$200 for each day the activity is continued in contravention of the order. 1996, c. 1, Sched. N, s. 4.

Order to rehabilitate lands

(7) The court that convicts a person of an offence under this section may, in addition to imposing a fine, order the person,

- (a) to cease the activity being carried on upon public lands or shore lands in contravention of the regulations made under clause (1) (a);
- (b) to take action, within such time as the court may fix, to rehabilitate the lands,
 - (i) in accordance with a plan approved by the Minister, or
 - (ii) if the Minister has not approved a plan, in such manner as the court considers appropriate; and
- (c) to obtain a work permit in order to effect the rehabilitation of the lands in accordance with the order of the court. 2002, c. 18, Sched. L, s. 7 (1).

Minister may rehabilitate land and recover cost

(8) If a person fails to comply with an order under subsection (7), the Minister may take such action as he or she considers appropriate to rehabilitate the land, and any cost incurred by the Minister is a debt due the Crown and may be recovered by the Minister in a court of competent jurisdiction in an action against the person. 1996, c. 1, Sched. N, s. 4.

Section Amendments with date in force (d/m/y) [+]

Regulations re sale or lease of public lands

15 (1) The Lieutenant Governor in Council may make regulations,

- (a) prohibiting or regulating and controlling the sale or lease of public lands for any specified purpose or use, other than agricultural purposes, and fixing the prices or rentals and the terms and conditions of sale or lease;
- (b) fixing the periods for which the Minister may extend the time for performance of a term or condition of a sale or lease under subsection 23 (2) and prescribing the fee therefor. R.S.O. 1990, c. P.43, s. 15 (1).

Terms and conditions of sale or lease

(2) The Minister may fix such terms and conditions of sale or lease as the Minister considers proper in addition to those required under subsection (1). R.S.O. 1990, c. P.43, s. 15 (2).

Idem

(3) Any regulation made under subsection (1) may be made applicable to any part of Ontario and may for the purposes of subsection (1) define any term used therein. R.S.O. 1990, c. P.43, s. 15 (3).

Sale by tender or auction

(4) The Minister may, whether or not the consideration has been fixed by the regulations, dispose of public lands by tender or by auction upon such terms and conditions as the Minister considers proper. R.S.O. 1990, c. P.43, s. 15 (4).

Subsequent sale or lease

(5) Where public lands offered for sale or lease by tender or auction are not disposed of, the Minister may at any time thereafter sell or lease any such lands at such price or rental and upon such terms and conditions as the Minister considers proper. R.S.O. 1990, c. P.43, s. 15 (5).

Reservation of mines and minerals

(6) In every sale or other disposition of public lands for summer resort locations there shall be reserved to the Crown all mines and minerals thereon or thereunder, and the instrument of sale or other disposition shall so provide. R.S.O. 1990, c. P.43, s. 15 (6).

Sale, etc., of public lands not otherwise provided for

16 Where the sale or lease of any public lands is not otherwise provided for in this or any other Act or the regulations, the Minister may direct the sale or lease of any such public lands at such price or rental and upon such terms and conditions as the Minister considers proper. R.S.O. 1990, c. P.43, s. 16; 1998, c. 18, Sched. I, s. 50.

Section Amendments with date in force (d/m/y) [+]**Quit claim letters patent**

17 (1) Where the Minister is satisfied that the right to bring an action on behalf of Her Majesty against a person for the recovery of land is barred by subsection 3 (1) of the *Real Property Limitations Act*, the Minister may direct the issue of quit claim letters patent in respect of the land to that person or to that person's predecessor in possession if the right of recovery was barred against that predecessor upon such conditions as the Minister considers proper. R.S.O. 1990, c. P.43, s. 17 (1); 2002, c. 24, Sched. B, s. 44.

Retroactive effect

(2) Where quit claim letters patent are issued under subsection (1) to a person's predecessor in possession, the quit claim letters patent shall specify a date during the period of time that the predecessor had possession and the quit claim letters patent shall,

- (a) relate back to the date so specified; and
- (b) have the same effect as if issued at the date so specified. R.S.O. 1990, c. P.43, s. 17 (2).

Section Amendments with date in force (d/m/y) [+]**Land use conditions**

18 (1) Letters patent for land sold or leased under this Act may contain a condition that the land is to be used in a particular manner or a condition that the land is not to be used in a particular manner and every such condition shall be deemed to be annexed to the land. R.S.O. 1990, c. P.43, s. 18 (1).

Where condition violated

(2) Where land has been or is being used in violation of a condition in the letters patent, the Minister may apply to a judge of the Superior Court of Justice for an order forfeiting the land to the Crown and for possession of the land, and the judge, upon proof to his or her satisfaction that the land has been or is being used in violation of the condition, shall make an order declaring that, upon registration of the order under subsection (4), the land is forfeit to the Crown and requiring any person in possession of the land to deliver up possession of the land to the Minister or to any person authorized by the Minister to receive possession of it. R.S.O. 1990, c. P.43, s. 18 (2); 2001, c. 9, Sched. K, s. 5 (1).

Idem

(3) An order made under subsection (2) has the same force as a writ of possession and the sheriff or bailiff or person to whom it is entrusted for execution shall execute it in like manner as he or she would a writ of possession in an action for the recovery of land. R.S.O. 1990, c. P.43, s. 18 (3).

Idem

(4) A certified copy of an order made under subsection (2) shall be registered in the proper land registry office and, upon registration, the land is vested in the Crown and may be granted, sold, leased or otherwise disposed of in the same manner as public lands may be dealt with under the laws of Ontario. R.S.O. 1990, c. P.43, s. 18 (4).

Section Amendments with date in force (d/m/y) [+]**Release of land use conditions**

19 Where land has been sold or leased under this Act and the letters patent therefor contain a condition that the land is to be used in a particular manner or a condition that the land is not to be used in a particular manner, the Minister may, upon such terms and conditions as the Minister considers proper, make an order releasing the land or any part thereof from the condition or any part thereof contained in the letters patent. R.S.O. 1990, c. P.43, s. 19.

Licences of occupation

20 (1) The Minister may issue under his or her hand and seal a licence of occupation to any person who has purchased, or is permitted to occupy, or is entrusted with the care or protection of any public lands or who has received or been located on any public lands as a free grant. R.S.O. 1990, c. P.43, s. 20 (1).

Effect of licence of occupation

(2) Such person or the person's assigns may take possession of and occupy the land for which the licence is issued, subject to the conditions of the licence, and may under it, unless it has been revoked or cancelled, maintain actions against any wrongdoer or trespasser, as effectually as the person could under letters patent from the Crown. R.S.O. 1990, c. P.43, s. 20 (2).

As evidence

(3) The licence of occupation is proof, in the absence of evidence to the contrary, of the right to possession by such person and the person's assigns of the land, but has no force against a licence to cut pine trees existing at the time of its issue or where the pine trees are reserved to the Crown against a licence to cut such trees then existing or thereafter issued. R.S.O. 1990, c. P.43, s. 20 (3).

Easements

21 The Minister may grant easements in or over public lands for any purpose. R.S.O. 1990, c. P.43, s. 21.

Occupation for specified purposes

21.1 (1) Subject to subsections (5), (6), (7), (8), (9) and (11) and the regulations, a person is authorized under this section to occupy public lands for the purpose of doing either or both of the following:

1. Erecting or placing on the public lands a building, structure or thing that is of a type or class prescribed by regulation or that meets the specifications prescribed by regulation.
2. Using any building, structure or thing located on the public lands that is of a type or class prescribed by regulation or that meets the specifications prescribed by regulation, whether it was erected or placed on the public lands by the person or by another person. 2017, c. 2, Sched. 14, s. 21.

No instrument required to authorize possession, etc.

(2) For greater certainty, a person who is authorized to occupy public lands under this section is not required to,

- (a) obtain a lease, licence, permit or other instrument under this Act to occupy the lands; or
- (b) obtain the written consent of the Minister or an officer authorized by the Minister under section 27 in respect of activities related to erecting or placing a building, structure or thing on the public lands. 2017, c. 2, Sched. 14, s. 21.

Regulations re authorized persons

(3) A regulation may provide that a person is not authorized to occupy public lands under this section unless the person meets the criteria prescribed by regulation. 2017, c. 2, Sched. 14, s. 21.

Regulations re public lands

(4) If a regulation prescribes, for the purposes of this section, a type or class of building, structure or thing that is intended to float on water or to be suspended over lands, this section applies to the occupation of any public lands over which the building, structure or thing floats or is suspended as though it were erected or placed on the public lands. 2017, c. 2, Sched. 14, s. 21.

Certain public lands excluded

(5) This section does not apply to public lands if,

- (a) the public lands are in the possession of, or occupied by, another person and that possession or occupation is authorized under this Act or under any other Act prescribed by regulation;
- (b) the public lands are subject to a land use plan described in section 12.2 and the purpose for which the person wishes to occupy the lands is not consistent with the land use plan;
- (c) the Minister has given notice under clause 28 (1) (a) in respect of the public lands and the purpose for which the person wishes to occupy the public lands is not consistent with the notice; or
- (d) such circumstances or conditions as may be prescribed by the regulations exist. 2017, c. 2, Sched. 14, s. 21.

Limitation on extent of occupation, etc.

(6) The public lands that a person may occupy under this section are limited to,

- (a) the lands on which the building, structure or thing referred to in subsection (1) is erected or placed; and
- (b) any additional lands prescribed by regulation that are required for erecting or placing the building, structure or thing. 2017, c. 2, Sched. 14, s. 21.

Duration of occupation, etc.

(7) A person who occupies public lands under this section shall vacate the lands on or before the earlier of the following dates:

- 1. The date prescribed by regulation.
- 2. The date specified by the Minister in a notice given to the person under subsection (8). 2017, c. 2, Sched. 14, s. 21.

Notice to vacate lands

(8) The Minister may, at any time and for any reason, give a person who occupies public lands under this section notice to vacate the lands. 2017, c. 2, Sched. 14, s. 21.

Duty to remove building, etc.

(9) A person who is required to vacate public lands under subsection (7) shall remove from the lands, at the person's own expense, any building, structure or thing that the person erected or placed on the lands or that the person was using on the public lands on or before the date on which the person is required to vacate the public lands. 2017, c. 2, Sched. 14, s. 21.

How notice given, etc.

(10) A notice to vacate public lands shall be given in the manner prescribed by regulation and shall meet such other requirements as may be prescribed by regulation. 2017, c. 2, Sched. 14, s. 21.

Duty to comply with notice

(11) A person occupying public lands under this section to whom a notice is given under subsection (8) shall comply with the notice. 2017, c. 2, Sched. 14, s. 21.

Minister taking possession

(12) For greater certainty, a person who fails to vacate public lands in accordance with a notice given under subsection (8) or after the date prescribed by regulation is considered to be in possession or occupation of the public lands without lawful authority for the purposes of section 24. 2017, c. 2, Sched. 14, s. 21.

Nature of occupancy, etc.

(13) A person who occupies public lands under this section does not, by virtue of such occupation, acquire any right, claim or title to the lands or any interest in the lands. 2017, c. 2, Sched. 14, s. 21.

Regulations

(14) The Lieutenant Governor in Council may make regulations,

- (a) governing the occupation of public lands under this section, including the types or classes of buildings, structures or things that may be erected or placed on the public lands and the use of such buildings, structures or things;
- (b) respecting anything that this section requires, permits or authorizes to be prescribed by regulation or to be done by or in accordance with the regulations;
- (c) prescribing conditions or limitations relating to the occupation of public lands and the erection, placement or use of any building, structure or thing on the public lands;
- (d) respecting notices to vacate public lands, including the manner in which the notices shall be given;
- (e) respecting rules and requirements that apply to the vacating of public lands by a person who occupied the lands under this section, and requiring persons to comply with the rules and requirements;
- (f) establishing a registration system for persons occupying public lands under this section and requiring persons to register in accordance with the regulations;
- (g) respecting any transitional matters arising from the making of a regulation under this section;
- (h) exempting any person, building, structure or thing or public lands, or class thereof, from this section or any requirement in this section. 2017, c. 2, Sched. 14, s. 21.

Section Amendments with date in force (d/m/y) [+]

Minister to decide as to right to patent

22 The Minister has authority to determine all questions that arise as to the rights of persons claiming to be entitled to letters patent of land located or sold under this Act and the Minister's decision is final and conclusive. R.S.O. 1990, c. P.43, s. 22.

Cancellation of sale, etc., of land in case of fraud or error, etc.

23 (1) If the Minister is satisfied that a purchaser, locatee or lessee of public lands, or any person claiming under or through a purchaser, locatee or lessee of public lands, has been guilty of fraud or imposition, or has violated any of the conditions of sale, location or lease, or of the licence of occupation, the Minister may cancel such sale, location, lease or licence, and resume the land and dispose of it as if the same had never been made, and upon such cancellation all money paid in respect of such sale, location or lease remain the property of the Crown and the improvements, if any, on the land are forfeited to the Crown. R.S.O. 1990, c. P.43, s. 23 (1).

Extension of time

(2) The Minister may, upon payment of the prescribed fee, extend the time for the performance of any condition of a sale or lease for such period as is fixed by the regulations. R.S.O. 1990, c. P.43, s. 23 (2).

Taking possession of public lands

Definition

24 (1) In this section,

"lands" means public lands and includes public lands covered with water. R.S.O. 1990, c. P.43, s. 24 (1).

Mode of obtaining possession of public lands

(2) Where a person refuses or neglects to deliver up possession of any lands after the revocation, cancellation or expiration of the sale or lease thereof or of a licence of occupation or other document under which the person was permitted to occupy or was entrusted with the care or protection of the lands, or where a person is in possession or occupation of lands without lawful authority and refuses or neglects to vacate or abandon possession or occupation of the same, the Minister may apply to a judge of the Superior Court of Justice for an order for possession, and the judge, upon proof to his or her satisfaction that the right or title of the person to hold the lands has been revoked or cancelled or has expired, or that the person is in possession or occupation of the lands without lawful authority, shall make an order requiring the person to deliver up the lands to the Minister. R.S.O. 1990, c. P.43, s. 24 (2); 2001, c. 9, Sched. K, s. 5 (2).

(3) Where a person is in possession or occupation of lands without lawful authority and upon fifteen days notice by the Minister to vacate or abandon possession or occupation of the same, or to remove therefrom any building, structure or thing, refuses or neglects to do so, the Minister may by his or her warrant require such person to deliver up the lands to the person named in the warrant and the Minister may by his or her warrant authorize any person to remove such first-mentioned person from the land or any building, structure or improvement therefrom. R.S.O. 1990, c. P.43, s. 24 (3).

Building or thing remaining on lands

(4) Any building or thing remaining on lands after the revocation, cancellation or expiration of the sale or lease of the lands or of a licence of occupation or other document under which a person was permitted to occupy or was entrusted with the care or protection of the lands or any building or thing on lands possessed or occupied without lawful authority is the property of the Crown and may be sold, disposed of or destroyed under the direction of the Minister. R.S.O. 1990, c. P.43, s. 24 (4).

Recovery of cost and expense

(5) Any cost or expense incurred in the sale, disposition or destruction of a building or thing referred to in subsection (4) is a debt due the Crown and may be recovered by the Minister in a court of competent jurisdiction in an action against the person responsible for the construction of the building or the placing of the thing on the land or, in the case of a building that is occupied, the occupier. R.S.O. 1990, c. P.43, s. 24 (5).

Effect of order or warrant

(6) The order or warrant has the same force as a writ of possession, and the sheriff or bailiff or other person to whom it is entrusted for execution shall execute it in like manner as the person would a writ of possession in an action for the recovery of land. R.S.O. 1990, c. P.43, s. 24 (6).

Officer's right to demand assistance, etc.

(7) The sheriff, bailiff or other person executing the order or warrant may take along all necessary assistance and has the right to demand such assistance in the same manner as a constable or other peace officer in the execution of his or her duty. R.S.O. 1990, c. P.43, s. 24 (7).

Person removed may be again removed

(8) If a person who has given up possession of or has been removed from any land under the authority of this section again returns to or enters upon it, the order or warrant is a sufficient authority to the officer or person named in it again to remove such person from the land, and the power of removal may be exercised under such order or warrant from time to time and as often as occasion requires. R.S.O. 1990, c. P.43, s. 24 (8).

Offence

(9) Every person who refuses to obey any such order or warrant, or who resists, obstructs or interferes with any person executing it, or who again returns to the land, is guilty of an offence and on conviction is liable,

(a) to a fine of not more than \$10,000 and to an additional fine of not more than \$1,000 for each day during which the offence continues; and

(b) to imprisonment for a term of not more than six months. 2000, c. 26, Sched. L, s. 9 (4).

Section Amendments with date in force (d/m/y) [+]

Restoration of rights in forfeited property, etc.

25 The Minister may make an order subject to such conditions as the Minister considers proper,

(a) restoring to a person the right, title or interest in any improvement, building or thing forfeited under subsection 23 (1); or

(b) declaring that any improvement, building or thing on public lands possessed or occupied without lawful authority is not the property of the Crown despite subsection 24 (4). R.S.O. 1990, c. P.43, s. 25.

Penalty for unlawfully taking possession of public lands and erecting buildings, etc.

26 (1) Any person who enters into possession of public lands without lawful authority and erects any building or structure or makes any improvements thereon is liable to a penalty of an amount equal to twice the market value of the public land so entered as determined by the Minister. R.S.O. 1990, c. P.43, s. 26 (1).

Recovery of penalty

(2) A penalty imposed under subsection (1) is recoverable at the suit of the Minister in any court of competent jurisdiction. R.S.O. 1990, c. P.43, s. 26 (2).

Idem

(3) If a person fails to pay a penalty imposed under subsection (1) and the Minister brings an action for the recovery of the penalty, it is the duty of the court,

- (a) to determine whether such person is liable to a penalty under subsection (1);
- (b) if it is determined that the person is liable to a penalty, to confirm or vary the amount thereof claimed by the Minister;
- (c) to give such judgment as it considers proper; and
- (d) to make such order as to costs or otherwise as it considers proper. R.S.O. 1990, c. P.43, s. 26 (3).

Saving

(4) Nothing in this section limits or in any way affects any right or remedy of the Minister or the Crown at common law or under any statute. R.S.O. 1990, c. P.43, s. 26 (4).

Unauthorized depositing

27 (1) Except with the written consent of the Minister or an officer authorized by the Minister, no person shall deposit or cause to be deposited any material, substance or thing,

- (a) on public lands, whether or not the lands are covered with water or ice; or
- (b) on water or ice covering public lands. 2010, c. 16, Sched. 10, s. 4 (2).

Removal of material, etc.

(2) The Minister may remove any material, substance or thing deposited contrary to subsection (1), and any cost or expense incurred thereby is a debt due the Crown and may be recovered by the Minister in a court of competent jurisdiction in an action against the person who deposited the material, substance or thing or the person who caused it to be deposited. R.S.O. 1990, c. P.43, s. 27 (2).

(3) REPEALED: 2016, c. 8, Sched. 5, s. 3.

Section Amendments with date in force (d/m/y) [+]

Lost, mislaid or abandoned property

27.1 (1) Subject to the *Mining Act*, any personal property found on public land that is not claimed by the owner within three months is the property of the Crown in right of Ontario and may be sold under the direction of the Minister. 1998, c. 18, Sched. I, s. 51.

Crown prerogative preserved

(2) Subsection (1) shall not be construed to derogate from any Crown prerogative. 1998, c. 18, Sched. I, s. 51.

Same

(3) If the property is perishable or has no commercial value, it may be given to a charitable institution or destroyed. 1998, c. 18, Sched. I, s. 51.

Same

(4) If a person establishes, to the satisfaction of the Minister within one year after the date of sale, that the person was the owner of property sold under subsection (1), the Minister may direct payment to the person of an amount equal to the price received for the property less the cost of the sale and other expenses incurred in connection with the property. 1998, c. 18, Sched. I, s. 51.

Minister's direction

(5) Subsection (1) does not apply if the Minister, in writing, refuses to accept ownership of the property. 1998, c. 18, Sched. I, s. 51.

Section Amendments with date in force (d/m/y) [+]

Unauthorized occupation, etc., of public lands

28 (1) The Ministry may give notice prohibiting, controlling or governing,

- (a) the possession, occupation or any use or uses of public lands or roads under the jurisdiction of the Minister; or
- (b) the parking of vehicles on public lands or the roads described in clause (a). 2010, c. 16, Sched. 10, s. 4 (3).

Methods of giving notice

(2) A notice mentioned in subsection (1) may be given,

- (a) in those newspapers and other media that the Minister considers appropriate;
- (b) by means of signs posted on the public lands or the road to which the notice applies so that it is clearly visible in daylight under normal conditions from the approach or each point of access to the lands or road; or
- (c) by means of the marking system described in section 7 of the *Trespass to Property Act*. 2010, c. 16, Sched. 10, s. 4 (3).

Offences

(3) A person is guilty of an offence if the person possesses, occupies or uses any public lands or a road in contravention of a notice given under subsection (1) or parks a vehicle on public lands or a road in contravention of any such notice. 2010, c. 16, Sched. 10, s. 4 (3).

Section Amendments with date in force (d/m/y) [+]

Restraint on alienation of rights in unpatented lands

29 (1) Except with the consent in writing of the Minister, public lands that have been purchased under this Part shall not, before the issue of letters patent, be alienated, mortgaged, or charged, either voluntarily or involuntarily, except by devise or sale under the authority of any Act of the Legislature relating to taxation or statute labour. R.S.O. 1990, c. P.43, s. 29 (1).

Lands not to be liable for debts incurred before patent

(2) Except by mortgage or charge thereon made in favour of the Crown, neither the land nor any interest or right therein is, before the issue of letters patent, liable for the satisfaction of any debt or liability contracted or incurred by such purchaser, or the purchaser's heirs or devisees. R.S.O. 1990, c. P.43, s. 29 (2).

30 REPEALED: 2010, c. 16, Sched. 10, s. 4 (4).

Section Amendments with date in force (d/m/y) [+]

Grants or letters patent issued after death of grantee or patentee

31 A grant or letters patent issued to or in the name of a person who is dead is not therefore void, but the title to the land thereby granted or intended to be granted vests in the heirs, assigns, devisees or other legal representatives of the deceased person according to the laws in force in Ontario as if the grant or letters patent had issued to or in the name of the deceased person during the person's lifetime. R.S.O. 1990, c. P.43, s. 31.

Cancellation of unregistered letters patent

31.1 The Minister may make an order cancelling letters patent that have not been registered in the proper land registry office. 1999, c. 12, ed. N, s. 6.

Section Amendments with date in force (d/m/y) [+]

Cancellation of erroneous letters patent

32. (1) Where letters patent have been issued to or in the name of the wrong person, through mistake, or contain any clerical error or misnomer or a wrong description of the land intended to be granted, the Minister, if there is no adverse claim, may direct the defective letters patent to be cancelled and corrected letters patent to be issued in their stead. R.S.O. 1990, c. P.43, s. 32 (1).

Effect of corrected letters patent

(2) Corrected letters patent heretofore or hereafter issued shall,

- (a) relate back to the date of the defective letters patent cancelled pursuant to subsection (1);
- (b) have the same effect as if issued at the date of the defective letters patent cancelled pursuant to subsection (1); and
- (c) have the effect of correcting with necessary modifications every instrument made prior to the date of such corrected letters patent by the patentee or any person claiming through or under the patentee. R.S.O. 1990, c. P.43, s. 32 (2).

Land registered under *Land Titles Act*

(3) The powers conferred by subsection (1) may be exercised even if the land has been registered under the *Land Titles Act*. R.S.O. 1990, c. P.43, s. 32 (3).

Cancellation of duplicate letters patent

32.1 (1) If two or more letters patent grant identical parcels of land to the same person, the Minister may make an order cancelling all but the earliest of the letters patent. 1998, c. 18, Sched. I, s. 52.

Registration

(2) The Minister may cause an order under subsection (1) to be registered in the proper land registry office. 1998, c. 18, Sched. I, s. 52.

Section Amendments with date in force (d/m/y) [+]

Compensation in case of double or inconsistent grants

33 Where grants or letters patent for the same land inconsistent with each other have been issued through error, or where sales or appropriations of the land inconsistent with each other have been made, the Minister may, in cases of sale, cause a repayment of the purchase money, with interest to be made to the person damnified, or where the land has passed from the original purchaser, or has been improved before discovery of the error, or where the original grant or appropriation was a free grant, the Minister may in substitution appropriate land or give a certificate entitling the person damnified to public lands, of such value and to such extent as the Minister considers just; but no claim shall be entertained unless it is made within five years from the discovery of the error. R.S.O. 1990, c. P.43, s. 33.

Compensation for deficiency of land

34 (1) Where by reason of erroneous survey or of error in the books or plans in the Ministry any grant, sale or appropriation of land is found to be deficient, or any parcel of land contains less than the quantity of land mentioned in the letters patent therefor, the Minister may direct that the purchase money of so much land as is deficient, with interest thereon from the time of the application for a refund or if the land has passed from the original purchaser, the Minister may direct that the purchase money that the claimant, if the claimant was ignorant of the deficiency at the time of the claimant's purchase, paid for so much of the land as is deficient, with interest thereon from the time of the application for a refund, be paid to the claimant in land or money, as the Minister may direct. R.S.O. 1990, c. P.43, s. 34 (1).

Case of free grants

(2) In the case of a free grant, the Minister may direct a grant to be made of other land equal in value to so much of the land intended to be granted as is deficient, as a free grant. R.S.O. 1990, c. P.43, s. 34 (2).

Limitations

(3) No claim shall be entertained unless it concerns a deficiency of at least one-tenth of the whole quantity described as being contained in the land granted and the claim is brought within five years from the date of the letters patent. 2006, c. 19, Sched. P, s. 5 (2).

Section Amendments with date in force (d/m/y) [+]**Registration of judgments**

35 If letters patent for land are repealed or avoided in a judicial proceeding, the judgment shall be registered in the proper land registry office. R.S.O. 1990, c. P.43, s. 35.

Annual list to Municipal Property Assessment Corporation

36 The Minister shall in the month of February in every year transmit to the Municipal Property Assessment Corporation a list of all lands in the assessment region patented, sold or agreed to be sold by the Crown, or leased, or appropriated to any person, or in respect of which a licence of occupation was issued during the next preceding calendar year and a list of the cancellations of any licence of occupation, sale, lease, location or appropriation of land in the assessment region during the next preceding calendar year. 2006, c. 33, Sched. Z.3, s. 28 (1).

Section Amendments with date in force (d/m/y) [+]**Grants, etc.****Definition**

37 (1) In this section,

"Crown grant" means a grant of a freehold or leasehold interest in unpatented public lands or of an easement in or over unpatented public lands made under this or any other Act. R.S.O. 1990, c. P.43, s. 37 (1).

Crown grants, release, grants of minerals registered in land registry offices

(2) If a Crown grant of public lands, a release under subsection 58 (6) or a grant under *The Canada Company's Lands Act*, being chapter 24 of the Statutes of Ontario, 1922, is given, the Minister shall forward the instrument by which the release or grant is given to the proper land registry office. R.S.O. 1990, c. P.43, s. 37 (2).

Registration

(3) Upon receipt of an instrument under subsection (2), the land registrar shall, without fee or other charge, register the instrument, note particulars of registration on a copy and forward the copy to the grantee at the address furnished by the Ministry. R.S.O. 1990, c. P.43, s. 37 (3).

Transfer of administration and control

37.1 (1) The Minister may, by order signed by him or her, transfer the administration and control of public lands to,

- (a) the Crown in right of Canada;
- (b) another Minister of the Crown in right of Ontario;
- (c) a Crown agency within the meaning of the *Crown Agency Act*; or
- (d) an agent corporation within the meaning of the *Financial Administration Act* (Canada). 1998, c. 18, Sched. I, s. 53.

Terms and conditions

(2) A transfer by ministerial order is subject to any terms and conditions specified in the order. 1998, c. 18, Sched. I, s. 53.

Crown grant

(3) A transfer by ministerial order shall be deemed to be a Crown grant for the purposes of section 37. 1998, c. 18, Sched. I, s. 53.

Section Amendments with date in force (d/m/y) [+]

Certificate that land is public lands**Definition**

38 (1) In this section,

"Crown" means Her Majesty the Queen in right of Ontario as represented by the Minister. R.S.O. 1990, c. P.43, s. 38 (1).

Certificate forwarded for registration

(2) When the Crown becomes the registered owner of land that has been patented or otherwise disposed of or when land reverts to or vests in the Crown, the Minister may forward to the proper land registry office a certificate stating that the land is deemed to be public lands. R.S.O. 1990, c. P.43, s. 38 (2).

Registration

(3) The land registrar shall, without fee or charge, register every certificate received under subsection (2). R.S.O. 1990, c. P.43, s. 38 (3).

Effect of registration

(4) Upon registration of a certificate under subsection (3),

- (a) the *Land Titles Act* or the *Registry Act*, as the case may be, ceases to apply to the land described in the certificate and the land registrar shall note that fact in the appropriate register or abstract index; and
- (b) the land described in the certificate may be granted, sold, leased or otherwise dealt with in the same manner as other public lands. R.S.O. 1990, c. P.43, s. 38 (4).

Easements

(5) An easement that is appurtenant to or affects land described in a certificate registered under subsection (3) is not affected by registration of the certificate. R.S.O. 1990, c. P.43, s. 38 (5).

Restrictive covenants

(6) For the purposes of this section, a restrictive covenant running with land is considered to be an easement. R.S.O. 1990, c. P.43, s. 38 (6).

(7)-(9) REPEALED: 2000, c. 26, Sched. L, s. 9 (7).

Section Amendments with date in force (d/m/y) [+]**How Ministry employees may acquire public lands**

39 (1) No person holding an office in or under the Ministry and no person employed in or under the Ministry shall, directly or indirectly, purchase any right, title or interest in any public lands either in the person's own name or by the interposition of any other person or in the name of any other person in trust for the person without the approval of the Lieutenant Governor in Council. R.S.O. 1990, c. P.43, s. 39 (1).

Exception

(2) Subsection (1) does not apply when a purchase is made of a right, title or interest in public lands for private use at a public auction or when the purchase is made for private use and the purchaser is selected by public draw. R.S.O. 1990, c. P.43, s. 39 (2).

How notices may be given

40 Where by law or by any deed, lease or agreement relating to any public lands any notice is required to be given, or any act to be done, by or on behalf of the Crown, the notice may be given and the act may be done by the Minister or the Deputy Minister of Natural Resources or by a person acting under the authority of either of them. R.S.O. 1990, c. P.43, s. 40.

41 REPEALED: 1998, c. 18, Sched. I, s. 54.

Section Amendments with date in force (d/m/y) [+]**Sale of water powers or privileges**

42 (1) The Minister in his or her discretion may fix the terms and conditions upon which water powers or privileges granted by the Crown and any public lands necessary for the development thereof may be leased or developed. R.S.O. 1990, c. P.43, s. 42 (1); 2009, c. 12, Sched. L, s. 23.

Agreements, etc., to be signed by Minister

(2) The Minister may sign all agreements, leases, licences, renewals or other writings relating to water powers or privileges or any public lands necessary for the development thereof. R.S.O. 1990, c. P.43, s. 42 (2).

Regulations re: additional charge

(3) The Lieutenant Governor in Council may make regulations,

- (a) requiring persons who are subject to an agreement, lease, licence or other writing under subsection (2) to pay an additional charge in respect of the generation of hydro-electricity;
- (b) prescribing the charge or a method of calculating the charge;
- (c) respecting the form, terms and time of payment of the charge and the interest owed for late payment;
- (d) providing for refunds in respect of the charge;
- (e) prescribing the conditions under which the charge may be reduced or cancelled;
- (f) providing that the regulation applies to agreements, leases, licences and other writings in force on the day the regulation comes into force and to agreements, leases, licences and other writings renewed on or after that day. 1994, c. 17, s. 133.

Application of charge

(4) A charge imposed under subsection (3) is in addition to a charge in an agreement, lease, licence or other writing that is based upon energy production. 1994, c. 17, s. 133.

Regulation may be retroactive

(5) A regulation made under this section is, if it so provides, effective with reference to a period before it was filed. 1994, c. 17, s. 133.

Section Amendments with date in force (d/m/y) [+]**Grant of forfeited land to former owner**

43 Where any land that is forfeited to the Crown under the *Provincial Land Tax Act, 2006* or the predecessor Act has not been granted, sold, leased or otherwise disposed of, the Minister may direct the issuance of letters patent granting the land to the owner thereof at the time of such forfeiture, or to any person appearing to have had an interest therein at that time, or to the heirs, successors or assigns of such owner or person, upon such terms as the Minister considers just. R.S.O. 1990, c. P.43, s. 43; 2006, c. 33, Sched. Z.3, s. 28 (2).

Section Amendments with date in force (d/m/y) [+]**Beach management agreements**

44 The Minister and any municipality may enter into agreements respecting the control and management by the municipality of any public lands comprised of beaches or lands covered with water in the municipality or elsewhere, but, where the public lands are in another municipality, no agreement shall be entered into without the consent of that municipality, and any such agreement may provide for the granting of leases by the municipality and the sharing of the rents therefrom. R.S.O. 1990, c. P.43, s. 44.

45 REPEALED: 2010, c. 16, Sched. 10, s. 4 (5).

Section Amendments with date in force (d/m/y) [+]**Acquisition of lands, agreements**

46 (1) Lands may be acquired under the *Ministry of Infrastructure Act, 2011* for any forestry, agricultural or other program of the Ministry, and lands so acquired shall be deemed to be public lands within the meaning of this Act. R.S.O. 1990, c. P.43, s. 46 (1); 2011, c. 9, Sched. 27, s. 38 (1).

Agreements for public works

(2) The Minister or the Minister of Infrastructure may enter into agreements with the owners of lands respecting the erection, maintenance and operation thereon of a provincial public work. 2011, c. 9, Sched. 27, s. 38 (2); 2015, c. 38, Sched. 7, s. 59 (1).

Registration of agreements

(3) An agreement entered into under subsection (2) may be registered in the proper land registry office and thereupon such agreement is binding upon every subsequent owner and mortgagee of the lands during the term of the agreement. R.S.O. 1990, c. P.43, s. 46 (3).

Section Amendments with date in force (d/m/y) [+]

Collection of amounts

46.1 If public land is located in territory without municipal organization, the following amounts may be collected under the *Provincial Land Tax Act, 2006* as if they were taxes imposed under that Act:

1. Amounts payable as rent under a lease.
2. Amounts payable as a fee under a licence of occupation, a land use permit or any other authority granting a right to occupy the land or permitting the carrying out of an activity on the land. 2006, c. 33, Sched. Z.3, s. 28 (3).

Section Amendments with date in force (d/m/y) [+]

Regulations

47 The Lieutenant Governor in Council may make regulations,

- (a) prescribing the fee for any type of authority to use or enter upon public lands and facilities;
- (b) prohibiting or regulating the use or occupation of or the kinds of activities carried on upon public lands;
- (c) governing delegations made under subsection 2 (3), including prescribing the powers under this Act that may be delegated, prescribing the person or body to whom powers may be delegated and prescribing limitations that apply to the delegations. R.S.O. 1990, c. P.43, s. 47; 2000, c. 26, Sched. L, s. 9 (8); 2012, c. 8, Sched. 49, s. 3.

Section Amendments with date in force (d/m/y) [+]

PART II ROADS ON PUBLIC LANDS

Definitions

48 In this Part,

"private forest road" means a road occupied under the authority of a document issued under this Act or the regulations; ("chemin forestier privé")

"road" means a road or part of a road on public lands and includes the bridges, shoulders, ditches and right-of-way thereof, but does not include the King's Highway or a secondary highway, or an industrial road designated under the *Public Transportation and Highway Improvement Act*, or a road under the jurisdiction of a statute labour board or a local roads board. ("chemin") R.S.O. 1990, c. P.43, s. 48; 2010, c. 16, Sched. 10, s. 4 (6, 7).

Section Amendments with date in force (d/m/y) [+]

Public right of passage

49 Except as otherwise provided in this Act, any person may exercise a public right of passage on a road other than a private forest road. R.S.O. 1990, c. P.43, s. 49.

No liability for damages

50 (1) No civil action shall be brought against the Crown or any person in respect of misfeasance, non-feasance or negligence in connection with the construction, maintenance, repair or closing of a road. R.S.O. 1990, c. P.43, s. 50 (1).

Exception

(2) Subsection (1) does not apply to an action based on a contract between the parties to the action for the construction, maintenance or use of a road. R.S.O. 1990, c. P.43, s. 50 (2).

51 REPEALED: 2010, c. 16, Sched. 10, s. 4 (8).

Section Amendments with date in force (d/m/y) [+]**Closure of roads**

52 (1) The district manager of the administrative district of the Ministry in which a road is situate may, in his or her discretion and for any periods that he or she determines, close the road or part of it to travel by the public generally or by any classes of the public. 2010, c. 16, Sched. 10, s. 4 (9).

Methods of closure

(2) A closing of a road under subsection (1) may be effected by the erection of signs or barricades. 2010, c. 16, Sched. 10, s. 4 (9).

Barricades

(3) A district manager who closes a road or part of it under subsection (1) by the erection of barricades shall,

- (a) cause to be erected at each end of the road or part so closed and at each intersection of it with any other road a barricade upon which a red or flashing amber light visible for a distance of 150 metres shall be exposed and kept burning or operating continuously from sunset until sunrise; and
- (b) at each end and intersection described in clause (a), cause to be erected a notice that the road is closed. 2010, c. 16, Sched. 10, s. 4 (9).

Permits

(4) Despite the closure of a road, the district manager may grant a permit for travel on the road subject to the terms and conditions that he or she considers advisable. 2010, c. 16, Sched. 10, s. 4 (9).

Offence

(5) A person is guilty of an offence if the person,

- (a) without lawful authority, travels on a road that has been closed to travel by the person under subsection (1) and has had a reasonable opportunity of knowing that the road has been so closed; or
- (b) removes or defaces any barricade, light or notice erected on a road by lawful authority. 2010, c. 16, Sched. 10, s. 4 (9).

Liability for damages

(6) A person who, in contravention of subsection (5), travels on a road or removes or defaces any barricade, light or notice erected on a road is liable to the Crown in right of Ontario for any damage or injury occasioned by the wrongful travel, removal or defacement. 2010, c. 16, Sched. 10, s. 4 (9).

Section Amendments with date in force (d/m/y) [+]**Partial closure**

53 If the district manager closes a road to the public generally with the exception of persons operating vehicles used for hauling forest products or other products designated by the regulations, sections 80, 108, 109, 110, 111 and 114 of the *Highway Traffic Act* do not apply to the road or to vehicles operated on the road, as the case may be. 2010, c. 16, Sched. 10, s. 4 (9).

Section Amendments with date in force (d/m/y) [+]**Private forest roads**

54 (1) Except as provided in subsection (2), a private forest road is not open to travel by the public. R.S.O. 1990, c. P.43, s. 54 (1).

Agreements

(2) The Minister may enter into an agreement with a person who occupies a private forest road under the authority of a document issued under this Act or the regulations for opening the private forest road or part thereof to travel by the public generally or by any class or classes of the public as may be agreed upon, and thereupon the private forest road is open to travel by the public generally or by the class or classes of the public agreed upon for such time or times and upon such terms and conditions as are set forth in the agreement, provided that a permit has been issued or validated under the *Highway Traffic Act* or the regulations made thereunder for any vehicle used in such travel. R.S.O. 1990, c. P.43, s. 54 (2).

Idem

(3) Without limiting the generality of subsection (2), an agreement may provide that the cost of constructing, reconstructing or maintaining a private forest road shall be shared in the proportions agreed upon. R.S.O. 1990, c. P.43, s. 54 (3).

Status of road

(4) Despite the use of a private forest road by the public or a class or classes thereof under subsection (2), a private forest road remains a private forest road and is not a highway within the meaning of the *Highway Traffic Act*, but the provisions of the *Occupational Health and Safety Act* and the regulations made thereunder that apply to haul roads apply with necessary modifications to the private forest road. R.S.O. 1990, c. P.43, s. 54 (4).

Closure of private forest roads

(5) Where an agreement has been made under subsection (2), the district manager of the administrative district of the Ministry in which the private forest road is situate may, from time to time in his or her discretion and for such period or periods as he or she may determine, close the private forest road or part thereof to travel by the public generally or by any class or classes of the public with the exception of persons operating any class or classes of vehicles used for hauling forest products or other products designated by the regulations, and thereupon section 52 applies with necessary modifications. R.S.O. 1990, c. P.43, s. 54 (5); 2010, c. 16, Sched. 10, s. 4 (10).

Section Amendments with date in force (d/m/y) [+]**Regulations**

55 The Lieutenant Governor in Council may make regulations designating products for the purposes of sections 52, 53 and 54. R.S.O. 1990, c. P.43, s. 55.

Stopping up certain roads

55.1 (1) In addition to the powers of the Lieutenant Governor in Council under section 29.1 of the *Public Transportation and Highway Improvement Act*, the Minister may, by order,

- (a) stop up any road that has been dedicated to public use by the Crown and is not within a municipality; or
- (b) stop up any road allowance that was laid out by a Crown surveyor and that is not within a municipality. 2000, c. 26, Sched. L, s. 9 (10); 2002, c. 17, Sched. F, Table.

Notice

(2) The Minister shall not make an order under subsection (1) unless the Minister has given notice, in such manner as the Minister considers appropriate, to those persons that the Minister considers will be affected by the proposed order. 2000, c. 26, Sched. L, s. 9 (10).

Soil and freehold

(3) The Minister may sell, lease or otherwise dispose of the soil and freehold of any road or road allowance that has been stopped up under subsection (1). 2000, c. 26, Sched. L, s. 9 (10).

Section Amendments with date in force (d/m/y) [+]

PART III PROVISIONS OF GENERAL APPLICATION

Issue of letters patent

56 If public land was, before the 29th day of March, 1961, sold or located under the authority of any Act, the Minister may direct the issue of letters patent to the purchaser or locatee or any person claiming under or through the purchaser or locatee,

- (a) who has built a house on the land that is fit for habitation;
- (b) who has resided on the land or other land of which the purchaser, locatee or person is the registered owner that is distant not more than eight kilometres from the land so sold or located for one or more periods totalling at least three years;
- (c) who, in respect of land in the Territorial District of Cochrane or in the Territorial District of Timiskaming, has cleared and cultivated at least seven hectares of the land or who, in respect of land, other than land in the Territorial District of Cochrane or in the Territorial District of Timiskaming, has cleared and cultivated at least 10 per cent of the land; and
- (d) who pays the balance of the purchase price of the land and the interest thereon. R.S.O. 1990, c. P.43, s. 56.

57 REPEALED: 2010, c. 16, Sched. 10, s. 4 (11).

Section Amendments with date in force (d/m/y) [+]

Property in trees vested in patentee

58 (1) Where land is disposed of under this Act for agricultural purposes, the property in all trees thereon shall be deemed to have passed to the patentee by the letters patent, and every reservation of any class or kind of tree contained in the letters patent shall be deemed to be void. R.S.O. 1990, c. P.43, s. 58 (1).

Reservations of trees voided

(2) A reservation of all timber and trees or any class or kind of tree contained in letters patent granting public lands disposed of under this or any other Act for a summer resort location is void. R.S.O. 1990, c. P.43, s. 58 (2).

Idem

(3) A reservation of all timber and trees or any class or kind of tree contained in letters patent dated on or before the 1st day of April, 1869 and granting public lands disposed of under this or any other Act is void. R.S.O. 1990, c. P.43, s. 58 (3).

Idem

(4) Every provision contained in letters patent granting public lands for a summer resort location that,

- (a) prohibits the cutting of pine timber, except for necessary building or clearing with the written permission of the Minister, and, in default, sets out penalties and exacts prices for cut timber; or
- (b) provides for the manner of disposal of cut timber,

is void. R.S.O. 1990, c. P.43, s. 58 (4).

(5) REPEALED: 1994, c. 25, s. 85.

Acquisition or release of trees

(6) If public lands have been disposed of by the Crown under this or any other Act and some or all of the species of trees on the lands have been reserved to the Crown and are not under timber licence, the Minister may acquire any species of trees not so reserved or release any species of trees so reserved at such price and on such terms and conditions as the Minister considers proper. 2001, c. 9, Sched. K, s. 5 (3).

Section Amendments with date in force (d/m/y) [+]

Definition

59 In sections 57 and 58, the expression "this Act" includes any predecessor of this Act. R.S.O. 1990, c. P.43, s. 59.

Reservation of mines and minerals

60 In any letters patent issued for lands located or sold under this Act for agricultural purposes on or after the 1st day of April, 1957, the mines and minerals shall be reserved to the Crown. R.S.O. 1990, c. P.43, s. 60.

Mines and minerals on certain lands to be deemed to have passed to patentee

61 (1) In the case of land patented before the 6th day of May, 1913, the mines and minerals therein shall be deemed to have passed to the patentee by the letters patent, and every reservation thereof contained in the letters patent or by statute is void. R.S.O. 1990, c. P.43, s. 61 (1).

Exception as to application of subs. (1)

(2) Subsection (1) does not apply where,

- (a) the mines and minerals or any of them in any land have been alienated or disposed of under the *Mining Act* or any predecessor of that Act;
- (b) the mines or minerals or any of them have reverted or may hereafter revert to the Crown through abandonment, cancellation, forfeiture or otherwise. R.S.O. 1990, c. P.43, s. 61 (2).

Lands patented after May 6th, 1913

(3) In the case of lands patented after the 6th day of May, 1913, mines and minerals pass to the patentee unless expressly reserved by the letters patent. R.S.O. 1990, c. P.43, s. 61 (3).

Certificate

(4) The Minister or the Deputy Minister of Natural Resources may issue a certificate as to the issue of letters patent with respect to any lands, mines or minerals affected by this section and every such certificate shall be received and recorded in the proper land registry office. R.S.O. 1990, c. P.43, s. 61 (4).

Fee for certificate

(5) An applicant for a certificate under subsection (4) shall pay the fee specified by the Minister. R.S.O. 1990, c. P.43, s. 61 (5); 1998, c. 18, Sched. I, s. 56.

Section Amendments with date in force (d/m/y) [+]

Where interest reverts to Crown

Ores, etc., to be treated in Canada

62 (1) All lands patented or otherwise disposed of under this Act after the 12th day of April, 1917, are subject to the condition that all ores or minerals raised or removed therefrom shall be treated and refined in Canada, so as to yield refined metal or other product suitable for direct use in the arts without further treatment, in default whereof the patent or other form of title of such lands is void, and the lands revert to and become vested in the Crown, freed and discharged of any interest or claim of every other person. R.S.O. 1990, c. P.43, s. 62 (1).

Easements

(2) Where a dominant tenement reverts to and becomes vested in the Crown under subsection (1), any easement appurtenant thereto pass to the Crown and, where a servient tenement reverts to and becomes vested in the Crown, any easement to which the servient tenement is subject is not affected. R.S.O. 1990, c. P.43, s. 62 (2).

Power to exempt lands

(3) The Lieutenant Governor in Council is hereby authorized to exempt any lands from the operation of this section for such period of time as the Lieutenant Governor in Council considers proper. R.S.O. 1990, c. P.43, s. 62 (3).

Travel on beaches

63 Any part of the public lands that is a beach and is used for travel by the public is not by reason only of such use a highway within the meaning of any Act. R.S.O. 1990, c. P.43, s. 63.

Surface rights in roads, etc.

64 (1) Unless the Minister otherwise directs, every patent, lease or licence of occupation issued under this Act shall contain a provision to the effect that the surface rights in any public or colonization road or any highway crossing the land granted, leased or licensed are excepted therefrom. R.S.O. 1990, c. P.43, s. 64 (1).

Idem

(2) Every patent, lease or licence of occupation issued under this Act shall reserve to the Crown such percentage, if any, of the surface rights of the land as the Minister considers necessary for road purposes. R.S.O. 1990, c. P.43, s. 64 (2).

Idem

(3) Where in any patent, lease or licence of occupation heretofore issued under this Act or any predecessor thereof there is a reservation of a percentage of the land for road purposes and the rights with respect thereto have not been exercised before the 1st day of May, 1963, the reservation shall be deemed to be a reservation of the surface rights only. R.S.O. 1990, c. P.43, s. 64 (3).

Right to make roads reserved in sales, etc.

65 (1) In all sales, free grant locations, leases, licences of occupation, mining claims and other dispositions of public lands or mining lands or mining rights, there shall be reserved to the Crown the right to construct on the land any colonization or other road or any road in lieu of or partly deviating from an allowance for road without making compensation therefor, and such right whether or not it is expressly reserved from the sale, location, lease, licence of occupation, mining claim or other disposition of the land or by the letters patent when issued shall be deemed to be so reserved. R.S.O. 1990, c. P.43, s. 65 (1).

Right to take wood, gravel, etc., for roads

(2) In all sales, free grant locations, leases, licences of occupation, mining claims and other dispositions of public lands or mining lands or mining rights, where the letters patent have been issued containing a reservation of any of the area for roads, wood, gravel and other materials required for the construction or improvement of any colonization or other road or of any road in lieu of or partly deviating from an allowance for road, may be taken from the land without making compensation therefor or for the injury thereby done to the land from which they are taken, and where the letters patent have been issued without a reservation being made of any of the area for roads, wood, gravel and other materials required for the purposes hereinbefore mentioned may be taken from the land, but compensation shall be paid as provided by the *Expropriations Act*. R.S.O. 1990, c. P.43, s. 65 (2).

Minister or person authorized may exercise rights

(3) The rights mentioned in subsections (1) and (2) may be exercised by the Minister or by any person authorized by the Minister to exercise them on behalf of the Crown. R.S.O. 1990, c. P.43, s. 65 (3).

Right of passage over portages

(4) Where public lands over which a portage has existed or exists have been heretofore or are hereafter sold or otherwise disposed of under this or any other Act, any person travelling on waters connected by the portage has the right to pass over and along the portage with the person's effects without the permission of or payment to the owner of the lands, and any person who obstructs, hinders, delays or interferes with the exercise of such right of passage is guilty of an offence. R.S.O. 1990, c. P.43, s. 65 (4); 2000, c. 26, Sched. L, s. 9 (11).

Section Amendments with date in force (d/m/y) [+]

Release of road reservations

66 (1) Upon the application of the owner of land for which letters patent have been issued under this or any other Act, the Minister may make an order releasing the land or a part of the land from any reservation relating to roads under section 65 or in the letters patent, if the Minister is of the opinion that the present and future needs of the locality as to roads are adequately provided for and if the applicant pays the fee specified by the Minister. 2002, c. 18, Sched. L, s. 7 (2).

Release of reservation of access to shore

(2) Upon the application of the owner of land for which letters patent have been issued under this or any other Act, the Minister may make an order releasing the land or a part of the land from any reservation in the letters patent reserving a right of way or a right of access to the shores of rivers, streams or lakes for vessels, boats and persons, if the Minister is of the opinion that the reservation does not serve a useful purpose and is not required in the public interest and if the applicant pays the fee specified by the Minister. 2002, c. 18, Sched. L, s. 7 (2).

Power to determine reservation

(3) In respect of letters patent reserving or excepting a right-of-way or an allowance along the shore of a lake or river, the Minister may treat the reservation or exception as a reservation referred to in subsection (1) or (2) and issue the order under subsection (1) or (2). R.S.O. 1990, c. P.43, s. 66 (3).

Effect of order

(4) An order made under this section releases the land described in the order from the reservation referred to in the order and may be registered in the proper land registry office. R.S.O. 1990, c. P.43, s. 66 (4).

Section Amendments with date in force (d/m/y) [+]

Reservation of water power on public lands

67 In all sales, free grant locations, leases, licences of occupation, mining claims and other dispositions of public lands, or mining lands or mining rights, the Minister may reserve from sale any water power or privilege, and such area of land in connection therewith as the Minister considers necessary for the erection of buildings and plant and the development and utilization of the power, together with the right to lay out and use such roads as may be necessary for passage to and from such water power or privilege and land. R.S.O. 1990, c. P.43, s. 67.

Building conditions in patents voided

68 Where letters patent have issued granting summer resort lands subject to the conditions that the patentee shall within eighteen months from the date of the patent expend not less than \$300 in the construction of buildings or of other improvements and that no building or other construction shall be erected unless the plan and description thereof have been approved by the Minister, such conditions shall be deemed to be void and of no effect. R.S.O. 1990, c. P.43, s. 68.

Release of reservation

68.1 (1) This section applies to a reservation in letters patent if,

- (a) the reservation cannot be released under any other provision of this Act; and
- (b) the release of the reservation is not prohibited by any provision in this Act. 1998, c. 18, Sched. I, s. 58.

Release of reservations by Ministerial order

(2) Subject to subsection (3), where public lands have been disposed of by the Crown under this or any other Act and an interest or right been reserved to the Crown, the reservation may be released by an order signed by the Minister, at the price and on the conditions that the Minister considers proper. 1998, c. 18, Sched. I, s. 58.

Authorization by regulation

(3) The Minister may not release a reservation unless the release is authorized by the regulations. 1998, c. 18, Sched. I, s. 58.

Regulations authorizing release of reservations

(4) The Lieutenant Governor in Council may make regulations authorizing the Minister to release a reservation or class of reservations in letters patent. 1998, c. 18, Sched. I, s. 58.

Section Amendments with date in force (d/m/y) [+]

Certificate

69 (1) The Minister may issue a certificate as to any condition, proviso or reservation that is void by statute. R.S.O. 1990, c. P.43, s. 69 (1).

Fee for certificate

(2) An applicant for a certificate under subsection (1) shall pay the fee specified by the Minister. R.S.O. 1990, c. P.43, s. 69 (2); 1998, c. 18, Sched. I, s. 59.

Section Amendments with date in force (d/m/y) [+]

Compliance with agreement or permit

69.1 (1) A person who has entered into an agreement, including a lease, a licence or an easement, with the Crown under this Act or to whom a permit to occupy public lands has been issued under this Act shall comply with the agreement or permit, as the case may be. 2009, c. 12, Sched. L, s. 24.

Offence

(2) A person who contravenes subsection (1) is guilty of an offence. 2009, c. 12, Sched. L, s. 24.

Compliance order

(3) A court that convicts a person of an offence under subsection (2) may, in addition to imposing a fine, order the person to take the action that the court specifies, within the time period that the court specifies, to come back into compliance, in the manner that the court considers appropriate, with the agreement or permit with which the person has failed to comply. 2009, c. 12, Sched. L, s. 24.

Section Amendments with date in force (d/m/y) [+]

No damage to Crown land or property

69.2 (1) No person shall cause a prescribed type of damage,

(a) to Crown land; or

(b) to Crown property that is situated on, or attached to, Crown land including,

(i) any road or trail or water crossing or any material used to construct the road, trail or water crossing, or

(ii) any sign, building, structure or thing. 2016, c. 8, Sched. 5, s. 4.

Regulations

(2) The Lieutenant Governor in Council may make regulations defining types of damage for the purposes of subsection (1). 2016, c. 8, Sched. 5, s. 4.

Order of court

(3) If a person is found guilty of an offence for contravening subsection (1), the court may, in addition to imposing a fine under section 70.3, order the person,

- (a) to cease the activity that has caused or is causing the prescribed type of damage;
- (b) to take action, within such time as may be specified in the order, to rehabilitate the lands and repair any damage to property of the Crown,
 - (i) in accordance with a plan approved by the Minister, or
 - (ii) if the Minister has not approved a plan, in such manner as the court considers appropriate; and
- (c) to obtain any work permit or other authorization under this Act that may be required in order to effect the rehabilitation of the lands and repair any damage to Crown property in accordance with the order of the court. 2016, c. 8, Sched. 5, s. 4.

Compliance with order

(4) A person shall comply with an order made under subsection (3). 2016, c. 8, Sched. 5, s. 4.

Failure to comply with an order

(5) If a person fails to comply with an order under subsection (3), the Minister may take such action as he or she considers appropriate to rehabilitate the land and repair any damage to property of the Crown, and any cost or expense incurred in the rehabilitation and repair is a debt due to the Crown and may be recovered by the Minister in a court of competent jurisdiction in an action against the person. 2016, c. 8, Sched. 5, s. 4.

Section Amendments with date in force (d/m/y) [+]

PART III.1 ENFORCEMENT AND GENERAL OFFENCES

Officers stopping conveyances

70 (1) An officer may stop a conveyance if he or she has reasonable grounds to believe that stopping the conveyance would assist in determining compliance with this Act or the regulations. 2016, c. 8, Sched. 5, s. 6.

Operator to stop

(2) On the officer's signal to stop, the operator of the conveyance shall immediately stop and produce for inspection any document or other thing requested by the officer that is relevant to the purpose of determining compliance with the Act or the regulations. 2016, c. 8, Sched. 5, s. 6.

Stop signals

(3) For the purpose of subsection (2), signals to stop include,

- (a) intermittent flashes of red light, in the case of a vehicle;
- (b) intermittent flashes of blue light, in the case of a boat; and
- (c) a hand signal to stop, in the case of a vehicle or boat. 2016, c. 8, Sched. 5, s. 6.

Section Amendments with date in force (d/m/y) [+]

Arrest without warrant

70.1 (1) An officer may arrest without warrant a person that he or she has reasonable grounds to believe is committing or has committed an offence under this Act or the regulations. 2016, c. 8, Sched. 5, s. 6.

Release by officer

(2) If an officer arrests a person under this section, he or she shall, as soon as practicable, release the person from custody, unless the officer has reasonable grounds to believe that,

- (a) it is necessary in the public interest for the person arrested to be detained, having regard to all the circumstances, including the need to,
- (i) establish the identity of the person,
 - (ii) secure or preserve evidence of or relating to the offence, or
 - (iii) prevent the continuation or repetition of the offence or the commission of another offence; or
- (b) the person arrested, if released, will not respond to a summons or offence notice or will not appear in court. 2016, c. 8, Sched. 5, s. 6.

Person not released

(3) Subsections 149 (2) and (3) and section 150 of the *Provincial Offences Act* apply if the person arrested is not released under subsection (2). 2016, c. 8, Sched. 5, s. 6.

Necessary force

(4) An officer may use as much force as is necessary to make an arrest under this section. 2016, c. 8, Sched. 5, s. 6.

Section Amendments with date in force (d/m/y) [+]

Obstruction of officer

70.2 A person shall not,

- (a) knowingly make a false or misleading statement to an officer who is acting under this Act; or
- (b) otherwise obstruct an officer who is acting under this Act. 2016, c. 8, Sched. 5, s. 6.

Section Amendments with date in force (d/m/y) [+]

Offences

70.3 (1) A person is guilty of an offence if the person contravenes this Act or the regulations. 2016, c. 8, Sched. 5, s. 6.

Penalty

- (2) Subject to subsections (6) and (7), an individual found guilty of an offence under this Act is liable on conviction,
- (a) to a fine of not more than \$15,000 for the first offence and to an additional fine of not more than \$1,000 for each day during which the offence continues; and
 - (b) to a fine of not more than \$25,000 for the second or subsequent offence and to an additional fine of not more than \$1,000 for each day during which the offence continues. 2016, c. 8, Sched. 5, s. 6.

Same, corporations

- (3) Subject to subsections (6) and (7), a corporation found guilty of an offence under this Act is liable on conviction,
- (a) to a fine of not more than \$25,000 for the first offence and to an additional fine of not more than \$1,000 for each day during which the offence continues; and
 - (b) to a fine of not more than \$50,000 for the second or subsequent offence and to an additional fine of not more than \$1,000 for each day during which the offence continues. 2016, c. 8, Sched. 5, s. 6.

Officers, directors, etc.

- (4) If a corporation commits an offence under this Act or the regulations, an officer, director, employee or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is a party to the offence and on conviction is liable to the penalty for the offence provided in this Act, whether or not the corporation is prosecuted for the offence. 2016, c. 8, Sched. 5, s. 6.

Additional orders of the court

(5) Upon convicting a person of an offence under this Act, the court may,

- (a) despite any maximum fine provided for under subsection (2) or (3), increase the fine that may be imposed on the person by an amount equal to the amount of any monetary benefit acquired by the person or that accrued to the person, as a result of the commission of the offence;
- (b) order that a fine provided for under subsection (2) or (3) be paid in addition to any penalty specifically provided for in any other provision of this Act, subject to subsections (6) and (7); and
- (c) make such order as the court considers proper to obtain compliance with this Act or the regulations. 2016, c. 8, Sched. 5, s. 6.

Exception

(6) The maximum fine that may be imposed under subsection (2) or (3) for each day during which the offence continues does not apply in the case of a daily fine imposed for an offence described in subsection 13 (4) or 14 (6). 2016, c. 8, Sched. 5, s. 6.

Same

(7) Subsections (2), (3), (4) and (5) do not apply to an offence described in subsection 24 (9). 2016, c. 8, Sched. 5, s. 6.

Section Amendments with date in force (d/m/y) [+]**Limitation period**

70.4 A prosecution for an offence under this Act,

- (a) shall not be commenced more than two years after the day evidence of the offence first came to the attention of an officer; and
- (b) shall not be commenced more than five years after the offence was committed. 2016, c. 8, Sched. 5, s. 6.

Section Amendments with date in force (d/m/y) [+]

PART IV CONSTRUCTION OF DAMS

Definition

71 In this Part,

"dam" includes a channel, diversion, dock, groyne, light, pier, slide, warning device, wharf or work for the control and regulation of water and any building, road, structure, service or temporary installation necessary or incidental thereto. R.S.O. 1990, c. P.43, s. 71.

Construction

72 The Minister may design, construct, renovate, service, maintain, repair, furnish, equip, manage and administer dams. R.S.O. 1990, c. P.43, s. 72.

Acquisition of land

73 Land or any interest therein may be acquired or expropriated under the *Ministry of Infrastructure Act, 2011* for the purpose of this Part. R.S.O. 1990, c. P.43, s. 73; 2015, c. 38, Sched. 7, s. 59 (2).

Section Amendments with date in force (d/m/y) [+]**Agreements**

74 The Minister may enter into any contract or agreement that the Minister considers advisable to effect the purposes of this Part. R.S.O. 1990, c. P.43, s. 74.

Power to enter and use

75 (1) In the event of emergency, as declared by the Lieutenant Governor in Council, respecting the safety of persons or the protection or preservation of public or private property, the Minister or any person authorized by the Minister, may, without the consent of the owner,

- (a) enter upon and use any land;
- (b) alter in any manner any natural or artificial feature of any land;
- (c) construct and use roads on, to and from any land;
- (d) construct and use all necessary sidings, water pipes, conduits or tracks in, over or upon any land; or
- (e) place upon or remove from any land any substance or structure. R.S.O. 1990, c. P.43, s. 75 (1).

Compensation

(2) Any powers referred to in subsection (1) may be exercised immediately despite any provision of the *Expropriations Act* and without the filing of a plan and the owner of the land is entitled to compensation in the manner provided in that Act. R.S.O. 1990, c. P.43, s. 75 (2).

Français

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Appraisal and valuation of public lands - policy

This policy covers the evaluation for annual rent and fees related to the disposition of public land. It applies to the appraisal and evaluation of all public land, including land under water and land under the jurisdiction of the *Provincial Parks and Conservation Reserves Act*.

- Policy: PL 2.03.01
PM 11.07
- Compiled by – Branch: Lands & Waters Ontario Parks
- Section: Land Management Planning & Research
- Date Issued: June 12, 2007
- Replaces Directive Title: Appraisal/Evaluation of Public Lands
- Number: PL 2.03.01
- Dated: February 17, 1997

1.0 Introduction

This policy and associated procedure related to the disposition of public land or the determination of value for the annual rent and fees for the use of these lands, applies to the appraisal and valuation of all public land including:

- land under water, as defined in the *Public Lands Act*, and
- land under the jurisdiction of the *Provincial Parks and Conservation Reserves Act*.

Consistent with Our Sustainable Future – Ministry of Natural Resources Strategic Directions (2005), Ontario's natural resources must be adequately valued, to provide a fair return to the province. The Ministry's Strategic Direction for Management of Ontario Crown Land (1993), provides that the Crown should receive fair compensation when disposing of Crown land for exclusive use.

Broader Management Board of Cabinet policy direction provides the Ministry of Natural Resources with the responsibility and mandate to maximize revenue to the Crown, based on fair market value when disposing of real property.

Accordingly, consistent with this broad government and Ministry strategic policy direction, the Ministry manages Crown land as a highly valued and finite public resource - no less valuable than private land.

2.0 Goal

To ensure that the Province of Ontario receives a fair return when the Ministry disposes of rights to public land.

3.0 Objectives and strategies

The goal of this policy will be achieved through objectives and strategies supporting: market value; cost effectiveness; and consistency and fairness.

3.1 Market value

3.1.1 Objective

Obtaining a fair return for public land will be achieved through the application of market value. For purposes of this policy, market value shall be defined as that used by the Appraisal Institute of Canada (2007).

Market value is the most probable price which a property should bring in a competitive and open market as of the specified date under all conditions requisite for fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition of market value is the completion of a sale under conditions whereby:

- buyer and seller are typically motivated;
- both parties are well informed or well advised and are acting in what they consider to be their best interests;
- a reasonable time is allowed for exposure in the open market;
- payment is made in terms of cash in Canadian dollars or in terms of financial arrangements comparable to; and
- the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

3.1.2 Strategies

The following strategies support the market value objective.

Market value of public land may be estimated by the Ministry through:

- zonal value reports to establish the value of larger land dispositions;
- benchmark appraisal reports for a large number of dispositions with similar attributes;
- tenders, auctions, or request for proposals where demand for the land exceeds the supply, subject to a reserve price established by an appraisal report;
- valuation by Ministry staff trained in appraisal techniques as described in procedures PL 2.03.01 Appraisal and Valuation of Public Land and PL 2.03.03 Water Lot Valuation;
- valuation by a qualified appraisal professional where circumstances dictate (e.g. value of land, risk to the Crown);
- formal agreements with either individual companies with large or numerous land holdings, or with organizations representing the interests of a large client group; and
- consideration when appropriate, of the Current Value Assessment, as established by the Municipal Property Assessment Corporation (MPAC).

Procedures PL 2.03.01 Appraisal and Valuation of Public Land and PL 2.03.03 Water Lot Valuation provide further direction for market valuations that are completed by Ministry staff or independent appraisers. Consideration of the appropriate degree of review will be based on risk factors associated with the disposition or the appraisal report.

Independent fee appraisers may be commissioned by the Ministry to establish the value of public land where:

- valuation of the property is likely to be contentious, or valuation poses potential for significant risk to the Ministry;
- completion of the valuation at the expense of the Ministry will directly contribute to achieving an important, established and funded Ministry program;

- there is a lack of suitable data available to the Ministry from which the Ministry may otherwise calculate the value;
- the appraisal report has the potential to be applicable to several properties or clients; or
- prior to reliance upon a single appraisal report, the land valuation is reviewed and approved by the Ministry at a level that is reflective in the market value indicated and risk to the Crown. High value or contentious property appraisals may be subject to third party review or a second appraisal report, at the discretion of the Ministry.

Independent fee appraisers providing expertise to the valuation of public land must be members in good standing of the Appraisal Institute of Canada or the Canadian National Association of Real Estate Appraisers and hold the designation appropriate for the type of land being valued.

Revenue sources from land rental will reflect current values. Non-tax revenue will be maximized by:

- evaluating aged appraisal reports to ascertain if the values indicated are still applicable; and
- revising zonal values reports and benchmark appraisal reports generally every five years, although this period may vary if economic conditions warrant such variance.

3.2 Cost effectiveness

3.2.1 Objective

Determining a fair return for public land will be achieved in a cost effective manner and will be influenced by the:

- potential value;
- benefit to the client; and
- risk to the Crown.

3.2.2 Strategies

The following strategies support this cost effectiveness objective.

In the absence of other current value information and as supported by the concept of beneficiary pay, appraisal reports required for client initiated dispositions will be completed at the expense of the client. The client initiated appraisal reports will be:

- completed by an independent appraiser qualified to value the type of property under consideration and in the format appropriate for the complexity of the appraisal;
- subject to terms of reference provided by the Ministry and accepted by the client prior to initiating the appraisal report; and
- reviewed and approved by the Ministry consistent with procedures PL 2.03.01 Appraisal and Valuation of Public Land and PL 2.03.03 Water Lot Valuation.

Land valuation completed for the rent review of existing tenure documents will be completed by the Ministry consistent with recognized appraisal approaches and standards, utilizing existing information and data sources including, but not limited to:

- benchmark appraisals to estimate the value of land with similar attributes within the same or similar economic area;
- zonal value reports to establish values for larger parcels of land, corridors or other appropriate land occupations;
- land value information available within the Ministry; and
- Internet based search engines and alternate data sources (e.g. MPAC).

Appraisal reports or similar studies may be completed on a cost share basis between the Ministry and another party, where deemed to be mutually beneficial to both parties. The information in the reports or studies will be shared equally.

Ministry staff may complete certain other land evaluations, consistent with procedures PL 2.03.01 Appraisal and Valuation of Public Land and PL 2.03.03 Water Lot Valuation.

3.3 Consistency and fairness

3.3.1 Objective

Ministry clients and stakeholders will be treated consistently and fairly in order to foster a relationship that is more likely to result in land appraisals and valuations that are understood and accepted by both the Ministry and its clients.

Due to the vast differences in the economies of various regions of Ontario, the relative value of public land may vary greatly from one location to another. In recognition of this variance, it is important that the value of public land with similar attributes be established in a consistent manner. Secondly, given the abundance of public land in the northern and central Ontario, it is equally important that public land be valued fairly throughout the province, as well as across the numerous commercial, industrial and recreational sectors that rely on the use of public land.

3.3.2 Strategies

The following strategies support this consistency and fairness objective.

Benchmark reports and Memorandums of Understanding

Public land value may be established through benchmark appraisal reports and may be negotiated through memorandums of understanding with individual corporations with multiple tenancies or with recognized associations that represent a large number of tenants of public land (e.g. commercial marinas, telecommunication companies). This approach may be used where the Ministry has client groups or tenants that occupy numerous locations on Crown land and used for the same purpose.

Due to the nature of these tenancies, individual appraisal reports are inefficient, costly and may result in differing values within a small geographical area. Benchmark reports provide a degree of uniformity within an area and help to ensure fair and equal treatment of MNR clients with respect to land rental costs.

Freedom of Information and Protection of Privacy Act

The Ministry's will adhere to the *Freedom of Information and Protection of Privacy Act* (FIPPA) in the land appraisal and valuation process by balancing:

- the government's right to protect privileged economic and land valuation information;
- the public's right to information; and
- the demonstration to the client of the Ministry's intention to act in good faith.

Dispute avoidance and dispute resolution

The Ministry will seek to minimize the probability of dispute arising from valuing public land for disposition or use, while maintaining the Ministry's mandate to obtain fair value for public land. When disputes cannot be avoided, the dispute resolution process will be fair and open. The Ministry will minimize the potential for

disagreement through open communication with the client before, during and after the appraisal process and ensuring the client is aware that:

- the Ministry has strategic and broad Ontario government policy direction to ensure that Ontario receives fair value for the use of Crown land;
- the Ministry will provide the client with terms of reference on how the property will be valued in advance of the appraisal being commissioned;
- the Ministry must review the content and results of appraisal report before the value is accepted; and
- upon acceptance, the appraisal report may be utilized as a tool to further negotiation.

The Ministry may enter into an accepted alternate dispute resolution (ADR) processes for rent review purposes in those situations where attempts to negotiate an agreement with a client(s) have been exhausted. Decisions on the use of formal ADR, will be based on the risk to the overall Crown land management program, as well as the circumstances associated with the specific public land occupation.

4.0 References

4.1 Legal references

- *Freedom of Information and Protection of Privacy Act*
- *Public Lands Act*
- *Provincial Parks and Conservation Reserve Act*

4.2 Policy and other references

- PL 1.01.01 (POL) Strategic Direction for Management of Ontario Crown Land
- PL 2.03.01 (PRO) Appraisal and Valuation of Public Land
- PL 2.03.03 (PRO) Water Lot Valuation
- PL 6.01.01 (POL) Sale Price Policy
- PL 6.01.02 (POL) Crown Land Rental Policy
- PL 6.01.03 (POL) Disposition at Less Than Market Value
- Appraisal Institute of Canada January 2007 - Canadian Uniform Standards of Professional Appraisal Practice
- Ontario Ministry of Natural Resources 2005 - Our Sustainable Future – Ministry of Natural Resources Strategic Directions
- Ontario Ministry of Natural Resources 1993 - Strategic Direction for Management of Ontario Crown Land
- Management Board of Cabinet September 1998 - Directive on Real Property and Accommodation
- Management Board of Cabinet August 1991 - Directive on Non Tax Revenue

Updated: August 28, 2019

Published: April 17, 2019

