



ISSN 1180-436X

**Legislative Assembly  
of Ontario**

First Session, 41<sup>st</sup> Parliament

**Assemblée législative  
de l'Ontario**

Première session, 41<sup>e</sup> législature

**Official Report  
of Debates  
(Hansard)**

**Wednesday 4 May 2016**

**Journal  
des débats  
(Hansard)**

**Mercredi 4 mai 2016**

**Standing Committee on  
the Legislative Assembly**

Supporting Ontario's Trails  
Act, 2016

**Comité permanent de  
l'Assemblée législative**

Loi de 2016 sur le soutien  
aux sentiers de l'Ontario

### **Hansard on the Internet**

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

### **Index inquiries**

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 416-325-3708.

### **Le Journal des débats sur Internet**

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

### **Renseignements sur l'index**

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 416-325-3708.

---

Hansard Reporting and Interpretation Services  
Room 500, West Wing, Legislative Building  
111 Wellesley Street West, Queen's Park  
Toronto ON M7A 1A2  
Telephone 416-325-7400; fax 416-325-7430  
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation  
Salle 500, aile ouest, Édifice du Parlement  
111, rue Wellesley ouest, Queen's Park  
Toronto ON M7A 1A2  
Téléphone, 416-325-7400; télécopieur, 416-325-7430  
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON  
THE LEGISLATIVE ASSEMBLY**

**COMITÉ PERMANENT DE  
L'ASSEMBLÉE LÉGISLATIVE**

Wednesday 4 May 2016

Mercredi 4 mai 2016

*The committee met at 1300 in committee room 1.*

**SUPPORTING ONTARIO'S TRAILS  
ACT, 2016**

**LOI DE 2016 SUR LE SOUTIEN  
AUX SENTIERS DE L'ONTARIO**

Consideration of the following bill:

Bill 100, An Act to enact the Ontario Trails Act, 2016 and to amend various Acts / Projet de loi 100, Loi édictant la Loi de 2016 sur les sentiers de l'Ontario et modifiant diverses lois.

**The Chair (Mr. Monte McNaughton):** Good afternoon, everyone. Welcome to the Standing Committee on the Legislative Assembly. We're here to discuss Bill 100, An Act to enact the Ontario Trails Act, 2016 and to amend various Acts.

**Mr. Steve Clark:** A point of order, Chair.

**The Chair (Mr. Monte McNaughton):** Point of order, Mr. Clark.

**Mr. Steve Clark:** I didn't have enough time to do it for this week, but I would ask, with the committee's concurrence, that you, as Chair of this committee, speak to the Chair of public accounts. What I'd like to do is switch rooms next week so that we're in the Amethyst Room. It's a far better room for live streaming of the committee.

I know there are a number of people who want to watch the proceedings of this committee. I'm just trying to make a fair and reasonable request, since we're not travelling. I'd like to ask for the committee's concurrence before we start.

**The Chair (Mr. Monte McNaughton):** How does the committee feel? Do we have agreement on that?

**Ms. Sophie Kiwala:** I don't have an issue with that.

**The Chair (Mr. Monte McNaughton):** It's just an ask.

**Ms. Sophie Kiwala:** If the room is available, we can ask, yes.

*Interjections.*

**The Chair (Mr. Monte McNaughton):** Okay. Thank you. We'll try to work that out.

**Mr. Steve Clark:** Thanks, Chair, and thank you, members of the committee.

**ONTARIO FEDERATION  
OF SNOWMOBILE CLUBS**

**The Chair (Mr. Monte McNaughton):** I'd like to call the Ontario Federation of Snowmobile Clubs, please, to be the first presenter.

Each presenter today will have 10 minutes for their presentation and then three minutes for each party. If you could just identify yourself for Hansard and we can begin.

**Mr. Mike Clewer:** My name is Mike Clewer, and I'm the director of strategy and business development for the Ontario Federation of Snowmobile Clubs.

I've just been told to sit down, which is not something I do very well. I get passionate when I stand up, so being contained to a desk is a bit of a challenge.

First up, thank you very much for inviting me today and for giving me the opportunity to speak on behalf of the federation and, to an extent, echo some of the sentiment that I'm sure you're going to hear from the other trail sector groups.

What I want to do to start with—I think I'd be remiss if I didn't tell you a little bit about snowmobiling before I start, and that is an unashamed plug. I'm going to do a promotion of what Ontario's snowmobiling is all about as we start.

First up, the federation has a mission. There's a bunch of words there. I never think words do a fantastic job of really telling a story, so I'd like you to look at the screen when I tell you that snowmobiling is really a way for family and friends to get together in their communities and embrace the Ontario winter. It's also an amazing way to see some of the assets of this province from vantage points that you wouldn't ordinarily get—certainly not from the road—and you've probably not even considered doing those in the winter either.

Lastly, and most importantly, it's a passion for tens, maybe even hundreds, of thousands of Ontarians as they get together annually and get excited about going out and riding together.

This shot here is part of a video that was from February 8, 2015, St. Marys, Ontario, where they attempted the Guinness world record for the longest snowmobile procession. In the event, they achieved it. Unfortunately, they didn't hold it for very long; somebody came along and beat them. They had 847 riders in the event, and it's currently held in Alberta.

I'm going to give you some facts today, and I think you're going to find some of these are actually quite astonishing. If you don't know a lot about snowmobiling, I think you'll find these few facts very revealing.

First of all, it is a volunteer-led organization. It is volunteer-powered. We have 5,000 to 7,000 volunteers, and those volunteers work very hard for approximately 200 clubs all around the province. These clubs build, maintain and groom, and deliver a connection of trails, and that connection binds at least 250 to potentially 300 communities all around the province. That's a substantial feat in itself. That connected trail network is 32,000 kilometres. That's 32,000 kilometres.

I'm going to give you some context of what that means, because people hear that number and they say, "Oh, that's a nice big number." First of all, it is double the number of highways that the Ministry of Transportation looks after. That's 16,000 kilometres. On a global scale—because this isn't just provincial or even national. If I tell you that the Trans Canada Trail, when it is complete—and as its name suggests, it's going to span Canada—is going to be the longest recreational hiking trail network in the world, that is going to be something that Canadians can be really proud of. But what you'll find amazing is that at 24,000 kilometres, that's still only three quarters of the length of the Ontario snowmobile trail.

The Ontario snowmobile trail is one of a pair of trails that is very, very similar in size—I think every time we get in a room together, it's a bidding war on whose is actually slightly bigger; the second is Quebec—that is the longest organized recreational trail infrastructure in the world. That's something that we should probably acknowledge and be a bit more proud of on a regular basis.

Now, one of the things that's really relevant for today is that 32,000 kilometres represents 45% of all trails available to Ontarians right this minute, and that's hiking, walking, equestrian, cycling and other power sports. So 45% is a fairly significant number.

But this isn't all about size. I'm sure other people have probably heard that before. If you are a snowmobiler, or if you're interested in snowmobiling, you're going to have to spend a little bit of money. That means you're likely going to have to buy a snowmobile; you're going to have to buy insurance; you're going to have to buy equipment and clothing; you most definitely will have to get it licensed and pay a registration fee on an annual basis. All of that is before you even get on the snowmobile and start riding. Then, when you get riding, you're going to need gas; you're going to need food; you're probably going to need to buy a map; you're going to need drinks; you're going to need accommodation, if you think about touring somewhere in the province; and there's no doubt you're going to be buying souvenirs from wherever you go. I think you get the picture that you spend money.

We decided that we need to establish exactly how much money you do spend as a consequence of snowmobiling. We, in 2014-15, commissioned an independent

economic impact study. It follows the Ministry of Tourism's TREIM model for assessing the economic impact of tourism. We found something that was really quite staggering; that is, that organized snowmobiling in this province is worth \$1.7 billion annually. That is a substantial amount of money in any books, but when you consider that the effects of that are predominantly felt in rural Ontario, and they're felt in rural Ontario at a time of year in which it's probably incredibly difficult to generate any type of economic development at all.

So this is a significant thing for the province itself, but also for rural parts of the province. We are proud—and I think it's fair to say that organized snowmobiling fundamentally supports gas stations, shops, hotels, restaurants and many small businesses. There are tremendous stories of this sort of connectivity between business and snowmobile clubs all over the province.

Also, the study goes on to show that it generates 7,300 full-time-equivalent jobs. Something that should be music to the ears of the government here is that it will produce over \$144 million of direct provincial taxation.

In summary, organized snowmobiling is a substantial asset for this province. It's an asset that, by the way, has been around for 50 years. It's an asset that seriously needs protecting and being made available for the next 50 or more years going into the future.

But we haven't had it all plain sailing. Just like any other organization, we face challenges all the time. We have found that we've endured these challenges and we've done that generally in a collaborative way. We look internally or externally at stakeholder partners or at the government, and we find solutions that get around our challenges. We don't get to 50 years old by accident.

If I give you an example, we do that through strong partnerships. Those partnerships are something that we value and we work at. Not only do we value and work at them; we respect our partners in those relationships, and we make sure that their side of the arrangement is looked after as well.

Since 2000, we've seen a real emerging issue that has caused a challenge for us. That challenge is that, as our society has become litigious, we have struggled with people trying to sue as they pursue this excellent pastime.

Back in 2000, we found it very difficult to get insurance. It was actually almost impossible to get insurance. When we did get it, they said, "Sure, you can have it. It's \$4 million annually." Now, that number isn't sustainable now, and it sure as hell wasn't sustainable back then, and it's not going to be sustainable into the future. So we looked internally; we improved our own maintenance practices and we improved our signage. We actually got very, very professional at defending claims that are brought against us. Today, we see the insurance premiums are 50% of what they were 10 to 15 years ago, which is something I don't think many industries could boast.

But we still spend a considerable amount of time, annually, defending claims, claims that are frivolous, claims that are unnecessary, claims that generally have

nothing to do with the snowmobile clubs. Lawyers find it easy to challenge and pick apart something that we may have done as an essentially volunteer-led organization. We articulated this to the government back maybe in 2004-05, and we are pleased and appreciative that the government has listened to this. They have listened and they found a mechanism, and that mechanism is through amendments to the MSVA, the Motorized Snow Vehicles Act, and through this Bill 100.

**1310**

To get on to Bill 100: Our first view of that, back in May 2015 at the first reading, was encouraging. We saw those amendments that we'd been seeking. We saw that the bill was there as a positive move by the government to secure, protect and promote trails. We looked at that and we felt that this was at least a step in the right direction

Having said that, I'm sure it could have gone further in a lot of areas. We noted that maybe it could have done more for landowners. Maybe it could have done more to support these volunteer organizations that run the majority of these trail networks.

**The Chair (Mr. Monte McNaughton):** I'm sorry. I have to cut you off. We're going to move to the official opposition for questions.

**Mr. Steve Clark:** Thanks for your presentation. I'll try to give you a little extra time. I want to thank you and thank your industry for what they do in Ontario. I share some of the concerns that some of your members have about Bill 100.

I had a letter sent to me last week from the Grenville Snowmobile Association essentially saying that 11 landowners have officially closed the trail. Basically, they'll be closed down for next fall. And it just doesn't have the impact in my riding, but it also basically shuts down everything east to the Quebec border unless we have to reroute people through Ottawa. This is serious.

The government, although they did consultations a couple of years ago, I think were a bit asleep at the switch when it came to consultation afterward. I'd like your opinion on some of the changes you'd like to see to Bill 100 for some of your members.

**Mr. Mike Clewer:** Can I add a few points that were in my presentation? Those are that 60% of our 32,000 kilometres of trail is on private land. That is a substantial amount. The effects of this bill being introduced have caused concern; all right? Fundamentally, it contains things that we're happy with and pleased with and we want to see in place, but the actual impact has not been great for us. The effect has been that at least 300 segments have been closed, and that equates to maybe a 5,000-kilometre trail. That's 15% of our trail network.

What we're saying is, in a word, we have suffered some serious consequences this winter because of this uncertainty. That may have been things right in the bill, it may have been interpretations of the bill that weren't even there, but as a result of this, we have concerned landowners who are concerned for the security of their land.

They've come to us. In fact, I think we should have some optimism here, because a lot of them—and I'm going to say, even the stories you've heard. A lot of those landowners have told us they're waiting to see. They're waiting to see what this process does. I believe that if we can do a deal with the things that are causing them concern, we can get these trails back open again.

**Mr. Steve Clark:** How much more time left? I'll defer. Twenty seconds is not enough.

**The Chair (Mr. Monte McNaughton):** Okay. We'll move to the third party: Mr. Miller.

**Mr. Paul Miller:** Good afternoon, Mike. Certainly, we have some questions for you and thank you for your presentation, it was very informative. I can honestly say that I'm a Canadian and I've never been on a snowmobile. It's hard to believe. Hockey rinks, yes, baseball, everything else.

**Mr. Mike Clewer:** Well, you don't know what you're missing then. I'll help you out.

**Mr. Paul Miller:** There you go.

I'm going to ask a question and my colleague, who is very familiar with the north, will be asking a quick question.

Do you think that the bill's provisions to allow the assignment of easements has caused particular problems for the landowners, and do you see it as necessary for the bill, something that should be modified in any way?

**Mr. Mike Clewer:** Yes. I can tell you right now that whatever was causing the concern, we've clearly tried to allay those fears with our landowners. We've asked them specifically what has caused the concern. Section 12, I will say, is the thing that dominates. The easements and the transferability of the easements are two things high on the agenda. But I do believe that they need to see the clarity that removes the fear that they believe that organizations like ours will take advantage of that in some respect and ruin their land.

**Mr. Paul Miller:** Thank you. John?

**Mr. John Vanthof:** Thank you. I am a snowmobiler, a proud member of the Tri-Town Sno Travellers and a property owner on the Club Echo, so one kilometre of those thousands of kilometres goes across my farm.

I think one of the biggest issues from the people who have contacted me is that in the bill there is no clear delineation between the approval of a property owner to have the snowmobile trail across their farm—that that's not a slippery slope into an easement. There's basically one agreement or another agreement, and that's not clearly delineated in the bill, in our opinion. We've said that to the minister. We're repeating it here, and hopefully we'll have your support on that.

**Mr. Mike Clewer:** My appeal, again, at the end of my presentation—perhaps I should have gotten to my point a little quicker. But at the end of my presentation, I say exactly that. We think this is eminently fixable. It's fixable by this committee and the government reacting and listening. We don't see wholesale changes required to this bill. I think those sections on easements need to be clarified.

Easements, interestingly, are not something that we have ever utilized. For 50 years, we've utilized handshakes, but not written agreements that protect the landowner.

**Mr. Paul Miller:** One final question: We've certainly have had some concern about this, how fast it has moved ahead. How frequently have you been consulted or has your group been consulted throughout this legislative process—do you feel that has been enough or fair?

**Mr. Mike Clewer:** I'm going to say it has been for us.

**Mr. Paul Miller:** For your particular group.

**Mr. Mike Clewer:** Yes, for our particular needs. I think it's maybe a little imbalanced between the landowners. My appeal to the government and this committee is, listen to the landowners. I can't be presumptuous and tell you how to word this so that it will make them happy. That is not right. I can just tell you that we are happy with the bill, but our landowners aren't. We have this fragile relationship and that needs to be fixed, because you'll lose this trail network if it's not.

**Mr. Paul Miller:** We made it quite clear to the government that we had a problem with section 12 too, from our perspective as our party.

**Mr. Mike Clewer:** Our organization has no issue with 12 because we don't use or need easements, but our landowners do, and they have a concern for their property.

**Mr. Paul Miller:** It has a connection.

**Mr. Mike Clewer:** It has a—

**The Chair (Mr. Monte McNaughton):** Thank you very much. We're going to move to the government. Ms. Kiwala.

**Ms. Sophie Kiwala:** What a delight it is to see you here today. I just want to acknowledge you for all of your work that you've done with the snowmobile association. I'm sure that everybody in this room realizes and can get that you're not from this country. MPP Miller has acknowledged, as well, that he's never been on a snowmobile before and yet you have really done an awful lot for the industry. I just wanted to have on the record that you needed to be commended for that.

**Mr. Mike Clewer:** Thank you very much.

**Ms. Sophie Kiwala:** You've also spent some time discussing the incredible economic impact of snowmobiling in Ontario: \$1.7 billion is nothing to sneeze at. Also the impact with respect to the jobs: 7,300 jobs and \$144 million in direct taxation, which is pretty impressive. But I just wanted to focus on—if you could just provide to the committee and the audience today a little bit of information about how you feel a voluntary best-practice system and a trails strategy will encourage further growth for the sector.

**Mr. Mike Clewer:** We found that that sharing of best practice, and therefore any system that will facilitate that, will be very important. If you're alluding to a support for the rest of the bill and its intent, we're behind the intent of this bill without any question at all. What we're seeing is a very unfortunate side effect during the process. That's why my appeal to you, as a government, is to listen to the landowners. Amend the wording to their

satisfaction—I can't tell you what that is exactly—and do this promptly, because we need to get back to rebuilding these relationships. This fragile balance between landowner and club is built on a trust between those individuals a lot of the time. This gentleman here is probably a testament to that. You know people and you say, "Yes, you can ride on my land." I would totally understand a concern by a landowner in that respect.

So we do support the bill. We want this bill to be fixed. There are certain things within the bill that we think—well, some things don't have necessarily anything to do with us, but we support them because they're in the interest of other trail organizations. I would cite easements as one of those things. I think there is a requirement for easements for land securement, but it's not something that we particularly need as a mechanism. I don't want to see that damage this amazing asset that we have, and the rest of the trails system. That isn't the government's intent and it won't be the opposition's intent.

We're trying to do something good for Ontario here, and unfortunately in the process, there's been some misinterpretation. Let's get that fixed. Let's get it done now. Let's not have what we've experienced, which has been nothing short of devastating, happen to other trail groups during this summer.

The optimism we feel is that landowners say this is fixable. They say they're listening and waiting to see what happens with this bill before deciding any future access to their land, which means that if they're made happy, the land is back.

1320

**The Chair (Mr. Monte McNaughton):** Sorry. Thank you very much. By House rules, we have to move on, but thank you for being here today.

**Mr. Mike Clewer:** No problem at all.

#### ONTARIO TRAILS COUNCIL

**The Chair (Mr. Monte McNaughton):** I'd like to call for the Ontario Trails Council.

Just in the meantime, the Clerk has passed around to all committee members the information on the NCSL conference that will be happening this summer. The Clerk's office is going to be putting forward a budget and we're going to discuss it next week, but I just wanted everyone to be aware that it was being passed out.

We'll move to the Ontario Trails Council—if you could introduce yourself. You'll have 10 minutes for your presentation, and then questions will start with the NDP.

**Mr. Patrick Connor:** My name's Patrick Connor. I'm the executive director of the Ontario Trails Council. Thank you, Mr. Chair and members of the committee, for an opportunity to speak with you today. This is our commentary for the parliamentary committee regarding Bill 100.

From a legal, written point of view, the Ontario Trails Council repeats here today what it has said since the bill was first released to us through special session with

MTCS staff on May 5, 2015. Bill 100, the Supporting Ontario's Trails Act and its various amendments to other acts, is substantially fine in its entirety, other than for one suggested amendment and perhaps a preamble to the document: that the amount of minimum fines assessed under the trespass act be set to a \$250 minimum fine. We wish to be clear that this is a minimum fine, not a mandatory minimum, as others may be requesting. We believe the mandatory aspect removes judicial discretion and could invoke total enactment of guilt, including penalty, despite mitigating circumstances.

Other than this, we would recommend that you do not change or alter the act, nor the amendments it makes to the planning, snowmobile, off-road and occupiers' liability acts and its changes as it currently now stands.

At Ontario Trails Council, we also wish to say, since we have the opportunity to comment, that it's not the act but the subjective, sometimes reckless misinterpretations or interpretations, speculative anticipated consequences and a lack of clarity by some members of the public, or their advocates, that has been damaging by closing trails through restricted access to private land.

While trail closure is very problematic, in many ways Bill 100 does not go far enough in legally securing or sustaining the 80,000-plus kilometres of trails and the groups that support one of the world's largest trail networks. Bill 100, or sections therein:

- could be strengthened to enact a process of managing the 80,000 kilometres of Ontario trails;
- could be improved to reinforce the workings of the Ontario Trails Council as the lead provincial trails association in a fashion similar to other provincial level associations, such as the OMA;
- could directly reduce trail organization liability;
- could be improved by introducing a trails funding model for groups managing trails;
- could be strengthened through the introduction of support of a licence-fee recapture, with a province-wide trail pass system; and
- could provide tax incentives for private land access.

Since 2004, through at least six appearances at the Legislature's own pre-budget consultation committee, OTC has made recommendations for a sustained, systematic process to declare and then solve trail issues.

As we have witnessed recently through a required MTCS media response to the second reading, 10 hours of House debate and now these two committee meetings, it is the need for better understanding of due process, misinterpretation of things such as "may" versus "shall," what "eligible bodies" mean, some conservation practices, the need for trail education support, the need for trail count mechanisms, landowner appreciation and other factors from non-related provincial legislation and the enactment of same—for example, wind farms—that has created two solitudes in Ontario.

In fact, the relationship between trails and land, i.e., having a landowner agreement with a trail group, has over the years ensured protection for landowners that they retain title on land they are not utilizing. Unfortu-

nately, this seems to be a rural versus urban Ontario and a rural neighbour versus neighbour situation that has resulted in the closure of trails as a reaction and, in the opinion of OTC, unnecessary damage to the rural economy.

To be clear, it is not this act. The act is clear in language and we do not know how it could be rewritten to enhance understanding. Do not withdraw it and do not change it, except for the aforementioned amendment to the trespass fine amount. If it is not language, what has caused the sudden and damaging loss of trails through the release of the act?

We would encourage the Ontario government to pass the act and ensure, subsequent to this, that landowner and trail enablement programs and projects be initiated through the Ontario Trails Coordinating Committee. Landowners, trail users, management groups and other federations must be consulted to secure and sustain the \$10-billion annual economy taking place through and around recreational trails.

It has also been disheartening to have members of Parliament stand up in the House and have virtually no understanding of the total number of trails—80,000 kilometres plus—nor the number of communities that have a trail—430—nor any awareness of the Ontario Trails Council and its 240 municipal, conservation and user federation members, nor the full value to the Ontario economy on an annual basis that we estimate at \$10 billion.

As we move forward with the Ontario trails act, we renew our earlier requests for an appendix of terms, clarity on enactment and safeguard of lands and landowners.

This act should pass because it does improve trespass penalty, at the request of landowners; it removes ceilings on damages, at the request of the business sector; it maintains easements, a respected and known process involving public disclosure, appeal, that's initiated by landowners, as per the Planning Act; it improves clarity and safeguards for the Occupiers' Liability Act, enabling provincial bodies et al to have a reduced duty while charging entrance fees, at the request of some private and public bodies.

On the whole, the Supporting Ontario's Trails Act, as written and currently presented, represents a fair summation of consultations that took place in 2004-05 and 2012-13.

For our part, at OTC, we are concerned with elements that others have declared as okay: a trails week, trails of distinction, trails classification. These are all areas that the government has introduced on a somewhat unilateral basis, with no clear recognition in the act, specifically, that the Ontario Trails Council—which offers awards, recognizes trails and communities, has provided funding for development, has supported grants—could be utilized in the lead role for these activities.

We would request that all matters on the sale of land, historically or currently hosting recreational trail follow a public disclosure process, similar to that of the easement provision in the Planning Act. Many trails have, in fact,

been lost due to unknown private transaction with some well-meaning national conservation groups.

In closing, at OTC, this act has become a lightning rod for issues that have nothing to do with trails. A short list would be: transparency, due process, clarity of intent, collateral damage, and public education. Since first created to fulfill these objectives by the MNR in 1976, the one thing that hasn't occurred is the sustainability of the OTC and its programs to work as the lead government partner ensuring understanding of land practices, landowner relations and the other 51 challenges laid out in the Ontario Trails Strategy and partly covered by the Supporting Ontario's Trails Act.

We respectfully suggest that, through these 40 years, core support of the OTC could have enabled the smoother transition and acceptance of the Supporting Ontario's Trails Act. Properly enabled, OTC can continue to be the ounce of prevention to the pound of cure for the situation trails now find themselves in.

We look forward to working with all partners in support of other requested changes and the successful passage of Bill 100.

**The Chair (Mr. Monte McNaughton):** Thank you very much. We'll move to Mr. Miller from the third party.

**Mr. Paul Miller:** Good afternoon, Patrick. How are you?

**Mr. Patrick Connor:** I'm fine, thanks.

**Mr. Paul Miller:** Our party certainly supports the trails act. There are some delicate areas that may have to be addressed, as you know.

I have a tendency to disagree with part of your submission, where you said that it doesn't go far enough and the government should legally secure or sustain the 80,000—I think you're walking on a minefield there by suggesting that we can overrule private landowners. I don't think that's going to happen.

**Mr. Patrick Connor:** That wasn't the intent of my—

**Mr. Paul Miller:** It says "legally securing or sustaining the 80,000-plus kilometres of trails"—so you want us to buy them from the landowner.

**Mr. Patrick Connor:** No. I just want to make sure that good legislation is put in place to secure trail operation on both public and private land.

**Mr. Paul Miller:** Define "secure" for me.

**Mr. Patrick Connor:** Well, so that they, as a legacy project, would be here 50 years from now and might not be subject to encroachment or development.

**Mr. Paul Miller:** By the landowner?

**Mr. Patrick Connor:** It could be by private developers.

**Mr. Paul Miller:** I have a bit of a problem with that.

**Mr. Patrick Connor:** Okay.

**Mr. Paul Miller:** Many of our members have asked for a clarification provision to be added with the body of the bill. I don't know if you have a problem with this: "An easement pursuant to Bill 100, if passed, would be a voluntary agreement between a landowner and an eligible body or bodies. No property owner would be compelled

to provide an easement unless they agreed to do so." Do you think this would be a beneficial amendment to the bill or a negative one?

**Mr. Patrick Connor:** I think the act is clear. It's "may" versus "shall." In the existing Planning Act and any other easement requirement that we've read or reviewed, it's all initiated, currently, on the part of the landowner. What I do say is that there needs to be better public education and a better understanding on the part of landowners to know their easement and the easement process.

**Mr. Paul Miller:** You mentioned the communication—there was a bit of a breakdown between the landowners—and some of the rumours that were floating out there. Do you believe that there has been enough consultation with the landowners of the province from the government, or do you feel it's—because obviously—

1330

**Mr. Patrick Connor:** As I said in my remarks—

**Mr. Paul Miller:** —they've got problems.

**Mr. Patrick Connor:** I understand. I do. I understand, and I've been to their meetings and felt their wrath personally. However, I'm not responsible for that. I think—

**Mr. Paul Miller:** The question was—I'm asking if you thought there was enough consultation.

**Mr. Patrick Connor:** Yes, I do. We were part of those processes. Now, was every group at the table? No. But, you know, OTC—we operate as a non-governmental organization. I would have let down our members if we weren't at the table. The fact that other groups didn't make it, that's their call.

**Mr. Paul Miller:** That's fair. Now, do you think a travelling group of a committee would have been better to go across northern Ontario to allow everyone to take part in it?

**Mr. Patrick Connor:** Yes, but we don't make those decisions. That's why I'm trying to focus on the trails world in Ontario of tomorrow.

**Mr. Paul Miller:** Okay, but you—

**Mr. Patrick Connor:** And that's where—

**Mr. Paul Miller:** No. You've cut out your own corner. I'm not arguing with you, but you've cut out your own corner.

**The Chair (Mr. Monte McNaughton):** I have to cut this off and move to the government. We'll go to Mr. Dhillon, please.

**Mr. Vic Dhillon:** Thank you very much, Mr. Connor, for making your presentation.

The Ontario Landowners Association feels that there wasn't enough consultation on this and, with the passage of Bill 100, that trails will be able to be registered on property.

Can you briefly speak about the consultation process and about the misconception around the trail easements?

**Mr. Patrick Connor:** Well, there was a publicly declared consultation process.

Members of the Ontario Trails Council board are farmers; they are landowners. My executive committee



and our board have had agriculture representatives on them.

Who does what with that information? Again, I don't run the OLA. The OLA may feel like somehow they have been slighted. However, as Mike Clewer from the OFSC mentioned, well-informed landowners understand. Well-informed landowners have been calling my office to say that the information that we have provided has saved trails and that, through better understanding, they don't understand what the problem is, other than one organization that, I dare say, perhaps is on a membership drive. They're just making hay while the sun shines.

Their misinterpretations are their own. They can say that they're severe and protracted and they can cause mayhem in the community, but when we review the act and the language, and if we take "may" as may and "due process" as due process—200 years of statute. I've been involved, as an employer, in negotiation with unions as tough as the CAW, and they have pointed out to me that "may" means may, "shall" means shall, and there's no lack of clarity in my dealings with either OPSEU or the CAW that that's what the language means. So they can spin it however they want, but all they're doing is causing damage to rural Ontario.

**Mr. Vic Dhillon:** Since 2009, our government will have spent, directly and indirectly, approximately \$130 million to support the Ontario Trail Network.

Can you explain how a voluntary classification system and voluntary best practices will improve access to trails and support our trail network?

**Mr. Patrick Connor:** I think the important thing here is to recognize knowledge of these voluntary practices, knowledge of the sector and understanding of the commitment that these community leaders are making. The Bruce Trail, as a land-management organization, follows the best practices as it is laid out in the Planning Act. Unfortunately, some other—

**The Chair (Mr. Monte McNaughton):** We're going to move to the official opposition now: Mr. Clark.

**Mr. Steve Clark:** What a contrast in presentations we've had for the first two presenters today.

Sir, I find your commentary to be bizarre in parts. In parts, I feel like you're almost apologizing for your organization's lack of education in ridings and to members.

I could go on and on about how I disagree with many of the points that you present in terms of the need for clarification. I think a number of our written proposals that are here today validate some of the things from people on this side of the table.

But I actually want to ask you one question, and I would really like to have the answer. In the second reading debate, the minister and the parliamentary assistant made a presentation. This gentleman was in the crowd, and he said something to me, when the minister introduced me, about how he wanted to meet with the Ontario landowners and communicate to them his opinion on this, so that he could get them as part of the partners in the process.

I'd like to know specifically what he did after that conversation we had in the House to get landowners in

general, or the OLA, if he chooses to discuss—just how did he educate them on his views on this act?

**Mr. Patrick Connor:** I've been to meetings in Almonte and Simcoe. I've met with their governors. Their governors are calling me, and Tom Black is emailing me directly. So I've had a number of meetings directly with them, and there's an ongoing dialogue.

**Mr. Steve Clark:** So were you successful in having them agree to some of the things that you mentioned today in the committee?

**Mr. Patrick Connor:** They agree, as we do with them, that an appreciation of landowners is needed, that there needs to be a better process and better clarity about what the act means.

I think I have to be clear to the committee. I do understand that I'm coming in here and saying that the language in the act is okay, but with all due respect to the member, you also stood in Parliament and said that, frankly, in rural Ontario we just think the government is "up to something." So this is actually what's written on paper in the act, and our interpretation is that the language is okay, but the way that it plays out needs to be improved.

That's what I'm here to say. That's why we've held an open door to the OLA throughout, and that's why we continue to meet with them and correspond with them.

**Mr. Steve Clark:** Well, listen, I read a letter from my snowmobile club that essentially says that the snowmobile trail that the Grenville snowmobile club has in my riding is shut down, and it's going to be shut down. For this person to come and say that there needs to be no amendment makes me feel like you've got your head in the sand.

**Mr. Patrick Connor:** That's not true.

**Mr. Steve Clark:** You're supposed to be the executive director of the Ontario Trails Council.

**Mr. Patrick Connor:** I am.

**Mr. Steve Clark:** You're supposed to be the one who educates people—

**The Chair (Mr. Monte McNaughton):** I have to warn the member not to insult. And with that, that's the end of the presentation. We're out of time, so thank you very, very much for coming today.

**Mr. Patrick Connor:** Thanks. Thank you very much for your time.

#### ONTARIO FEDERATION OF AGRICULTURE

**The Chair (Mr. Monte McNaughton):** Our next presenter is the Ontario Federation of Agriculture. I know these folks know how the process works, but if you could introduce yourselves. You have 10 minutes for your presentation and three minutes from each party for questioning, beginning with the government.

**Mr. Don McCabe:** I thank you, Mr. Chair, for the opportunity for the Ontario Federation of Agriculture to appear before this committee. We do not take these

opportunities lightly, and we thank you again for wishing to hear our views.

In listening to the first two presentations today, I am struck by the need to possibly put on the record three quotes that came to mind here today. One is by Abraham Lincoln, and that is, if you want to predict the future, you should create it. The second one is from George Bernard Shaw: The biggest problem with communication is assuming it happened. The last one would come from Dwight Eisenhower: If a problem cannot be solved, you've got to make it bigger.

With that, I'd like to introduce some remarks into the record. Before I start, I'd like to introduce Peter Jeffery, a staff researcher with the Ontario Federation of Agriculture, who is very engaged on this file, and Paul Wettlaufer, a fellow director who represents Grey and Bruce counties in the Ontario Federation of Agriculture.

The Ontario Federation of Agriculture is Canada's largest voluntary general farm organization. We represent more than 36,000 farm family businesses across Ontario. These farm businesses are the backbone of a robust food system and rural communities with the potential to drive the Ontario economy forward.

I would have to add, after hearing the first presentation: Yes, we do stuff in the wintertime too. It's called milk, chickens, processing and a few other things for the good of the economy, because we're \$34 billion of it and the number one industry in this province.

With regard to the proposed Ontario Trails Act, Bill 100, the OFA categorically disagrees with those who assert that Bill 100 will in some way, shape or form impose trail-related easements on unwilling and unsuspecting owners of private property. In our opinion, such an assertion is utterly false and misleading, and actually serves to harm rural businesses that depend on trail-related tourism. Hopefully we were clear.

That being said, the OFA does believe that the proposed Ontario Trails Act would benefit from adding a clarifying statement on easements that includes that easements will never be unilaterally imposed on any property owner and, secondly, that easements are voluntary and solely at the discretion of the property owner.

The OFA is on record as supporting the voluntary nature of any trail-related easements, as set out in subsection 12(3) of the proposed act. We further supported the provisions in section 12(9), which would enable a property owner to specify the term their easement was valid for.

#### 1340

The OFA believes that the provisions in section 12(8) on assignment of easements by an eligible body should be dropped. If a property owner chooses to enter into a trail-related easement with an eligible body, the agreement should be with that body only, as negotiated. If the eligible body no longer wants to keep the easement, they should rescind it.

Section 7 of the proposed Ontario Trails Act speaks to the development of trail best practices. This provision is positive. We do, however, strongly recommend that any

government funding for a trail or to the trail organization be contingent on the trail organization's complete adherence to trail-related best practices. OFA has repeatedly heard a range of problems from farmers adjacent to former rail lines converted into recreational trails. We have attached our Rails-to-Trails Concerns of Adjacent Property Owners paper, and I highly recommend a quick read on that, please, because it addresses 13 different identified issues and concerns voiced by adjacent property owners, based on their rural real-world experiences. The OFA strongly recommends that these items be included as an integral part of any trail best practices guide.

Moving to the Occupiers' Liability Act, the OFA believes that Bill 100 fails to address the legitimate concerns of farmers and rural property owners concerning trails-related liability protection. While both the snowmobile and ATV associations do provide farmers and rural property owners who permit trail portions to cross their land, other trail groups and types provide no liability insurance coverage to adjacent property owners in the event that a trail user leaves the trail proper, trespasses on the adjacent property and injures themselves. To overlook this critical element is a legitimate barrier to trails development. The OFA recommends that the Occupiers' Liability Act be amended to shield farmers and rural property owners from frivolous liability lawsuits initiated by idiots—sorry, trespassers.

Trespass to Property Act: The proposed amendments to the Trespass to Property Act fall short of fulfilling OFA's long-standing requests on this subject. We would view raising the minimum fine to \$10,000 as mere window dressing. The current \$2,000 maximum fine has never, to our knowledge, been levied. Why should we believe that a higher maximum fine will lead to higher fines across the board? We firmly believe that a set minimum fine of \$500 is necessary to serve as an effective deterrent to trespassing, particularly when one compares the current practice on fines—\$50 plus a nominal victim's surcharge—to the cost of a snowmobile or ATV. The OFA recommends that the Trespass to Property Act be amended to set the minimum fine levied on conviction at \$500.

The OFA fully supports the removal of the ceiling on damage awards. The OFA believes that the government must undertake to educate both the general public as well as some enforcement personnel on the provisions in the act with respect to notice for agricultural properties. Under section 3 of the act, entry is prohibited without any signage to fields, gardens, orchards, vineyards, as well as to properties fenced to keep animals in or people out. All too often, farmers tell us that the police won't lay a charge because their farm wasn't posted. This misperception must be ended. The OFA recommends the government undertake a broad information and awareness campaign to emphasize public respect for private property and the fact that agricultural lands do not require signage to indicate their "closed to access" status. I don't think I can go wandering through the backyards of

Toronto tonight, and actually say that I shouldn't be charged because I didn't see signage.

In addition, another long-standing OFA ask involves the status of farm crossings on abandoned railway rights-of-way converted into recreational trails. Farm crossings were granted to farmers whose lands were cut in two by a rail line, and the crossing provided the farmer with their only means to access an otherwise landlocked portion of their farm. We note that some trail organizations believe that they do not need to recognize farmers' ongoing right to use these crossings, even after the rail line has been abandoned and sold. We have also seen rail trail groups suggest that abutting farmers would have to sign some form of crossing agreement and pay for farm crossing signage. For us, these attitudes and positions are utterly unacceptable. Farmers and their crossings came first, and their ongoing rights to continue to freely use their crossings must never be infringed upon. The OFA demands that the proposed trails act be amended to clearly and unequivocally recognize farm crossings on abandoned railway rights-of-way converted into recreational trails, and the right of those whose property is divided by a former rail line to the perpetual use of their crossing.

Farmers recognize the desire of many Ontarians to be able to explore the unique and diverse landscapes that make up rural Ontario. This experience must occur on recognized trails, some of which may include agreed-upon portions of farms. In return, farmers expect that people using Ontario's system of trails will respect the rights of farmers and other private property owners, will stay on the trail proper and will abide by any specific trail use requirements.

We look forward to working with the Ministry of Tourism, Culture and Sport on the development of trail best practices.

I also draw your attention to some photographs. For you, Mr. Chair, those were just outside of Glencoe. You and I would both know the individual. That certainly was not a proper snowmobile trail abider, because I don't think there was much snow there in August when he decided to take out those beams after having a very satisfying snort of something.

**The Chair (Mr. Monte McNaughton):** Thank you very much for the presentation. For the mention of my riding of Lambton–Kent–Middlesex, thank you.

We'll move to Mr. Anderson.

**Mr. Granville Anderson:** Hi, Don. Good afternoon, and welcome to you and your OFA members who are here today. You were really passionate about your presentation. Wonderful. It's good to see.

The OFA represents over 36,000 farm families. Over 80,000 kilometres of trails run through these farms and operate within your represented demographics in Ontario, with the generosity displayed by Ontario farmers across the province. That's why I'd like the OFA to weigh in on the trail easement section, which you touched on a bit earlier, of Bill 100. How does this additional voluntary easement system impact your members?

**Mr. Don McCabe:** I'm going to start, and then I'm going to ask Mr. Jeffery for his direct input.

Part of the reality that we have to recognize here is that, for example, when railroads crossed farms once upon a time, farmers then had their buildings put along that rail line because that was their access to move product out. That means that the farmstead has now put new buildings in place.

This raises the 13 issues that we have identified in the addendum to this report, on issues about security. Yes, we want to share the landscape with fellow Ontarians, but there has to be an issue of respect here.

Mr. Jeffery, could you add, please?

**Mr. Peter Jeffery:** We looked at the easement section and didn't feel that it was an imposition on private property owners and farmers because the language said that property owners "may" enter into easements.

We do recognize that a lot of people, particularly across rural Ontario, don't understand the whole issue around easements. I think some education around what they really are and what they're not would have gone a long way to minimize some of the angst.

**Mr. Granville Anderson:** Okay. I know you've touched on how we should educate the public and create awareness. How should the government go about doing that?

**Mr. Don McCabe:** I believe that you already have a trails committee that is operational within this government. Mr. Jeffery has been a participant there for some time.

I think you also have a strong opportunity here to send some good signals through this bill, to enhance these activities and come down on the issue of resolving the fact that this has to be a shared landscape with respect to the businesses that are there.

The longer-term reality is that it is all one landscape and it has to be shared, but right now the rules have allowed some to say, "The communication has occurred," or, "It's not my fault that somebody didn't show up." I don't buy that. There are a lot of doughnuts and a lot of coffee out there. We can talk more.

**The Chair (Mr. Monte McNaughton):** We'll move now to the official opposition, and Mr. Clark.

**Mr. Steve Clark:** So you're talking about doughnuts and coffee, and then it comes to me next, right? I thought you just basically set that up.

1350

I've always enjoyed our conversations. I want to thank you for being here, and I want you to know that much of what you've put into your presentation was communicated to me at some of my recent visits to some of your members. I was at the Leeds county annual meeting and all of these things were communicated by OFA farmers in Leeds county. Previous presenters—I talked about Grenville county, but there are also issues in Leeds county as well.

Was the OFA involved with the initial consultation that the ministry had? At that time, if you were, were your comments limited to trespass to property and farm crossings?

**Mr. Don McCabe:** I will refer that question to Mr. Jeffery. He will have a much clearer recollection of that issue because I have a hard time with yesterday.

**Mr. Peter Jeffery:** We were involved in some of those preliminary trail consultations at different points across the province. Our primary focus was on trespass liability and things like farm crossings, fencing, abandoned rights-of-way, which is a thorny issue for farmers.

**Mr. Steve Clark:** Yes, so obviously you're disappointed that the farm crossing isn't part of the bill. I would guess, and I'd like you to confirm, that the first two ask about the clarifying statement on easements in section 12(8). It is primarily what I'm hearing from your members to date. Is that basically correct, that those are the number one and number two amendments that OFA members would like to see?

**Mr. Peter Jeffery:** The number one issue that we're hearing is around easements, and we think that putting some clarifying language in there about what they clearly are not would benefit everybody.

**Mr. Steve Clark:** And because of the nature of the relationship that your members have with snowmobile clubs primarily, would you say the number one issue is that transferability to another organization, that these fields in the wintertime are used for snowmobile crossings, but in the summertime, obviously, the farmers have bigger and better things that they'd like to do with that property?

**Mr. Don McCabe:** I would agree with that context because the snowmobile clubs, at least in my recollection from my area in southwestern Ontario, are very respectable to the needs of the farmer being able to complete a harvest and establish the lines, and the work has been carried out. I think what we've had here now is a bit of a firestorm erupt on the issues and portrayal thereof, right or wrong, and that's why we're here today.

**The Chair (Mr. Monte McNaughton):** We'll move to the third party now. Mr. Miller.

**Mr. Paul Miller:** Thanks, gentlemen. My first question is, what's the OFA's opinion on the provisions of the bill allowing easements to be assigned or transferred? You'd like to see amendments on that, I'm assuming.

**Mr. Don McCabe:** I think we were clear in the statement here that we want to ensure the property owner knows exactly what's happening with their property. If they happen to have—an abandoned rail line is the best example here. If something's happening, they need to know because, again, it's back to biosecurity issues, it's back to having machinery that's been tampered with, and people say, "The trail's boring, so what the heck, we'll move through here."

**Mr. Paul Miller:** I have one question which I don't think has been addressed, ever. What happens in the summertime, with ATVs and motorcycles on trails? I haven't heard anything about that. Are there problems there with some of the landowners?

**Mr. Don McCabe:** Well, if you want to—

**Mr. Paul Miller:** It's another ugly thing to go down?

**Mr. Don McCabe:** Well, if you've still got a VCR, go watch Mad Max. It'll give you a hint. We have a few—

**Mr. Paul Miller:** You'd think that might have been included in this for a little protection for the farmer.

**Mr. Don McCabe:** As far as we're concerned within what we've submitted, we're talking about trails and their issues, regardless of season, 365.

**Mr. Paul Miller:** Okay. I believe my colleague has a question.

**Mr. John Vanthof:** I think one of the issues in all three of these presentations is about education and consultation. The issue is that what we're dealing with with trails are private landowners who really don't gain anything personally by allowing a trail on their property. So they hear, "Group A says this and group B says this." Perhaps you consult a lawyer, and as soon as a private landowner hears those words, they're going to walk away from the trail. I'm an MPP and a farmer, and I have a hard time explaining this to people. It has got to be really clear in the bill itself, so that when Joe Farmer, Joe Campground Owner or Jane Farmer reads it and OFSC comes to them and says, "Here's what the bill says: An agreement to use your land is not an easement"—it has to say something. There have been really good examples of this. The bill has to be readable by the average person in the province; it can't be only readable by people who have done union contracts and by lawyers. Would you agree?

**Mr. Don McCabe:** Yes.

**Mr. John Vanthof:** Thank you.

**The Chair (Mr. Monte McNaughton):** Mr. Mantha, about 10 seconds.

**Mr. Michael Mantha:** Ten seconds? Okay. In addition, the ministerial discretion about assigning a trail, giving it a special designation: What does that mean to OFA?

**Mr. Don McCabe:** The minister is not paying those property taxes.

**Mr. Michael Mantha:** Thank you.

**The Chair (Mr. Monte McNaughton):** Thank you very much for your presentation, and thank you, Mr. McCabe, for letting everyone know at Queen's Park that people drive snowmobiles in the summertime in my riding.

#### BRUCE TRAIL CONSERVANCY

**The Chair (Mr. Monte McNaughton):** We'll move now to the Bruce Trail Conservancy. Thank you very much. If you could please introduce yourselves for Hansard. You'll have 10 minutes for your presentation, and questions will begin this time with the official opposition.

**Ms. Beth Gilhespy:** Thank you very much, ladies and gentlemen and honourable members present. My name is Beth Gilhespy, and I'm the executive director of the Bruce Trail Conservancy. I'm here today with my colleague Antoin Diamond, our director of land securement at the conservancy.

Thank you for giving us the opportunity to talk about the importance of Bill 100. We do believe this bill should

be passed with all the elements that are presently there, albeit with necessary modifications for clarity to provide assurance to concerned landowners.

I'm going to start by saying the obvious: Trails are an integral part of the Ontario landscape and a testament to decades of planning, landowner generosity, volunteer dedication and public engagement. I would also say how much we greatly treasure the long history we've had with our landowners. These are farmers, cottagers, business people, and people simply living in the countryside and enjoying the beauties of Ontario. They've generously allowed us to cross their land, and we appreciate the opportunity to speak to some of their concerns today and express our own views on the bill.

Most trail organizations, including the Bruce Trail Conservancy, rely on landowner permission to access land. This can be done on an informal handshake basis. That's what we call simple agreements or verbal agreements with landowners. They can be carried out through written agreements or licence agreements. For example, we have more than 950 agreements with landowners who allow the Bruce Trail across their land, which is a very high number, through such agreements—a simple handshake, or sometimes they're licence agreements. Sometimes they're written, and it expresses what we plan to do on their land and gives their permission. None of those things are considered easements, and we'll get to that shortly.

We actually believe, as many do, that Bill 100 benefits landowners as well as trail groups. The bill increases fines for trespassing. It clarifies that landowners don't have the additional burden of liability when allowing trails across their land, and it also allows willing landowners—and I stress “willing landowners”—and trail groups to work together to more easily achieve securement of trail routes through easements.

These provisions of the bill are good for trail organizations and landowners alike, but there's the rub: the easements. This has been the item that, despite the benefits overall to the bill, has given the most concern amongst landowners. They fear a few things:

—They fear that the bill is going to allow trail groups like the Bruce Trail Conservancy to place easements on their land without their permission or even their knowledge;

—They fear that having a written agreement in place, something in writing with a trail organization, means that that is going to be registered as an easement—again without their permission; and

—They feel that they should be concerned about the assignability of easements.

I want to attempt to address some of those fears today because we do support this bill and we support and respect the views of our landowners, and those two things are not contradictory; they're actually complementary.

Let me talk a little bit about the Bruce Trail that so many of us know and love—and I know we go through a few ridings here.

The main Bruce Trail is 895 kilometres long, and there are more than 400 kilometres of side trails. We are the oldest and longest footpath in Canada. About 60%—a little bit less, perhaps—of the Bruce Trail is secured in public ownership. That's on lands owned by us, owned by the province, owned by the federal government and by conservation authorities, etc. The rest—and we're talking about 325 kilometres; think of the length of Lake Ontario—passes through these 950-plus private properties where we have permission from landowners through handshake agreements or written licence agreements.

#### 1400

Many of these agreements have been in place for decades, and we have wonderful landowners; there's no doubt. But the security of our trail on their land and the security of any infrastructure we put in—bridges, stiles, boardwalks etc.—the hard work that our volunteers do to put trail on that land with their permission is only as good as their goodwill and only as good sometimes as their ownership of the land. When they move on, that trail portion becomes vulnerable.

Securing the Bruce Trail is also a provincial goal, and it's outlined in part 3 of the Niagara Escarpment Plan. That plan does not propose establishing the Bruce Trail by handshake agreements. It promotes securing the trail, and again, always on a willing-landowner basis. Any tools available for securing the Bruce Trail are important to us. In fact, from time to time, a landowner who has been friendly with us for a number of years will express a desire to take their support to the next level: They want to donate or sell an easement to us to secure the trail. In all that I've seen and heard over the last couple of months, you'd almost think that no one would ever want to do this, but I'm here to tell you that people do want to do it. We have 22 easements. That doesn't sound like a lot, but we would have a lot more if they weren't so difficult to achieve. But they're always on that willing basis, and we will get to that.

Thankfully, Bill 100 actually proposes to remove an impediment to easements to make it easier for landowners and trail organizations to work together. I should note that easements are not a new item. We've negotiated, as I said, 22 easements along the Bruce Trail, always with landowner permission. But they're difficult, because under the current legislation, we're required to own the adjacent property in order to permanently secure that easement. We have to be what's called dominant tenement. With 950 properties, this jigsaw puzzle all up and down the escarpment, that is most of the time not possible. Landowners who would like to sell or donate an easement for trail securement can't do it under the current legislation unless we own the adjacent land. Bill 100 proposes to remove that simple little requirement, so that you don't have to own the neighbouring land in order to work with a landowner to achieve a trail easement. It sounds small, but it's really important. It's really important to our organization.

Landowners aren't at risk of having easements registered on their land without their knowledge and consent,

despite what they've heard. Bill 100 does not force landowners to enter into easements, nor does it change the informal nature of any existing handshake or licence agreements. Landowners who want to stick with their arrangement that they've had for five or 10 or even 50 years, in some cases, are welcome to do that. We would like to encourage them to pursue securement, but we certainly can't compel them, nor do we push them.

Bill 100 does not change the public process for getting an easement. The easements that we seek must follow the Planning Act, and that requires municipal consent. That requires going to the municipality, the landowner and the trail organization and applying for consent. It's a public process. It's posted and it's circulated to neighbouring landowners. There's a whole package of public consultation around this that is not avoidable. This bill does not make that avoidable either. So you can't register an easement on someone's land without their knowledge.

Easements also have a value. I heard someone ask, "What is in it for landowners?" Well, in terms of easements, we compensate the landowner for that easement. If we can come to an agreement on value and those kinds of things, we will compensate them. Many donate easements and they get a tax receipt for the value of the easement, and some sell as easements. So we've had both kinds.

Easements have always required landowner permission, and under Bill 100, they will continue to require landowner permission. But to provide that added assurance, which we know people are asking for, we support the insertion of language under section 12, paragraph 14 of the bill that explicitly states that easements are voluntary. In the submission—the longer submission that has been handed out—there is specific language that supports that and that you can have a look at.

I want to talk about assignability, the dreaded assignability of easements, which has also come up a lot. It has caused concern, but for us, anyway, it's an important piece. We are owners of easements and owners of land. It's a requirement of our letters patent that if we dissolve as an organization, which I hope will never happen, we have a duty to transfer our lands and interests, which include easements, to another similar organization for the purpose stated in the easement agreements.

Assignability is also an important element in cross-border donations. We know, certainly on the Niagara Escarpment, and particularly in the Bruce Peninsula section, there are a lot of American landowners. We also know that other organizations have worked with American landowners as well. They own land in Ontario and they may wish to donate that land to an organization like ours, but they can't get a tax receipt that's usable in the States. So there's a mechanism that has been set up whereby they can donate it to a group called American Friends of Canadian Land Trusts, who in turn assign that back to us. That's the mechanism that has to happen in order to make that tax receipt possible. That's important. Without that, the landowner is like, "Oh, there's nothing in this for me."

Assigning easements to another organization—this is really crucial—doesn't change the terms originally negotiated. If a landowner worked with a trail organization and said, "Under the terms of this easement, I'm going to allow foot passage only," it means foot passage only. It can even be restricted in terms of the times, the time of year etc. All those things can be part of the agreement and, again, on a voluntary basis. If we can't come to terms with the landowner, then we find another way of working together or we say goodbye and we'll try again some other time.

Trail easements are for trail passage; they're not for conservation. They're not trying to impose restrictions above and beyond what is agreed to by the landowner in the first place, and for which they are compensated.

To clarify that the conditions of easements—time limits, authorized uses and things like that—will be upheld, even if reassigned, we do support the inclusion of language under section 12—

**The Chair (Mr. Monte McNaughton):** Thank you very much for your presentation. We're going to move now to Mr. Walker.

**Mr. Bill Walker:** As the Bruce Trail is a big component of my riding, it's great to see you here, and thank you for your submission.

One of the things that I had certainly heard was that whole piece about the ability for you to accept a piece of land under donation, that it's very prohibitive. Do you have any kinds of stats on what types of numbers you might be thinking about that people would transfer so we have a permanent trail structure under your leadership?

**Ms. Beth Gilhespy:** We don't know because we've never had that ability before, but we do know that there are a number of landowners in a number of situations—out of the 950, I don't think I could give you a firm number, but we think that there are several that will help advance our securement.

**Mr. Bill Walker:** How about the reverse of that: Have you actually lost any pieces of land that you could have had had this been less cumbersome in the past?

**Ms. Beth Gilhespy:** Yes.

**Mr. Bill Walker:** So you're very supportive from that perspective.

**Ms. Beth Gilhespy:** Yes, we are.

**Mr. Bill Walker:** What I hear about the opponents of this bill in my riding are kind of those mythical things that they're going to lose: "If it's been working, why has it?" I think you reiterated, so please just clarify for me again: If anything is currently voluntary, there's nothing changing. That handwritten, that handshake—the snowmobile clubs, to my understanding, have their own forum and they're planning to keep that forum, but there's nothing less or nothing more really deemed by that landowner. So you're very comfortable, that that's how you read the bill and interpret the bill?

**Ms. Beth Gilhespy:** Exactly, Mr. Walker. That's how we read the bill.

**Mr. Bill Walker:** I think you've got a couple of points in there that I've already heard in some of the

other submissions. The other scenario that I've been given is the extended transferability, once or twice removed. It's very specific what you've shared with us, that if someone wishes to transfer, there are three criteria. But what if a group had that for six months and then they chose to transfer it to another group? Do the same criteria apply, and do you feel that this is strong enough wording, in your view, that it would prohibit somebody? Again, they're going to an extreme, saying that you could get some group that we don't want on the trail that's going to prohibit you somewhere down the road because of that transferability. Do you believe that there's stringent control in there to allow that to happen?

**Ms. Beth Gilhespy:** I do. Antoin, did you want to—

**Ms. Antoin Diamond:** The easement agreement is registered on title, and that rolls with the land; it goes forward with the land. Anybody purchasing a property will be informed by their solicitor that it has got an encumbrance on it, and that instrument will be opened, the agreement will be reviewed and it will be detailed what those restrictions are. So rolling forward, any landowner purchasing the sale of land will be informed of what those restrictions are.

**Mr. Bill Walker:** I get it with the first landowner transfer; it's the second, or a third or a fourth. It might be 20 years down the road when the world has changed again, that the ability to ensure that the original tenant—that what they expected the use of land to be can't just be slid past, where some group nefariously comes in and says, "We're going to restrict the ability for you to utilize it as a trail."

**Ms. Beth Gilhespy:** Our understanding is that what is agreed in the easement carries forward, unless there are changes that are made mutually by the landowner and the owner of the easement. It can't be done unilaterally, so those would go forward, yes.

**Mr. Bill Walker:** Thank you. The other one is—

**The Chair (Mr. Monte McNaughton):** I'm sorry, Mr. Walker. We have to move now to the third party. Mr. Miller.

**Mr. Paul Miller:** Thank you for being here today, and thank you for your submission. I had the privilege of sitting on the Hamilton Conservation Authority board for a few years.

Would it be fair to say that your conservation authority aggressively pursues easements?

**Ms. Beth Gilhespy:** We don't aggressively pursue them because they are rather difficult to get at this point in time, but it is definitely a tool that would be very useful in a lot of cases. We just have not pursued them to the same degree because they have not been as achievable, having had to own the neighbouring land.

**Mr. Paul Miller:** What do you see as the main problems with the existing trail use system that this legislation addresses?

**Ms. Beth Gilhespy:** The legislation gives us just another tool to work with landowners to secure route. We have a world-class trail that is so popular to so many, but it's very vulnerable as well. There are many landowners out there who are supportive and would like to help us

secure that route. If that's not their desire, then that's okay too, but we want to be able to offer that, and this helps us do that.

**1410**

**Mr. Paul Miller:** My colleague has a question.

**Mr. Michael Mantha:** Coming from northern Ontario, particularly Manitoulin, I'm looking forward to a very busy summer of trying to have some discussions with landowners, Ski-Doo clubs, and ATV clubs because of their concern with the interpretation of how this act is being applied to them. Individuals always weigh on the side of caution, so right now there's a huge potential economic opportunity that's going to be lost in our area.

What might you suggest for changes in this piece of legislation that might ease the landowners and also the Ski-Doo clubs? What do you suggest that the government can put forward within this piece of legislation so that everybody can say, "Listen, this is a good idea. This reassures your concerns, and this is how we can proceed with it"?

**Ms. Beth Gilhespy:** Well, we've made a few suggestions which are in our submission, but I can reiterate them just briefly. One is providing that added assurance that the easements are voluntary, really explicitly stating it, so that there's no vagueness to that. Another is to clarify that assignability carries with it the original terms of the agreement and cannot be unilaterally changed—that they have to have landowner agreement as well—and the terms of the agreement being very explicitly stated, so that if they are signed, the landowner has the same expectation, regardless of the landowner.

**Mr. Michael Mantha:** Some of the landowners and Ski-Doo clubs have come up to me and said, "Listen, the minister is going to receive special designation as far as assigning a trail." So if myself, the president of a Ski-Doo club, the landowner and the municipality all agree that in order to promote economic development and tourism in our area, we're going to designate this trail the "Blue Bayou Trail," they're thinking is the minister is—getting them involved. What is yours?

**The Chair (Mr. Monte McNaughton):** Mr. Mantha, sorry. We have to move now to the government. The three minutes is up.

We'll go to Ms. Naidoo-Harris.

**Ms. Indira Naidoo-Harris:** Thank you so much, Chair. I want to start out by thanking Ms. Gilhespy and also Ms. Diamond for coming in. Ms. Diamond, you look a little familiar. I think I've seen you in the House listening to some of the debates. Welcome again and it's good to see you.

I of course want to start out by thanking the Bruce Trail Conservancy for maintaining what I know is the longest and oldest marked footpath in Canada. I want to also thank you for your hard work, dedication and vision over the years, for maintaining public access for all of us to our magnificent Niagara Escarpment.

And a personal thank you from me and my family to you, because you've made it possible for all of us and millions of Ontarians over the years to be able to access what I think is just a magnificent area, and also a

UNESCO biosphere. Thank you so much for that and for your hard work in maintaining those trails.

You touched on a lot of things I was going to ask you about, but, first of all, Bill 100 was introduced to implement access and to improve access to Ontario trails. So just a quick question: Does it do that? Are we improving access to our trails?

**Ms. Beth Gilhespy:** Yes. We're giving landowners more comfort about things like liability and fines, although there could probably be more work done, and other groups have spoken to that more eloquently. And it also gives us another securement tool, so yes, I believe it does.

**Ms. Indira Naidoo-Harris:** Now, you touched on quite a bit in terms of the easement process and what's going on. As I'm sure you realize—and you touched on this already—this is about balancing access and also the rights of landowners, right?

**Ms. Beth Gilhespy:** Yes.

**Ms. Indira Naidoo-Harris:** Do you feel that this hits the right balance, essentially?

**Ms. Beth Gilhespy:** I think it does hit the right balance—we do. We think that clarity is needed to ease those concerns, because they're definitely out there and it is impacting trail organizations. So, if the clarity is there, it can be very effective. But there are a lot of people to talk to.

**Ms. Indira Naidoo-Harris:** You touched on that a bit, because you talked about your proposed amendment to section 12, I understand, right? Did you hit all of the points you wanted to hit there, or is there anything you'd like to elaborate on there?

**Ms. Beth Gilhespy:** I did miss a couple. So we're asking for clarity about voluntary entering into easements, we're talking about clarity that the easement agreement will contain explicit uses of that easement so that there's no vagueness or concerns transferring those on if they do have to be assigned, we proposed clarifying terms and—I think that probably covers the main points.

**Ms. Indira Naidoo-Harris:** Okay, thank you for that. I'd now like to just move to another area, which hasn't been touched on so much, but I understand you probably have an opinion on this. I'd like to talk about fines and fines for trespassing. How does this support the expansion of the Bruce Trail, do you think, and what are your thoughts on the minimum fine for trespassing?

**Ms. Beth Gilhespy:** I don't think we've actually—we haven't explored what we think should be a minimum fine. There are—

**The Chair (Mr. Monte McNaughton):** Sorry, we're at the timeline. We're under strict orders of the House, and have to stick to it. Thank you very much for presenting today.

**Ms. Beth Gilhespy:** Thank you very much.

**Ms. Indira Naidoo-Harris:** Thank you for coming in.

#### HIKE ONTARIO

**The Chair (Mr. Monte McNaughton):** We'll now call Hike Ontario. Welcome to the committee. If you

could introduce yourself for Hansard. Questions this time around will start with the NDP.

**Mr. Bill Mungall:** Mr. Chair, committee members, my name is Bill Mungall and I am here today representing Hike Ontario.

We represent 25 hiking and hiking trail clubs across the province. Our members include the Bruce Trail Conservancy, the Oak Ridges Trail Association, and the Rideau trail club. By the way, there's a map at the back of our submission for all of the trail systems of the 25 clubs that operate.

Using only volunteer labour, our clubs have built and now maintain over 4,000 kilometres of rather challenging footpaths in Ontario. Most of these have been established many years ago by the simple handshake agreements with the landowners. The hiking clubs take much care in maintaining good relations with these owners.

We also insure clubs, hike leaders, trail maintainers and landowners who have trails on their property. We run courses on hiker safety and we certify hike leaders. We offer programs to bring seniors, youth, those with mental health issues and new Canadians into the world of hiking. Our clubs lead several thousand hikes a year that are free and open to the public, as are the trails.

We are here today to speak generally in support of Bill 100, to simply confirm that its collection of what are mainly housekeeping provisions are in fact much needed. We support specific improvements to section 12, the easements provision, as have been well discussed in the Legislature. We are, however, concerned that the bill doesn't go far enough to address serious and legitimate concerns of private landowners that prevent many from permitting trails over their land. In this regard, we recommend two friendly amendments. The specifics of the amendments we recommend are contained in our preface in the boldface, at the beginning of our submission.

First, though, on section 12: Easements will protect investments made by trail clubs in major infrastructure such as bridges, and for landowners wanting to secure the trail for future generations. But easements will be seldom used, since survey, severance and other costs will be a minimum of about \$3,500 for even the simplest of easements. For a number of our clubs, that would be half their annual budget.

Secondly, on landowner liability, we seek a new section of the bill that prevents trail users from suing landowners for negligence, similar to a provision in New Zealand's trail legislation. This would signal the government's recognition and support for landowners that do welcome footpaths, and will reduce landowner fears of liability, while retaining the right to sue for gross negligence, such as deliberate acts intended to harm.

Lastly, we believe the bill should make provision to enable the minister to address an acute need for financial incentives to support landowners who agree to a footpath on their land. The ministry's own 2005 Ontario Trails Strategy outlined the need for landowner incentives as a strategic priority, but no action to even study, much less



act on, this matter has occurred to date. Yet a very strong case can be made.

In rural Ontario, the province has a long history of encouraging private landowners to practise activities that provide a mix of private and public benefits. To keep farmland and forests in productive use, a 75% reduction from the residential assessment value is offered under the farm tax and managed forest tax programs. To start up a farm, generous grants have been available. To design, build or maintain municipal drains on private farmland, a one-third provincial grant is provided, and two thirds in the north.

Such programs provide a mainly private benefit to the landowner, even landowners with as little farm income as \$7,000. But footpaths on a landowner's property are providing a mainly public benefit in terms of improved health of the populace, and, secondarily, are a boost to local economies.

We see our clubs' footpaths as a key tool in containing health care costs that are eating the province's budget alive—I think the current figure is 42% of the total provincial budget. Many of our senior hikers see it that way too, and they are out hiking most days of the week to keep disabilities at bay throughout the rest of their lives, and off the health care ledger. Yet despite these public benefits, no recognition or financial incentives are available to the landowner who is making these health-building trails available to the public.

Hike Ontario's position is that such incentives are overdue and warranted because the face of landowners has changed in many parts of rural Ontario. Before the introduction of Bill 100, it had already become increasingly difficult to obtain handshake agreements with landowners in some areas to obtain access for a footpath.

**1420**

We believe the reasons for this are, first, that for decades, insurance companies and lawyers have had landowners running scared by inflaming fears of liability, fears that are simply not justified by the sound underlying Occupiers' Liability Act of 1980, and the very low numbers of incidents involving hiking, much less claims history. Insurers often raise landowners' liability insurance premiums once they're aware that the landowner has agreed to a public footpath on their land.

Secondly, litter, non-permitted uses like mountain bikes, and simply more pedestrian traffic can disrupt the privacy or sanctity of a property and be perceived as nuisances.

Third, rural land severances in large numbers have introduced many smaller, non-farm acreages into rural Ontario. Many of their owners are from the cities, and they don't feel strong ties to the rural community; compared to the farmer, they seem more self-interested and not as willing to allow others to access their property.

The results of these shifts in ownership and attitudes can be seen with just a couple of examples. The Oak Ridges moraine trail, just north of Toronto, despite 24 years of effort by the association, has received little success in gaining access to private land to move the trail off roadways and road allowances.

Similarly, long sections of the Bruce Trail must resort to roads in the Caledon Hills and the south Burlington areas of the Niagara Escarpment, since little access to private land has been granted. The Bruce Trail Conservancy still seeks access to some 1,000 private properties to place the trail on what is deemed an optimum route.

Also, a number of other trail clubs within our membership have reported recent closures of key sections of trail that force the trail to make use of roadways.

Compounding this, the mere introduction of Bill 100 has, as a quite unintended consequence, triggered an organized assault on trails of all kinds in rural Ontario as a means of showing antipathy to the current government and, perhaps secondarily, to Bill 100. A key part of the Thames Valley trail outside London has been closed due to the sustained misinformation campaign fomented across the province by a rural property rights organization, and we expect more closures of the footpath network are yet to come. The carefully constructed relationships between hiking clubs and rural landowners across Ontario over the last 50 years have been grievously vandalized by this group. Sadly, this organization was unable to make a proper reading of the bill before it launched its misinformation campaign.

Obtaining handshake agreements for footpaths was difficult enough before Bill 100. It's becoming nigh on impossible now. This situation urgently needs to be turned around with a truly game-changing initiative.

Hike Ontario suggests a property tax initiative for landowners who accept public footpaths on their land, at the rate of, say, \$20 a year for 100 metres of trail. Trail clubs could supply the database on the lengths of the footpaths per property to MPAC. Offsetting transfer payments would be made by the province to the affected municipalities. Even assuming that all landowners with public footpaths would apply for such a benefit, only an estimated \$222,000 per year would be needed to help secure the 4,000 kilometres of existing footpaths province-wide. The longer-term aim would be to grow the program by getting hiking trails off travelled roads and onto safer and more appealing routes. We are most confident that this modest initiative would find much favour in rural Ontario.

To close, Bill 100 should confer authority to the minister to allow him to introduce such a program or other future possible programs of financial assistance that he chooses, without having to amend the legislation at a later date. So we recommend a new section be added to the bill which permits the minister to introduce programs by order in council that further the objects of the bill, subject of course to cabinet approval.

**The Chair (Mr. Monte McNaughton):** Thank you very much. We'll move to the third party: Mr. Mantha?

**Mr. Paul Miller:** No, it's me.

**The Chair (Mr. Monte McNaughton):** Sorry. Mr. Miller.

**Mr. Paul Miller:** Hi, Bill. How are you doing? Thanks for your presentation. I saw, from one of your

online presentations, that Hike Ontario unsuccessfully requested that the ministry eliminate the ability of trail users to sue landowners with trails. Can you explain to us why you requested that, and what reason the ministry gave you for not accepting your comment?

**Mr. Bill Mungall:** Yes. We did receive a response, and that was that it was felt by the legislative counsel to the ministry that prepared the bill that to take away the right of an individual to sue a landowner is a rather grave taking-away of a right, and that it shouldn't be countenanced.

We maintain, though, that sending a signal to the private landowners that the government supports such an initiative is perhaps more important in weighing the balance. In any event, anyone contemplating a suit can always still sue for gross negligence.

**Mr. Paul Miller:** Further to that, do you think the modifications of the Occupiers' Liability Act are a sufficient step in the right direction?

**Mr. Bill Mungall:** We do, yes.

**Mr. Paul Miller:** Okay. My final question for you would be that one of the problems with the provision for easements was that the costs involved place it out of reach of most clubs. There are surveys, severance, legal costs and, of course, the financial consideration involved, which is not mentioned in this bill. With that, and the controversy surrounding the bill in mind, do you believe the inclusion of easements is of a net benefit to the trail system in Ontario?

**Mr. Bill Mungall:** We do, yes. We simply don't believe, other than the Bruce Trail Conservancy, that very many, if any, of our trail clubs would actually make use of it.

**Mr. Paul Miller:** Thank you.

**The Chair (Mr. Monte McNaughton):** Mr. Mantha?

**Mr. Michael Mantha:** I have the distinct privilege of saying that I've actually worked on the Voyageur Trail along Lake Superior. Next time I go work with them, I won't just bring my axe; I'll bring my chainsaw, because it's a lot of work. I have a lot of respect for these individuals who actually go out and volunteer to prepare these trails to make sure that they're properly cared for.

My one question to you is—I'm looking at your photos and it just jumped out at me. We have the largest freshwater island in the world sitting on our Great Lakes and I don't see your trails there. How come?

**Mr. Paul Miller:** What, are you advertising?

**Mr. Michael Mantha:** Absolutely.

**Mr. Bill Mungall:** Good point. I do take your point. It's a natural extension of the Niagara Escarpment. I've walked the Cup and Saucer Trail myself—

**Mr. Michael Mantha:** It's known around the globe.

**Mr. Bill Mungall:** I'll defer to the Bruce Trail Conservancy as to when they want to complete the trail through Manitoulin Island.

**The Chair (Mr. Monte McNaughton):** Thank you very much. We're going to move to the government. Ms. Kiwala.

**Ms. Sophie Kiwala:** Thank you very much, Bill, for being here today and giving us this presentation. It's very much appreciated, the time that you've spent to prepare and organize, and outside of all of that, your time spent on the work that you do every day. You represent over 13,000 people, which is pretty impressive.

Part of my question for you today is just a little bit of focus on the fines for trespassing. I'm wondering if you can tell me what you think of the OFA's suggestion that there should be minimum fines for trespassing.

**Mr. Bill Mungall:** I also sit on the board of the Ontario Trails Council and we've reviewed that matter as a whole. Hike Ontario supports the recommendation that you heard from Mr. Connor to the effect that a \$250 figure might be more appropriate.

**Ms. Sophie Kiwala:** Okay. With respect to the Bruce Trail and the discussion today, they spoke of the trail easements and how they are integral to establishing those long-term trails and sustainability for the future, which we agree is an extremely important aspect of Bill 100. Can you tell me how the easements section will impact hikers in the future?

**Mr. Bill Mungall:** Well, on the Bruce Trail, there will probably be some substantial effect in the long term in terms of securing the route of the trail. In other trail systems I think it will be much more limited, because the other trail clubs are not land conservancies. The Bruce Trail stands apart in that respect, inasmuch as was indicated that the Niagara Escarpment act is looking for securement of the trail.

We are still going to rely primarily on handshake agreements in the other 24 clubs. I can see a few isolated instances where we may deploy easements. Our own club, the Guelph club, for instance, spent about \$7,000 on a major bridge over a creek a few years ago. If it was now, we might want to enter into an agreement with the landowner, who's quite aged, to ensure that we still have access to that bridge in future.

**Ms. Sophie Kiwala:** So you see that Bill 100 will improve that and your sustainability for the future.

**Mr. Bill Mungall:** It will, yes.

**Ms. Sophie Kiwala:** Excellent. Is there anything else that you would like to add if you had a few more seconds?

**The Chair (Mr. Monte McNaughton):** Unfortunately, you're not going to have time to respond to that question. We'll move to the official opposition. Mr. Clark.

1430

**Mr. Steve Clark:** Thanks very much for being here. I appreciate your presentation.

The new recommendation that none of the previous presenters have really talked about is the financial program. So I'm very interested in hearing not just about how you feel this will work with MPAC—and I see that you place \$222,000, which is a very specific number, per annum to secure that 4,000 kilometres of trail. I'd like you to expand on that a little bit more because it's something that I haven't heard throughout the debate.

**Mr. Bill Mungall:** I'd have to say that no one has studied this in depth, so it's difficult to say much about it.

Not all landowners would want to take the money, necessarily—out of principle, or because they just didn't feel it was worth their while applying for it. But we feel that some nominal financial stipend, at the very least, would offset the costs of the additional liability insurance that they're buying from insurance companies—and to deal with the nuisance factor. I think a little bit of money would go a long way with most landowners.

**Mr. Steve Clark:** Just speaking on the money side of it, given some of the controversy that has happened with this bill and the fact that a number of private property owners have been very distraught over this bill, do you think, regardless of which amendments pass, that there should be some public education, that the government should invest some dollars to try to communicate whatever form this bill is going to take at the end of our hearings, so that you can get ahead of this?

**Mr. Bill Mungall:** Completely. I think I would have said that even before the controversy. That applies in spades now. Yes. It's an imperative. Absolutely.

**The Chair (Mr. Monte McNaughton):** Ms. Thompson?

**Ms. Lisa M. Thompson:** In that same vein, I was just wondering if you had worked with the likes of Don McCabe of the Ontario Federation of Agriculture, the Christian Farmers or the National Farmers Union with regard to that social responsibility concept. We hear a lot of farmers talk about how if they take land out of production for wetlands, there's a value to the overall society in that regard. Essentially, this particular paragraph stuck out for me, as well, and I'm curious if you've talked to the commodity organizations or farm groups about it.

**Mr. Bill Mungall:** No. You've heard it first.

**Ms. Lisa M. Thompson:** Okay. I applaud you for it. They'll appreciate this.

**The Chair (Mr. Monte McNaughton):** That's it for the time. Thank you very much for presenting.

#### RENFREW COUNTY PRIVATE LANDOWNERS ASSOCIATION

**The Chair (Mr. Monte McNaughton):** We'll call the Renfrew County Private Landowners Association to come forward.

You'll have 10 minutes for your presentation. This time, the questioning will start with the government. Please begin by introducing yourselves.

**Mr. John Jeffrey:** Good afternoon. I'm John Jeffrey from the Renfrew County Private Landowners Association.

**Mr. Dan Mazur:** I'm Dan Mazur.

We thank you for this opportunity to present our little presentation to you. It's going to be the shortest one of the day.

We are here today representing the Renfrew County Private Landowners Association, an organization of over

1,800 individuals, private landowners, loggers, private citizens, farmers and small business owners.

We believe the following:

All citizens should have the right to own and should have the right to use their private property for enjoyment and to earn a living from their land.

The property owners are being very community-minded by allowing trails to be on their land, although they have the possibility of so much to lose.

Property owners and snowmobile clubs had a good relationship for over 40 years without easements, and it worked.

Our local snowmobile clubs and the OFSC have done an excellent job of promoting snowmobiling, trails, trail management and safety. Our hat is off to them for their continuing community service. Apparently, Ontario may have the largest trail system in the world, with over 40,000 kilometres of trails.

The users of the trails have so much to gain.

It is apparent the reasoning for easements is to make trails public lands and to enable enforcement of rules and regulations.

It is understood that an easement, if secured, under this bill would be a voluntary agreement between a property owner and an eligible body or bodies. We do not at the present trust this statement.

We agree in principle with the purposes of this bill, and as it reads in the bill:

"1. To increase awareness about and encourage the use of trails.

"2. To enhance trails and the trail experience.

"3. To protect trails for today's generation and future generations.

"4. To recognize the contribution that trails make to quality of life in Ontario."

We are concerned. Our area, Renfrew county, is being choked due to the loss of our rail system and the very low priority of Highway 17 becoming the 417. The possibility of trails closing or being altered due to the property owners not renewing their land use agreements to the snowmobile clubs—many restaurants, places of lodging and other businesses will suffer due to possible trail closures. We cannot support efforts to convert private property into public property by the use of easements under the guise of protecting the property owners.

We recommend that property owners should have a proper and informed say in the development of Bill 100, with the rest of the stakeholders. It is their land that will be affected by this bill. We recommend that section 12 be completely removed from schedule 1, and that agreements between property owners and an eligible body or bodies, upon request, have an agreed-upon duration.

That's our presentation.

**The Chair (Mr. Monte McNaughton):** Great. Thank you very much. We'll move to the government and Ms. Wong for questioning.

**Ms. Soo Wong:** Thank you very much, gentlemen, for your presentation. I just want some clarification, because in your written submission, you indicated to us that

you're concerned about the potential loss of business. Yet a previous witness before the committee, the Ontario Federation of Snowmobile Clubs, indicated to us that there will be an increase in terms of—they shared with us this afternoon that the 2014-15 economic impact study shows that there will be an anticipated \$1.7 billion of economic activity, an equivalency of 7,300 full-time-equivalent jobs.

Furthermore, the ministry themselves did research on the potential jobs associated with the trails and hikes. They anticipated 18,000 jobs across Ontario. They also expressed that the hiking and the trails would generate close to \$1.4 billion.

So I'm just curious, gentlemen: Where do you get the concerns raised about the loss of business and that fear? Where is that information coming from?

**Mr. John Jeffrey:** If this easement goes through the way it's put, the way it's written in there—section 12 should be taken out completely. When it comes to an eligible body, it goes to the crown. You try to tell that to farmers and landowners. When it goes to the crown, it's going to have to go to some kind of a court case if it's put on his land or her land or whoever's it is.

They're just going to close their gates. If gates are closed right across—and from what I've been reading through reports that we got from the Ski-Doo club, there's \$1.7 billion that's put across Ontario through revenue to restaurants and service stations—you name it. In our county and Hastings county right beside us, there's \$76 million put through there. But the thing is—

**Ms. Soo Wong:** Because time is limited, I'm going to stop you there, because I just don't know if you're aware that in Bill 100, it is very clear in the bill that it's voluntary.

**Mr. John Jeffrey:** Yes, it is. But the information that we're getting is that if easements are put out, it could come as an eligible body. You start telling this to landowners and gates start going up and blocking land. All it takes is one county through Ontario, and it's going to slow a lot more than one county down.

**Ms. Soo Wong:** I remember hearing Mr. Yakabuski and others—Mr. Miller and those I'm talking about; you were there when we had this debate at second reading. I'm not sure that the information about Bill 100—

**The Chair (Mr. Monte McNaughton):** Ms. Wong—sorry—would you speak into the microphone, please?

1440

**Ms. Soo Wong:** I'm not sure that the community where you're from actually is aware that it's very clearly stated in Bill 100 that it's voluntary, between the owner and the easement issue. I am concerned that that message and the information is not shared to your community. It is explicitly stated.

We also have information from the rural association, OMAFRA and the Association of Municipalities of Ontario supporting Bill 100.

I also want to ask some questions related to the issue of fines, because I also noticed in your presentation, your written submission, you make no reference to the fine

piece. I believe the government is increasing the maximum fine from \$2,000 to \$10,000. Do you have an opinion about that?

**Mr. John Jeffrey:** My opinion on that is that talking about fines is not going to create the problem.

**The Chair (Mr. Monte McNaughton):** I'm sorry. I have to move along now to the official opposition and Mr. Yakabuski.

**Mr. John Yakabuski:** Thank you very much, John and Dan, for joining us today.

In spite of what Ms. Wong from the Liberals is—she wants to tell you what you should be thinking about this bill. I'm interested in what you are thinking about this bill because I know, as you know, that trails closed, when this bill became known, throughout not only my riding, which you gentlemen are from, but all across parts of rural Ontario. So clearly there was—if they're saying there's no reason, why did they close? There was a tremendous belief that something was wrong with this piece of legislation.

Were you people ever consulted, before this bill was adopted, by the Ministry of Tourism and Culture about what a new trails act would look like?

**Mr. John Jeffrey:** No.

**Mr. John Yakabuski:** Were you every consulted? Do you know of any farm group in the riding that was ever consulted ahead of time?

**Mr. John Jeffrey:** No. I've talked with people all the way from Collingwood and right up through the whole north. Our area, being around Algonquin Park—the trail goes right by my place to Algonquin Park. If that's closed, it's going to take—because I've seen at restaurants in Renfrew county at lunch time, there has been as high as 60 to 80 snowmobiles at one restaurant, and that's with service stations, businesses, right through the whole area. So, as far as I'm concerned, it's going to close Renfrew county down.

**Mr. John Yakabuski:** If those trails are closed—and Terry Vaudry from the snowmobile club has spoken to you—if they don't have a continuous link through Renfrew county, they basically don't have snowmobiling.

**Mr. John Jeffrey:** No.

**Mr. John Yakabuski:** They rely as much on the private landowners as they do on public lands to keep those trails operating.

So what you're asking for, then, if I'm correct, is for the removal of section 12.

**Mr. John Jeffrey:** Yes.

**Mr. John Yakabuski:** Because this is the one that concerns people. If people don't sign easements, we understand. We understand that they're voluntary. But if that easement is signed, the belief is that this gives the government the option and the power to assign that easement to a third party, and that concerns—

**Mr. John Jeffrey:** Yes. It definitely does.

**Mr. John Yakabuski:** If the government's unwilling—because they generally are—to make that

change, is there a clarification that could be done to this bill that you believe would give some form of comfort to landowners? Because, right now, there's a tremendous amount of confusion out there.

**Mr. John Jeffrey:** Yes, there is a tremendous amount. Take section 12 out and explain—give people more. You're talking to farmers and landowners. You're not talking to lawyers or anybody like that. They want it more clearly brought out to them, right up front, what this is all about.

Landowners don't really want to close their trails, I'll guarantee you that, because I know landowners, and I've talked to service stations, like Spectacle Lake Lodge. It's a big lodge; it's full every weekend with skidoos. Everybody's under the same concern. Get a better explanation out there, and work with the people—

**The Chair (Mr. Monte McNaughton):** Sorry, we have to move to the third party. Mr. Miller, please.

**Mr. Paul Miller:** Hi, gentlemen. How are you doing today? Thanks for coming in.

I certainly have some concerns about section 12. It could be better clarified to make the landowners feel a little better. I do believe you weren't consulted properly, and you should have been, which would have made a lot of these rumours—they might have not floated around.

But I am concerned about the statement from your friend MPP Randy Hillier, who was a former—I don't know if he's still a member of the landowners' association. This is a quote from him in the House; it sends conflicting messages to other MPPs. The member from Lanark-Frontenac-Lennox and Addington said, "Bill 100 does not grant any new authorities over private land, nor does it infringe or impair private property rights." Do you agree with that statement, and if not, can you explain to me why?

**Mr. John Jeffrey:** No, I don't agree with that statement.

**Mr. Paul Miller:** You do or you don't?

**Mr. John Jeffrey:** I don't agree with the way he put it, anyway.

**Mr. Paul Miller:** Okay. What's your disagreement?

**Mr. John Jeffrey:** Just like what I said here. It starts off as a "body," to an "eligible body," and then it goes to "the crown." You try and tell that to a landowner or a farmer or anybody. They know that if they have to deal with the crown, they're going to have to go to a lawyer. They don't have money to go to a lawyer. Most landowners today are just working to survive.

**Mr. Paul Miller:** So you feel that if the government took the time to alleviate some of your concerns by explaining to you in laymen language what's going on here, you guys would feel a lot more comfortable and you probably would be not opposed to it.

**Mr. John Jeffrey:** Yes, explain it to the public. I like speaking off the cuff, and when you're talking to farmers, they're going to speak back to you off the cuff.

**Mr. Paul Miller:** Sure. So if they set up a meeting with your organization, just to talk to you and straighten it out, would you be okay with that?

**Mr. John Jeffrey:** I definitely would.

**Mr. Paul Miller:** Well, I don't see why they wouldn't. Thank you.

**The Chair (Mr. Monte McNaughton):** Mr. Mantha?

**Mr. Michael Mantha:** The extensive problem that we have with this bill—and I hope the government takes this back when they are taking it into consideration—is there's a relationship that has been hurt here, a long-standing relationship between landowners and trail users, never mind the clubs. There's been a harmonious relationship that has been going on for years and years and years. A bill is dropped on the table, and we have a problem now.

To not challenge ourselves and say, "Wait a second. We've got to take a step back here. We don't want to ruin any relationships that have developed over the course of the years between the farmers' associations, the landowners' associations and the individuals who enjoy the beauty of our trails"—we have to do this right. We have to go out and make an explanation, and not just an explanation, but take into consideration the reassurances that these landowners actually need.

I don't want to put words into your mouths, but what would that explanation look like? What would you need in order to satisfy your groups?

**The Chair (Mr. Monte McNaughton):** On that note, Mr. Mantha, we are out of time.

Thank you very much for being here today. I'd like to thank the committee for meeting today.

I earlier said that we were under orders of the House to keep to the time for the presentations and questions. It was actually the committee who set those restrictions.

We will be meeting next week, May 11, at 1 p.m. to discuss Bill 100 again. At that meeting, at the end, we'll discuss the NCSL conference this summer.

With that, I'd like to thank everyone for coming today.

*The committee adjourned at 1447.*



**STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY**

**Chair / Président**

Mr. Monte McNaughton (Lambton–Kent–Middlesex PC)

**Vice-Chair / Vice-Président**

Mr. Steve Clark (Leeds–Grenville PC)

Mr. Granville Anderson (Durham L)

Mr. Robert Bailey (Sarnia–Lambton PC)

Mr. Steve Clark (Leeds–Grenville PC)

Mr. Vic Dhillon (Brampton West / Brampton-Ouest L)

Ms. Sophie Kiwala (Kingston and the Islands / Kingston et les Îles L)

Mr. Michael Mantha (Algoma–Manitoulin ND)

Ms. Eleanor McMahon (Burlington L)

Mr. Monte McNaughton (Lambton–Kent–Middlesex PC)

Ms. Soo Wong (Scarborough–Agincourt L)

**Substitutions / Membres remplaçants**

Mr. Paul Miller (Hamilton East–Stoney Creek / Hamilton-Est–Stoney Creek ND)

Ms. Indira Naidoo-Harris (Halton L)

**Also taking part / Autres participants et participantes**

Ms. Lisa M. Thompson (Huron–Bruce PC)

Mr. John Vanthof (Timiskaming–Cochrane ND)

Mr. Bill Walker (Bruce–Grey–Owen Sound PC)

Mr. John Yakabuski (Renfrew–Nipissing–Pembroke PC)

**Clerk / Greffier**

Mr. Trevor Day

**Staff / Personnel**

Ms. Mercedes Lee, research officer,  
Research Services

Mr. Jeff Parker, research officer,  
Research Services

## CONTENTS

Wednesday 4 May 2016

Supporting Ontario's Trails Act, 2016, Bill 100, Mr. Coteau / Loi de 2016 sur le soutien aux sentiers de l'Ontario, projet de loi 100, M. Coteau.....	M-265
Ontario Federation of Snowmobile Clubs.....	M-265
Mr. Mike Clewer	
Ontario Trails Council.....	M-268
Mr. Patrick Connor	
Ontario Federation of Agriculture.....	M-271
Mr. Don McCabe	
Mr. Peter Jeffery	
Bruce Trail Conservancy.....	M-274
Ms. Beth Gilhespy	
Ms. Antoin Diamond	
Hike Ontario.....	M-278
Mr. Bill Mungall	
Renfrew County Private Landowners Association .....	M-281
Mr. John Jeffrey	
Mr. Dan Mazur	