

Appendix X: Notes the Acquisition of Private Property by the MNR

Understandably, quite a few POOKHs (Property Owners Of the Kawartha Highlands) have expressed interest in the possibility that the Ontario Government / MNR may wish to acquire properties in close proximity to the KHSS. The KHSS is in the southernmost portion of what was described as the Great Lakes St. Lawrence Planning Area during the Lands for Life process.

Since July 1998 there has been provided a sequence of documents that comment on advice to the MNR / Ontario Government regarding its policies this issue, and its reactions to this advice. Both the Lands for Life and Ontario's Living Legacy initiatives comment on the acquisition of patented (private) land by the MNR. Below please find several of these comments, unedited, for you to interpret as you see fit as an affected property owner.

1) Patented (private) Land Acquisition was addressed by the Great lakes St. Lawrence Area (GLSLA) Round Table during the Lands for Life phase of KHSS proceedings. In its Draft Land Use Planning recommendations of **July 1998** ^[11, p. 70,71], Section 4.7, we find the following items:

4.7 Crown Land Management

Goal

To contribute to the environmental, social and economic well being of Ontario by providing for shared sustainable use and development of Crown land within the Great Lakes - St. Lawrence Planning Area.

Further on the GLSLA Round Table writes:

B. Crown Land Disposition and Acquisition

Crown land disposition (e.g. sale, lease) has been of significant concern to many public participants in Lands for Life. Perspectives varied from the need to foster local economic development, to the need to maintain the Crown land base for recreation, resource use and natural heritage protection. Major issues identified to the Round Table included the opportunity to assist Northern Ontario community stability through Crown land cottage disposition and the need to protect and maintain important recreational landscapes such as Georgian Bay. Acquisition of private lands by the Crown or partners and clients, offers the opportunity to acquire lands with significant natural heritage, recreation and resource management value.

The Round Table recommends that the Province of Ontario promote and encourage economic and social development in the Planning Area by providing for appropriate disposition of Crown lands, while balancing the need to maintain Crown land in areas of limited supply or high recreational and resource use (Recommendation #235).

Crown land areas suitable for disposition should be identified through the Ministry of Natural Resources' sub-regional planning processes, with associated public consultation (Recommendation #236).

The Round Table recommends that the Ministry of Natural Resources acquire private lands, through direct purchase or through partners and clients, where these lands contain significant natural heritage, recreation or resource management values (Recommendation #237).

2) The GLSLA Round Table was effectively disbanded in **July 1998** and a consultant was retained by Minister John Snobelen to consolidate the reports of the three Round Tables.

Patented (private) Land Acquisition is addressed in Section 4.4 of the Consolidated Recommendations of the Lands for Life Round Tables of **October 1998** ^[13, p. 24], we quote:

Recommendation 105. MNR should acquire, on its own or with appropriate partners, private lands that have significant fish, wildlife, or other Crown Land recreational values that would not otherwise be protected. [GLSL]

3) Patented (private) Land Acquisition is addressed in Section 6.1.7 on pages 13 and 14 of Ontario's Living Legacy Proposed Land Use Strategy, **March 1999** ^[18, p.13,14]. The section reads as follows, we quote:

6.1.7 Land Acquisition

As part of MNR's *Strategic Lands Initiative*, a reinvestment plan has been developed that will direct financial resources to the acquisition of significant natural heritage lands, primarily for new or expanded protected areas. Funding partnerships have been negotiated with other agencies and interest groups that will provide additional contributions towards the acquisition of selected lands.

High priority areas for acquisition of lands by MNR and its partners include:

- patented lands **adjacent** to or **within** Provincial Parks and Conservation Reserves;
- provincially significant natural heritage sites, particularly in ecological site districts where there is a high proportion of patented land, and natural heritage representation which cannot be achieved on Crown land; and,
- significant fish and wildlife habitats which offer the opportunity to protect key habitat or provide enhanced opportunities for outdoor recreation.

Although there are areas warranting acquisition in all parts of the planning area, the highest priority is assigned to land acquisition in the southern portion. Since more of the land here is privately owned, there is a greater need for acquisition due to existing and future land use pressures.

4) Patented (private) Land Acquisition is addressed Ontario's Living Legacy, Land Use Strategy (LUS), **July 1999** which is Cabinet approved policy ^[40, p.1] and section 6.1.7 on page 17 reads exactly as Section 6.1.7 above. Obviously, **this policy was not modified between March and July of 1999; therefore its intent is amplified.**

NB: The Kawartha Highlands Signature Site is the most southerly newly protected site in the planning area. ^[50]

5) On page 23 of the LUS, Section 7.2.1, which describes Provincial Parks, the following paragraph appears:

"Table 3 summarizes the policy on selected uses in Provincial Parks within the Strategy's planning area. Those uses and management activities not listed in the table are governed by existing Provincial Parks policy."

Table 3 does not mention land acquisition; therefore, existing Provincial Parks policy should apply to this activity.

- 6) The document "Ontario Provincial Park Policy As Amended By the Ontario living Legacy Land Use Strategy, September 26, 2000" contains statements clarifying park policies. (See note ***)

On page 2, under the heading Existing Policy, appears the statement:

"All patented private lands including cottages within regulated provincial park boundaries will be acquired from willing sellers as funds permit."

- 7) Sections 3(2) and 3(3) of The Provincial Parks Act read as follows:

New parks and additions:

3 (2) The Lieutenant Governor in Council may set apart as a provincial park any area in Ontario, may increase or decrease the area of any provincial park and may delimit any provincial park.

Acquisition of land

3 (3) Land may be acquired under the *Ministry of Government Services Act* for the purposes of this Act.

- 8) Sections 8 (3) and 8 (4) of The Ministry of Government Services Act read as follows:

Expropriation

(3) Subject to the Expropriations Act, the Minister, for and in the name of the Crown, may, without consent of the owner thereof, enter upon, take and expropriate any land or interest therein that he or she considers necessary for the use or purposes of the Government.

Expropriation by Minister on behalf of Government or Government related agency

(4) Subject to the Expropriations Act and this Act, but despite the fact that the Government or any Government related agency has, under any other special or general Act, authority, without the consent of the owner, to enter upon, take and expropriate land or any interest therein, the Minister, upon the request of the Government or Government related agency or as he or she may be directed by the Lieutenant Governor in Council, may, for and in the name of the Crown and without the consent of the owner thereof, enter upon, take and expropriate land or any interest therein on behalf of the Government or Government related agency under this Act. R.S.O. 1990, c. M.25, s. 8 (1-4).

*** This is the document that was withheld from the public by the LSC / MNR for a year. When property owners, and associations and / or councils representing these property owners discovered this document, and the circumstances under which it became public, the LSC lost the support of virtually all of these persons and / or organizations.