



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 11 May 2016

**Journal  
des débats  
(Hansard)**

Mercredi 11 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 11 May 2016

Mercredi 11 mai 2016

*The committee met at 1301 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. As committee members know, we're here to discuss Bill 100, An Act to enact the Ontario Trails Act, 2016 and to amend various Acts.

**ONTARIO FEDERATION  
OF ANGLERS AND HUNTERS**

**The Chair (Mr. Monte McNaughton):** I'd like to call upon the first presenter today from the Ontario Federation of Anglers and Hunters. If you could come forward and introduce yourself for Hansard. You'll have 10 minutes for your presentation, followed by three minutes of questioning from each party, beginning with the official opposition.

**Mr. Greg Farrant:** Good afternoon, Mr. Chair, members of the committee and fellow presenters. My name is Greg Farrant. I'm manager of government affairs and policy for the Ontario Federation of Anglers and Hunters, the largest conservation-based organization in Ontario with 100,000 members, supporters and subscribers, and 735 member clubs across Ontario. We thank you for the opportunity to appear before the committee here today to speak to Bill 100.

Our organization not only represents the interests of our own members, but the entire outdoors community. As anglers and hunters, we rely heavily on trails and access routes to enjoy fishing, hunting and trapping activities on public and private lands. However, we are not just land and resource users. Our members are also landowners in their own right and land use permit holders who want to protect their land, their rights and themselves. Because of this, we're able to understand the interests of the entire spectrum of stakeholders and hope-

fully present a logical, balanced and reasonable perspective on this bill.

We start off by commending the government's intent to maintain and enhance opportunities for the public to use trails on both private and public land, while increasing protection for landowners who allow trails on their property. We are, however, concerned about the future of traditional activities that we engage in, like fishing, hunting and trapping, on these same trails. We are witnessing an ever-increasing trend in the number of trails that have been excluding these activities without justification. Many of the trails that we all enjoy today were historically developed in the first place and are still used by anglers, hunters and trappers to access or participate in these activities, which are recognized in both federal and provincial legislation as heritage activities for millions of Ontarians—aboriginal, non-aboriginal and new Canadians alike.

It is important that these trails remain available for multi-use, including those previous uses I mentioned. Trails not only provide opportunities themselves, but also serve as important routes for anglers, hunters and trappers to access other areas. These activities should not only be permitted on as many trails as possible, they should be celebrated and promoted as compatible activities on multi-use trails.

During debate around the bill in the Legislature, the member for Haldimand–Norfolk asked an important question: Why is the government wanting to register trail agreements now? To the best of our knowledge, no answer has been forthcoming. Historically, handshake agreements and written agreements between landowners and trail organizations—like the standardized OFSC trail agreement, those between hunters and private landowners and the agreement between OFAH and the Nature Conservancy of Canada—have been historically successful.

Having said that, we do recognize that there is value in establishing legislation that provides greater certainty for both landowners and trail organizations, and in the creation of a repository of available trails for public use. The potential for enhanced protection offered under the bill for the landowners who generously allow trail organizations to establish and maintain trails on their properties is important. This is particularly true in southern Ontario, where the majority of land is in private hands. Unfortunately, these benefits and those raised by the Ontario Trails Council previously have not, in our

view, been effectively communicated by the government, which has resulted in confusion and concerns being expressed by members of the Legislative Assembly, landowners and Ontarians in general.

The OFAH supports in principle the registration of easement agreements and the potential for third-party government involvement in the process between landowners and eligible bodies, as described in the bill. With the easement and the covenants being registered to the title, both the eligible party and landowner must follow the covenants. This would allow for third-party conflict management through the MNR or another ministry, providing an even playing field between parties and potentially keeping disagreements out of the court system, relieving an already taxed judicial system, reducing the time for conflict resolution and potentially eliminating an expense that many landowners and trail groups cannot afford.

The requirement in subsection 12(9) to establish a term for agreements gives landowners the ability to renegotiate at the end of the term, with the exception of easements “in perpetuity,” while recognizing that the land on which the trail easement exists still belongs to the landowner. If we understand the wording of the bill correctly, easement agreements will allow the landowner to have covenants in place, which the trail organization agrees to, that could call for renegotiation or cancellation of the easement given a cause, giving landowners the ability to maintain control.

As the land under the easement still belongs to the land title holder, it is critical that the assignment of an easement from one eligible body to another must require landowner involvement and consent. It is important that the government clarify this point in subsection 12(8).

We would note, however, that one of the potential drawbacks for landowners in the legislation is the requirement in subsection 12(13) that the purchaser of land on which an easement exists will be bound to honour that agreement, regardless of whether they agree with it or were party to it in the first place. Conversely, we also understand the position of trail organizations that do not wish to lose the access they worked very hard for in the event of a land transfer.

Therefore, we suggest that the government try to address this paradox by including provisions to ensure purchasers are aware of the easement, and that the easement holders and purchasers must renegotiate the easement during the closing of any sale.

It is critical for the act to maintain and clarify, if necessary, that the easement agreement process remains completely voluntary. While we acknowledge that this is indeed noted in subsection 12(3), given the amount of concern that was raised by both members of the Legislature during debate around this point and, indeed, by some of the affected parties themselves, it's important that the government does everything possible to offset this concern and emphasize the voluntary aspect of this process.

I think that it was the Ontario Landowners Association that raised an important point in connection with the

issue of eligible bodies. Clause 12(1)(m) defines an eligible body as “any other person or body prescribed by the regulations made under this act....” The government is asking us to take a lot on faith here, expecting us to put our trust in the fact that these nebulous regulations, which will be drawn up at some point in the future, won't contain and/or expand on the definition of eligible bodies that we and others cannot agree with.

In addition to the sections in the Ontario Trails Act that ensure landowner involvement with easements, Bill 100 also proposes changes to the Trespass to Property Act and Occupiers' Liability Act. These changes appear to provide a suite of tools for landowners to mitigate liability, as well as provide greater opportunity for landowners to get the remuneration needed to offset damages or loss in the event of trespass. These changes more clearly define responsibilities of trail users and landowners as it relates to trespassing and liability, while protecting both.

Some stakeholders have supported the concept of a mandatory minimum fine for trespass, which is reflected in the bill; we do not. Foremost among our concerns is that the imposition of a minimum fine undermines the concept of judicial discretion when assessing intent. Mandatory minimum fines could result in false prosecution if someone is unable to prove permission and is wrongfully charged in the case of a third-party reporting.

Ignorance is not a defence for trespass or any other violation, as it reflects poorly on responsible land users, but removing judicial discretion from incidents of accidental or incidental trespass will not solve the issue.

Given the current system, in conjunction with changes in Bill 100 giving landowners a greater ability to recover losses due to damage, there is no justifiable reason to implement a mandatory minimum fine.

Beyond our concern with that issue, we have previously supported our colleagues at the Ontario Federation of Agriculture with respect to increased fines for trespass under Bill 36, that proposes to increase fines and includes a much higher defined ceiling for awarding damages. We therefore recommend that a ceiling for awarding damages be included in this bill, as opposed to leaving it undefined.

The OFAH understands the importance of all land use and access values. As such, we would like Bill 100 to recognize and protect motorized trail values on both private and public land to the same extent that non-motorized trail values are. The bill should give clear direction that all trail uses, including fishing, hunting, trapping and use of low-impact motorized vehicles, should be included as permitted uses, unless there is legitimate evidence to restrict these uses.

#### **1310**

Trail use decisions should also require comprehensive rationale to explain why trail use restrictions have been put in place and what strategies were explored to mitigate any real or perceived concerns with particular trail uses. This direction is required because of the unjust bias that has resulted in the unnecessary elimination or exclusion

of fishing, hunting, trapping and motorized activities on many Ontario trails. For example, hunters who previously accessed hunting opportunities along the Kissing Bridge Trailway in Kitchener, the Tillsonburg rail trail and the Upper Grand Trailway are now denied access. There are many existing trails where these activities work well with multiple trail uses, and they should not be discriminated against.

We support in principle the proposed changes to the Public Lands Act that will protect crown land by offering a course of action other than widespread access restriction for damages that occur. Our understanding is that this amendment stems from the lack of regulatory powers under the PLA for government officials to stop or lay charges for damage to crown land. Their only current option is to remove public access to prevent further damage, which in effect punishes everyone because of the actions of a few. An amendment would ensure that the area remains open while the individuals responsible for the damage are dealt with.

However, it is our understanding that the definition of “damage” is also to be developed in regulation. Once again, we sound a cautionary note when it comes to definitions that will be developed at a future date. We are concerned that a restrictive definition of “damages” could severely impact on ORV uses on crown land. Because of this, we want to ensure that the definition of “damages”—

**The Chair (Mr. Monte McNaughton):** Mr. Farrant, I'm sorry. That's the 10 minutes.

**Mr. Greg Farrant:** Okay.

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

**Mr. Steve Clark:** Thanks for being here today. Because you didn't have an opportunity to finish your final comments about your concerns about the warrantless arrest and the impact, do you want to just continue with some of your final concerns to the bill?

**Mr. Greg Farrant:** I appreciate that. I'll try to be very brief, Mr. Chair, and it is in the written copies that we have provided to the Clerk.

The final concerns I'll outline are concerns with warrantless arrests under schedule 5 and the preamble in schedule 1, which stipulate that the minister is required to maintain an Ontario Trails Strategy and must review the strategy and publish reports about the progress made in implementing such strategy. The latter appears to be contradicted by language in subsection 8(1), schedule 1, which gives the minister far more discretion in terms of reviewing the strategy and reporting. We respectfully suggest that the language and intention of the two sections should be reconciled in favour of the former. Thank you.

**The Chair (Mr. Monte McNaughton):** Two minutes.

**Mr. Steve Clark:** Thanks. I just wanted to go back the consultation aspect of this bill when it was initially brought forward. Were you included as part of the groups

that the government consulted with when they dealt with this issue?

**Mr. Greg Farrant:** To the best of my knowledge, only insofar as we responded to the EBR posting originally, but other than that there were no discussions between OFAH and the government.

**Mr. Steve Clark:** Okay. And in terms of the issue of “voluntary,” you're recommending as well that even though the minister and others say that the legislation is clear, you're still, like many other groups, advocating that there would be some changed wording to strengthen the fact that those agreements are voluntary?

**Mr. Greg Farrant:** That's correct. It was clear from watching the debates in the Legislature and from talking to our colleagues in other sectors, like agricultural and trail use sectors, that there's still a lot of confusion about this. In fact, in reading the debates, there seemed to be a preponderance of discussion around that particular issue, that it wasn't clear. If nothing else, I think it's incumbent upon the government to ensure that people understand that these are voluntary agreements and that nobody is going to be forced into it.

**Mr. Steve Clark:** Do I still have time?

**The Chair (Mr. Monte McNaughton):** Twenty seconds.

**Mr. Steve Clark:** In terms of the fines, you've been pretty clear at the very end where you stand.

**Mr. Greg Farrant:** We certainly support increased fines for trespass. We don't support a minimum fine because we have had judges tell us that that ties their hands. So regardless of what the circumstances may be and what the extenuating issues at hand are, they have no choice but to implement that and they feel very uncomfortable with that.

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

**Mr. Paul Miller:** Good afternoon. In your opinion, would greater public consultations and hearings in rural and northern Ontario have been beneficial for the bill and for the maintenance of existing trail use and agreements? Would it have been beneficial?

**Mr. Greg Farrant:** Very much so. I think that not only should the consultation process have been much more elaborate and much more far-reaching, but I also believe that this committee should have travelled.

**Mr. Paul Miller:** Thank you. Has the introduction of this bill resulted in any reduction of access to trails for your members, and if so, have any regions in particular been affected? What would you say has been the principal problem around the communication around the bill?

**Mr. Greg Farrant:** Mr. Miller, I appreciate the question, but I cannot in all honesty say that I can point to a specific trail or a particular piece of land which has been removed as a result of this bill. But we are hearing anecdotal evidence from our members, particularly in south-western Ontario, that they are hearing from private land-owners that they normally have had good relations with—for decades, in some cases—who are now becoming very nervous that they will have to undertake

very complex written agreements that they're not comfortable with.

We find anglers and hunters, for the most part, are hunting on private lands, particularly in southwestern Ontario, that they've hunted on for many years or decades—in some cases, it's generational—and it has been done on the basis of a handshake. When you start getting into written agreements with farmers and other landowners, quite often they'll throw up their hands and go, "You know, okay, it's getting a little too complicated for me here. I was fine with the way it was before, but this is starting to look a little too"—

**Mr. Paul Miller:** So in reference to—sorry for interrupting.

**Mr. Greg Farrant:** No, that's fine.

**Mr. Paul Miller:** The provision to allow assignment of easements has caused particular problems for landowners, because they're concerned about costs and lawyers and enforcement and regulation. Like you said, a lot of these things have been handed down through families for years for a handshake or an agreement with a local conservation authority, or these other types of situations, which made it a lot easier to negotiate. So you think this has caused a grave concern to some of the landowners?

**Mr. Greg Farrant:** I think it's going to greatly complicate the process in that respect, and there will be people who will withdraw their permissions on those lands, yes.

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

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

**Mr. Michael Mantha:** Greg, you have a vast amount of members within the OFAH who are very knowledgeable about the outdoor experience and having access to our traditional areas. We pick flowers and blueberries; we fish, trap and whatever. What are the consequences of this not going out for proper consultation?

**Mr. Greg Farrant:** I think what you're going to end up with is a lot of concern. I'll be fair: Some of it could be unjustifiable concern, because people don't understand what this bill is all about. The reason they don't understand it is because it hasn't been in their communities. They haven't had those discussions, and nobody has consulted them. When you start talking about groups the size of the OFAH, that's considerable.

**The Chair (Mr. Monte McNaughton):** Mr. Farrant, we have to move now to the government, and Ms. Kiwala.

**Ms. Sophie Kiwala:** Thank you very much for being here today. I just wanted to talk about a couple of different things. The first part is about the consultation, and I just wanted to make sure that it is read into the record that we have spent a long time consulting on this bill. We had 250 in-person conversations with stakeholders, including 80 municipalities, aboriginal groups, trail organizations and landowners. I just wanted to make sure that that is on the record as we go through this bill.

But outside of that, the Ontario Federation of Anglers and Hunters, as we have heard, has over 100,000 members and subscribers. During the process of discussion on this bill, we've heard from witnesses like the Bruce Trail, who have articulated that the easements will help them expand the trail network in our province. My question for you is, how does greater access to trails positively impact the members and subscribers to the OFAH?

**Mr. Greg Farrant:** Obviously, any opportunity to expand trail use is something that is a very positive influence for our members. Unfortunately, that's not what we have been seeing in recent years in terms of access roads on crown land being shut. We are now currently having difficulties with MTO in terms of shutting off entrances on highways where people used to access off-road capabilities. I cited, within my document, three examples where hunting and fishing used to be provided and have now been shut off. In the written submission that we provided to the Clerk, I believe we attached a photo of one of the more recent ones, which indicates that you can certainly use a snow machine on those trails, but you can't use an ORV or an ATV and you can't hunt.

1320

**Ms. Sophie Kiwala:** I think the other thing that I wanted to stress as well, in the recorded comments on this bill, is the fact that there are measures that are built into Bill 100 whereby additional voluntary agreements will be there—and they will be voluntary. It's our belief that it will support the expansion of trail infrastructure and trail use in the future in our province, so I just wanted to add that comment.

**Mr. Greg Farrant:** I appreciate that. Again, it's a case of who is going to be able to access those trails. There's no disagreement with the fact that the expansion of trails is a good thing and that if this bill facilitates that, it's going in the right direction. The problem is, are those going to be multi-use trails or are they restricted uses? That's where we have a problem.

**The Chair (Mr. Monte McNaughton):** Mr. Farrant, thank you very much for your presentation today.

#### ONTARIO LANDOWNERS ASSOCIATION

**The Chair (Mr. Monte McNaughton):** We'll now move on to the next presenter, the Ontario Landowners Association. Good afternoon. If you would please introduce yourself for Hansard. You'll have 10 minutes for your presentation, and this round of questioning will begin with the third party.

**Ms. Elizabeth Marshall:** Good afternoon, members. My name is Elizabeth Marshall. I am not a lawyer and I do not give legal advice. I have published many reports respecting various pieces of legislation etc., as well as a book on property rights. I do legal research for Green and Associates Law Offices, and I've had my research used by other law firms. I'm the director of research for the Ontario Landowners Association and do legislative research for officials, including MPs, MPPs, municipal

councils etc. In 2012, I was elected to the board of directors of the Canadian Justice Review Board, and in 2014, I was appointed to the steering committee of the International Property Rights Association.

Because Bill 100 does not meet the standards of construction for legislation, we have rewritten Bill 100. In the rewrite, we have, in schedule 1—the Ontario Trails Act, 2016—created a preamble. We have removed unneeded sections and clarified certain aspects of the bill. We have also removed the amendment to the Trespass to Property Act because this is of little benefit to the property owner. Any amendments to the Trespass to Property Act should be done separately for clarity. We have also removed the amendment to the Public Lands Act, as this amendment has nothing to do with private property or trails across private property.

We respectfully submit to the committee the rewrite of Bill 100 for the committee to consider. We have asked that consultation meetings be set up throughout rural Ontario to hear from those who are most directly affected, meaning the private property owners.

In the original schedule 1—the Ontario Trails Act, 2016—in section 1, “Interpretation” has only a purpose clause. In the construction of legislation, the purpose clause cannot be part of the interpretation. In our rewrite, we have removed the majority of the eligible bodies as most of them have very little to do with trails and more to do with conservation easements. This can be done through the Conservation Land Act, if the private property owner is inclined to do so. Therefore, there is no need for them to be included in the definitions of “eligible body” or “nominee.”

Section 1, subsection (2) specifies that all previous agreements, verbal or written, become void at the passing of this act and that there must be all-new easement agreements entered into.

Section 1, subsection (3) is to ensure that any new agreements are designated as easements and the title of the agreement states that the agreement is an easement and the word “easement” must be identified in large bold font at the top of the document.

Section 2 is the purpose clause of the act, and we have added to it part 5, the true purpose, which is to create easements for the creation and protection of the trail system.

Section 3, subsection (1) is the protection of aboriginal rights under section 35 of the 1982 Constitution.

Section 3, subsection (2) is the protection of the private property owner’s rights under section 26 of the 1982 Constitution.

Section 4, subsections (1) and (2) is for the Minister of Tourism to declare a Trails Week to be acknowledged in the province.

Section 5 allows for the Minister of Tourism to recognize a trail as an Ontario trail of distinction by a plaque to be installed at the entrance of the trail.

Subsections 6(1) and (2) allow the minister to voluntarily classify certain trails, and this may be done only after an easement has been voluntarily granted and registered under the rules of easements in section 9.

Section 7: The minister must create a plan for the establishment of trails through means of voluntary easement agreements which include the input of the trail associations, the municipalities and, most importantly, the private property owners for the management and promotion of trails. The minister must also do progress reports under this section.

Section 8 specifies what the minister must publish on the Ontario government website regarding trails of distinction, trail classifications and any plans established inclusive of the minister’s reports.

Section 9 lays out the rules for the easements for the protection of the private property owner, as well as the eligible body or nominee. This includes that the easements shall only be voluntary and non-transferable and shall only be allowed after full disclosure by the eligible body or nominee to the private property owner; and that the agreement must have at the top in the title the word “easement” in large, bold font easily distinguishable to the reader, and only after a survey has been completed by a certified surveyor.

Section 10 explains that section 9 is applicable to any land owned by, or to lands administered under, the Conservation Authorities Act, the Public Lands Act or the Provincial Parks and Conservation Reserves Act.

Section 11 expresses that the Lieutenant Governor in Council may make regulations describing aboriginal communities or organizations for the purposes of section 1 under the “eligible body” definitions.

Sections 12 and 13 are the same as the original sections 15 and 16.

Bill 100 is not conducive to a trail system in Ontario, and it’s the government trying to regulate something which had not historically needed to be regulated. In the words of Kurtis Andrews, lawyer, “It is obvious that the sole purpose of the bill is to take away property rights from property owners.”

Had the government been sincere in their efforts to create a bill that is for the benefit of both the private property owner and the various trail associations, the government should have had consultations with all parties involved. This did not happen nor is it happening now.

There are no scheduled meetings in the rural areas to hear what the private property owners have to say regarding this bill. Even the honourable Mr. Potts, during debate on Bill 100, stated, “We need to hear more from ... those who are most directly affected by this bill.” As committee has been called, within nine days of the bill passing second reading, in Toronto for only two days, where is the input from those directly affected? This did not give people time to make application to present at committee. Considering that there are over 65 other bills waiting for committee presentation, one would think there is some kind of an emergency included in this bill to receive this expedited treatment.

Also, the Minister of Agriculture could have advised his fellow MPPs that this is the time when those from the farming community are planting their crops and are on a very restricted schedule. It would seem that the govern-

ment and those supportive of the bill do not want to hear from those who are most directly affected by this bill.

In support of our concerns we cite the Supreme Court of Canada ruling, *Hill v. Nova Scotia*, which has been cited some 79 times, showing that an easement can be a verbal agreement created between two parties and enforceable on those parties. The vagueness in the Ontario Trails Act has allowed for the implementation of all forms of easements to be registered.

From *Hill v. Nova Scotia*: “The representation that he had an interest in land, which closely resembles an easement ... in the present case ... it does not matter so much what was said. What is critical is what was done; and what was done was the construction and maintenance of access ramps....

“‘This became known as the doctrine of part performance—the ‘part’ performance being that of the party who had, to the knowledge of the other party, acted to his detriment in carrying out ... his own obligations (or some significant part of them) under the otherwise unenforceable contract.’

“A verbal agreement which has been partly performed will be enforced.”

There is available to private property owners the option of leasing their land to the various trail associations, ensuring that there is no confusion that the property owner had not granted an easement. Of course, the trail association would have to pay some form of rent to the private property owner and the lease would be at the instruction of the private property owner, not the eligible bodies or nominees. As for insurance, the Occupiers’ Liability Act will still apply.

Suffice it to say, the trail associations and the property owners have two choices: easements or leases. This is for the protection of the private property owner and the trail associations.

Thank you for your time and consideration on this matter.

**The Chair (Mr. Monte McNaughton):** Great. Thank you very much. We’ll move to Mr. Miller.

**Mr. Paul Miller:** Good afternoon. How are you? Mr. Hillier is a former prominent member of your organization. We’re getting mixed messages on this.

**Ms. Elizabeth Marshall:** Mr. Hillier hasn’t been for a long time.

1330

**Mr. Paul Miller:** Just let me give you his quote, okay?

**Ms. Elizabeth Marshall:** Sorry.

**Mr. Paul Miller:** He 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?

**Ms. Elizabeth Marshall:** No, I don’t, considering the Supreme Court has already ruled.

**Mr. Paul Miller:** Many of our members in the NDP have asked for a clarifying provision to be added with the body of the bill, stating explicitly that an easement pursuant to Bill 100, if passed, would be a voluntary agree-

ment 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 and provide greater clarity to the landowners?

**Ms. Elizabeth Marshall:** Yes, I do.

**Mr. Paul Miller:** Thank you. The third thing is, how frequently has your organization been consulted, before and throughout this legislative process?

**Ms. Elizabeth Marshall:** We haven’t been.

**Mr. Paul Miller:** That’s not good.

Would you like to see section 12 of this bill, which kind of deals with easements, removed entirely from the bill?

**Ms. Elizabeth Marshall:** Yes, I would.

**Mr. Paul Miller:** Or do you want to see the bill, in its entirety, withdrawn?

**Ms. Elizabeth Marshall:** Actually, for the benefit of the trails system as well as the private property owner and the Ontario Federation of Anglers and Hunters, I would like to see Bill 100 gone.

**Mr. Paul Miller:** My final question is, do you agree that there could be some circumstances in which either a time-limited or permanent easement could be mutually beneficial to both a private landowner and a trail user organization?

**Ms. Elizabeth Marshall:** Actually, yes, I do. But that would be up to the trail association and the private property owner, because there is nothing now stopping any private property owner and any trail association from entering into that agreement to have it registered against their title.

**Mr. Paul Miller:** Thank you. I think Mr. Mantha has a question.

**Mr. Michael Mantha:** There are many times—actually, often—that I don’t agree with Mr. Potts, but I do agree with this one comment that you quoted, as far as we need to hear more from individuals, and those are the most directly affected by this bill. I completely understand that. That’s what has to happen.

The relationship between landowners associations and those who use the trails has always been a good one. This has lit a fire, basically, hampering and actually tarnishing that relationship. Would you agree with that?

**Ms. Elizabeth Marshall:** Most definitely.

**Mr. Michael Mantha:** In order to continue having that great, harmonious relationship—because we’re all part of the same community and we’re all part of the same network; we all want to see good investment tourism and economic development—what needs to happen today in order to make this a successful bill?

**Ms. Elizabeth Marshall:** To be perfectly honest, that is why I rewrote the bill. I wanted to be perfectly clear.

**The Chair (Mr. Monte McNaughton):** Ms. Marshall, sorry to cut you off. It’s the three-minute point. We’ll move to the government and Ms. Wong.

**Ms. Soo Wong:** Ms. Marshall, thank you for being here today. I have two questions for you. I understand that the opposition member Mr. Walker has publicly

stated in his news release support of Bill 100. Minister Coteau has also said on numerous occasions that the easement in Bill 100 is voluntary. Numerous lawyers from the various ministries—MTCS, MAG, MNRF, MMAH—and other legislative counsellors are saying that the easements are voluntary. I want to ask you, through you, Mr. Chair, to the witness, who in the OLA is getting legal advice on the issue of easements?

**Ms. Elizabeth Marshall:** Kurtis Andrews, who is a lawyer in Ottawa, volunteered his legal opinion. Terrance Green also went through Bill 100 and volunteered his legal opinion. Having read through the Supreme Court of Canada case—plus, if you go to Duhaime's website, that will explain to you the definition of "easement."

**Ms. Soo Wong:** I have how much time, Mr. Chair?

**The Chair (Mr. Monte McNaughton):** Almost two minutes.

**Ms. Soo Wong:** Oh, good. I get to ask more good questions.

On page 5 of your written submission, you made a comment in your remarks to us today that you probably want more consultation, and "Why is this bill such an emergency?" and expedited treatment by the government.

I've got the summary of the consultation by the ministry from November 18 to November 28, 2013. There were five regional sessions on this particular bill and two aboriginal engagement sessions for Toronto and Thunder Bay with a total of 251 total attendees. I also noticed that in this listing of the attendees, there's a group called the Landowners.

You're saying to us, as a committee, that you want more consultations. The question here I have, on behalf of the government side, is what other groups besides yours—because obviously, you represented landowners. What other groups, and how long do you want to delay the passage of Bill 100?

**Ms. Elizabeth Marshall:** It's not the groups. It needs to go out to the rural municipalities. There need to be open public meetings in regard to this. These are the private property owners which—the government wants trails across their property. It's no stakeholder group. And not only that, but where exactly were all those meetings held?

**Ms. Soo Wong:** My understanding is that there were meetings in Ingersoll, Thunder Bay, North Bay and on aboriginal reserves. As well, there were trail organizations, municipalities, health organizations, and both federal and provincial government groups and tourism organizations.

Specifically, you're saying that you want the government to go out to do more consultation with landowners. That's what I'm hearing.

**Ms. Elizabeth Marshall:** That's right.

**Ms. Soo Wong:** Okay. In specific neighbourhoods or municipalities?

**Ms. Elizabeth Marshall:** I think you're going to have to go through the north. You're going to have to go—

**The Chair (Mr. Monte McNaughton):** Ms. Wong, Ms. Marshall—

**Ms. Elizabeth Marshall:** Sorry.

**The Chair (Mr. Monte McNaughton):** We're past the three-minute mark. Thank you very much for your presentation today.

We're going to move now to the Ontario Federation of 4 Wheel Drive—

*Interjections.*

**The Chair (Mr. Monte McNaughton):** I'm sorry. I apologize. We're going to the official opposition for three minutes.

**Mr. Steve Clark:** Chair, please. Chair, don't short me all the time.

**The Chair (Mr. Monte McNaughton):** I'm cutting out my colleagues. I'm sorry. Mr. Clark.

**Mr. Steve Clark:** Thank you, Chair, for recognizing me.

Good afternoon, Ms. Marshall. Thank you for being here. I appreciate the work that you've done to rewrite the bill.

One of the things you didn't mention at the start—just to give the committee a perspective—is that you didn't talk about the Ontario Landowners Association and how many members you have, how many chapters you have. I think that's pretty important for the record, to understand just who you represent. Could you give me a quick snapshot on that?

**Ms. Elizabeth Marshall:** We have 22 county groups. We don't normally talk too much about memberships, because they're family memberships, but suffice it to say that the Carleton Landowners Association itself has 1,500 family memberships. There are literally thousands upon thousands of people who are members of the Ontario Landowners Association.

**Mr. Steve Clark:** I wanted you to put that in perspective because the government, when it talks about its consultations, likes to talk about 251 people who were engaged.

**Ms. Elizabeth Marshall:** That's right.

**Mr. Steve Clark:** A number of us have put on the record that you need to have those property owners who have those existing voluntary agreements; you need to have talked to those people. I guess our frustration here, on the opposition side, is we asked the government to have some consultations in the north, and again, all we got was two days in Toronto. I couldn't even get the internal politics of this place to switch rooms so that we could actually live-stream it to some people in rural Ontario. It's very frustrating.

Patrick Connor from the Ontario Trails Council made a comment at our last hearing about engaging the landowners at a particular meeting in Almonte. Could you enlighten us on that particular consultation meeting?

**Ms. Elizabeth Marshall:** Patrick came to the Almonte meeting, and we let him have his say. He was not well received, because Patrick is so focused on the protection of the trails and the trail associations that it would seem he is forgetting—and I think he's beginning to realize his mistake now—the private property owner,

the key component in this entire formula of having trails in this province.

**Mr. Steve Clark:** You've spent a lot of time redoing the bill. Obviously, I wrote to the minister right at the very start, when I found out that second reading was going to begin for this bill, and asked that it be pulled off the table for consultation. Do you still believe that there needs to be consultation, given the fact that the government—they've put a few letters to the editor in the papers, but do you actually think people out there understand what this bill is proposing and what it could do?

**Ms. Elizabeth Marshall:** They are of the opinion that either the bill dies or it gets substantially changed, or there will be no trails. That's what we're hearing.

**The Chair (Mr. Monte McNaughton):** Mr. Clark, that's three minutes.

**Mr. Steve Clark:** Oh. Sorry.

**The Chair (Mr. Monte McNaughton):** Now I know we've done the rotation. Thank you very much for presenting today.

**Ms. Elizabeth Marshall:** Thank you.

#### ONTARIO FEDERATION OF 4 WHEEL DRIVE RECREATIONISTS

**The Chair (Mr. Monte McNaughton):** We'll call upon the Ontario Federation of 4 Wheel Drive Recreationists. If you'd introduce yourself for the committee. The questioning this time will begin with the government. You have 10 minutes for your presentation.

**Mr. Peter Wood:** Thank you very much. I appreciate the opportunity to present to you today.

Just a little bit of background on our activity and our organization. The Ontario Federation of 4 Wheel Drive Recreationists is an umbrella organization representing approximately 19 four-wheel-drive clubs and individual members. The activity is the four-wheel-drive activity for recreation in itself and also for use of four-wheel-drive vehicles in pursuit of other recreational activities involving access to remote areas.

**1340**

The activity itself is the safest form of motorized recreation. Since inception, originally under the name of Northern Lights Trailriders Association, we've had no fatalities and no serious injuries from any of the clubs or membership of the organization. The reason we believe that is because the vehicles are built to highway standards, so essentially it's a highway vehicle; you've got trained drivers who are operating the vehicles; and it's a very-low-speed activity. They negotiate the trails at a pace which is significantly lower than typically other forms of motorized recreation.

It's a very diverse membership. We have people who go on longer trips, called overland trips, that could be cross-continental or international, or it could be just through the province. There's the concept of gravel travel trips, which are just essentially long-distance, not particu-

larly difficult routes. Then, there is the more challenging end of the spectrum.

It allows for people who are physically challenged—it provides a great opportunity for those people to get into remote areas—and people who may have other challenges that could be age-related. We do have some older members.

With regard to our organization, we're very focused on ensuring sustainability of the recreation. We're very big on joint projects and working with the Ministry of Natural Resources, the Ministry of Tourism, Culture and Sport and also other local organizations and other trail groups.

I've provided a handout here. I just want to touch on a couple of the partnerships that we've been involved in which have been successful. The off-road vehicle initiative, that was something that we worked with the MNR on to get under way. This actually started back in 2010. We were one of the founding organizations.

There is a lot of misunderstanding that occurs from time to time. When there's an opportunity to bring people together in a forum where they can sit down and discuss their concerns, then what we find—and it's proven to be successful—is that once we have greater understanding and greater co-operation, a lot of those concerns and issues go away.

I've mentioned the off-road vehicle initiative. That is one that's hosted by the MNR. Essentially, now, there are three MNR districts involved with that, along with the OPP and a growing number of motorized organizations.

In addition, and independently, we've set up our own five points trail user group, working with trail organizations in a particular area of crown land in central Ontario. That has been extremely effective. You hear trail organizations complaining about funding and the ability to be able to get the job done. Well, I think there's a great opportunity to be able, through co-operation and through sharing of resources, to efficiently do that. We've had a very successful program that has grown well. It provides a communication opportunity and also a way to do trail work efficiently.

I've included some examples of trail-building investments. This is just for 2015, by way of example. We are purely a volunteer organization. We have very limited funding. Our membership fees are low. Our focus is on getting membership there, so that we can get the message out regarding responsible trail use. So it's more about inclusion and involvement than it is about creating funds.

**Bill 100:** With regard to consultation, we understand that consultation has gone on. We have been to some of the public meetings. I did provide comment on the EBR postings. But a bone of contention I've had for some time is the fact that I don't think the crown land trail community were adequately represented. There is the Ontario Trails Coordinating Committee, which was a steering group. We did make requests to have a seat on that and to try and bolster that crown land interest. That wasn't accepted. We've got significant engagement with other crown land trail user groups in the central Ontario area

and they do feel similarly, that the crown land trail user community weren't well represented.

The key points of the Public Lands Act change—I think this point's already been made, but essentially we're reiterating it—the key piece to this is the regulation. All the act itself does, really, is enable the regulation, so until the regulation, there is an opportunity to consult on the regulation and understand what the content in that is. It's very difficult to pass any judgment on that.

With regard to trespassing, we're just wondering if the fine schedule is the issue here. Is that the effective strategy? We're just wondering what evidence has been presented that the current limits are inadequate. Is there a case history to show that fines approaching the current \$2,000 have actually been imposed and that repeat offenses still occurred afterwards, or is this simply a request that came from stakeholder consultations? There's a move towards evidence-based policy-making. We would suggest justification beyond community request would be required.

**Minimum fines:** We do not support minimum fines. On this matter, we've got a judicial system that's very capable and we think that something like a trespass can more than adequately be dealt with by the judicial system. Also, it may get in the way of a conviction.

Also, with regard to the removal of the \$1,000 damage limit: We understand that the \$1,000 damage is very, very low. We appreciate that, but to just simply remove it and provide a blank cheque does seem a little bit out of step with what we consider to be the norm. It seems a very dramatic change. There are no caps at all. That's very unusual. If you look at the likes of the motor vehicle situation, there are caps associated with that. The guidelines regarding what constitutes damage and how that's arrived at—there is no mention of that at all in the bill. There is no attempt to try and address that.

With regard to trespass, we understand the concerns. We understand that in farming areas, rural areas and urban areas, trespass is a clear situation in most cases. You know where the boundaries of private property are because it's visible; there is no dispute. When you get moving to crown land areas, that is a lot more difficult to ascertain. In fact, there are examples where trails and roads exist across private land. Forest roads exist across private land and have been in use for many years by landowners in the area. They are not marked. Money has been invested in trail work immediately surrounding those areas—significant money, including money that has been supported with an NTC grant. Subsequently, a new landowner has come in and those areas' routes have now been interfered with because of that private land section that it now crosses.

This is a concern. We think a more effective strategy regarding trespass is transparency. I know the trail organizations have experienced frustration and tried to understand where some of these boundaries occur, especially in more remote areas, in crown land areas. There is the Land Information Ontario system. We think much more work can be done simplifying that and

consolidating that with other informational resources like northern development and the aggregate resources.

Aggregate resources are an issue that's come up very recently. There are some properties that are under a permit for aggregate. They've been under permit since 2010. For those areas, there's been no activity, no posting—there's nothing. The permit was applied for. The permit was given. There's been nothing happening there since 2010, but because that permit has been issued, essentially the disposition of rights occurred when the permit was issued. That shouldn't be the case. It should be when the operation comes into effect. There can be gaps of up to 10 years, and potentially more, when those operations occur. Sometimes the operations may not occur. Meanwhile, technically speaking, the organizations are committing trespass.

**1350**

**The Chair (Mr. Monte McNaughton):** Mr. Wood, that's the 10-minute mark. Thank you.

We're going to move to the government and Ms. Kiwala.

**Ms. Sophie Kiwala:** Thank you, Mr. Wood, for coming to present to committee today. I do want to commend you and all of the other individuals who have come forward to speak to this bill. You're obviously not from this country and you've taken such an avid interest in our trails, and I do commend you for that. Thank you for coming to speak to the bill and committee.

I wanted to touch a bit on trail easements. We have had a lot of input from various witnesses and organizations, as has already been heard by the committee today. Particularly on the section that would grant trail organizations the ability to hold easements, do you believe that allowing trail organizations to hold easements will improve access to Ontario's trail network?

**Mr. Peter Wood:** I think it's proven to be a bit of a hindrance, actually, because it is a very inflexible system. I can appreciate and I'm very aware of trails organizations' desire to have long-term access. Once properties—particularly when they change hands, suddenly, there could have been some investment in trails, which involves private land, and suddenly there's a pinch point there, because you've got to renegotiate that agreement every time. That's understood.

Also, there is a danger associated with easements in that essentially, they reside with the property. Once they're established, they're very difficult to change. There is a significant amount of inflexibility in there. If an easement was granted, for example, for trail access, the situation may change over the years, and you may end up with a property owner who is presented with a property that's got an easement on it, and there may be some significant increase in use of that trail over time. So while it might not be a nuisance at a point in time, it may be a nuisance at a later point in time.

From an incentive point of view for the property owner, we can understand there is some reluctance to get involved with easements. Compounded with the fact that there isn't any great incentive associated with providing

those easements, it would seem as though the strategy that's being presented today could be refined somewhat.

**Ms. Sophie Kiwala:** How much time do I have?

**The Chair (Mr. Monte McNaughton):** Twenty seconds.

**Ms. Sophie Kiwala:** Twenty seconds, okay. Goodness.

With respect to signing, you've already mentioned a bit about the signs. What would you want to know with respect to minimum fines for trespassing, as suggested by the Ontario Federation of Agriculture?

**The Chair (Mr. Monte McNaughton):** And with that, we have to move to the official opposition and Mr. Clark.

**Mr. Steve Clark:** Hi. Thanks for being here. I appreciate your work on behalf of your members. How many members do you have in the province?

**Mr. Peter Wood:** We have 19 member clubs, which manage their own memberships, and then we've got an additional 400-plus individual members. We've got over a thousand members.

**Mr. Steve Clark:** I noticed you're very careful in your wording. On the page about Bill 100, it says, "We request that a review period be called and revisions made." What would you visualize? If you were the government House leader, what would be the review period that you would think this bill would need?

**Mr. Peter Wood:** I think there has been significant comment over this that you've received, and I think there's an opportunity to absorb some of that comment and then filter through it and think through it. There would be an opportunity to make some amendments. As it stands now, my impression with this is that there is a fair amount of dissent with regard to the bill as it exists.

**Mr. Steve Clark:** In terms of your member clubs, as part of that mere 251 people the government decided to consult with, were any of your members involved in that consultation directly? Did they solicit comments from any one particular club or any one area in the province?

**Mr. Peter Wood:** With regard to consultation, what we find is that—and this is the case with a lot of consultations relating to land use and the Lands for Life program, which was something that occurred back in the 1990s. Typically with these consultations, the public doesn't get involved, and it is difficult to penetrate and get notification to get involvement, so they do rely on the organizations. That's understood and it's a practical limitation that we all have to live with. I think once you do have organizations that have got key interests and do represent a significant sector of the population, there should be the opportunity to at least engage those people.

Just to reiterate, I did identify what I considered to be the lack of opportunity for the crown land user organizations, especially, say, in the north. You've got people who are—not only is it a recreational passion for them, it's also a way of life so they really need to have a say in this.

**Mr. Steve Clark:** Absolutely. Finally, you mentioned a couple of other acts that this bill doesn't address. How

would you propose that consultation on those changes be brought forward?

**Mr. Peter Wood:** I believe that they could be pulled into the trails act. These are very old—it was mentioned in the past about the Public Lands Act being a little bit stale and that's why there have been these suggested updates.

I think with regard to the Mining Act and the Aggregate Resources Act, these acts have essentially not been touched for some time and they are predominant-use acts. There seem to be pieces in there relating to trails, specifically—

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

**Mr. Paul Miller:** Good afternoon, Mr. Wood. Will the amendments to the Public Lands Act and the Trespass to Property Act be of concern to respectful and responsible trail users, or do you believe that they strike a good balance between the interests of the landowners, including the crown, and the interests of the trail users?

**Mr. Peter Wood:** I'd like to deal with each of them individually, if I can. With regard to the Public Lands Acts changes, my point with regard to that is that it's a big unknown because it's all revolving around the regulation at the moment. Until the regulations are on the table for discussion, it's very difficult to speak to that.

**Mr. Paul Miller:** What is your opinion on the provisions of the bill allowing easements to be assigned or transferred? Would you like to see amendments to that?

**Mr. Peter Wood:** I think transferring easements, there is a risk associated with that. Clearly, there is use established during the planning phase of establishing the easement but there could be some opportunity for organizations to take advantage of that and maybe use it for nefarious purposes.

**Mr. Paul Miller:** So, yes, you could see some amendments that would help?

**Mr. Peter Wood:** Absolutely, yes.

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

**Mr. Peter Wood:** I think this bill, as it's put forward, addresses concerns primarily for managed trails across private land areas. That's the focus of it. The problem is that predominantly the trails, or the vast majority of trail use, occurs on public lands. The use on private lands, whilst it does get a lot of focus—I think the fact that there hasn't been radical consideration of the public land use is a concern.

**Mr. Paul Miller:** The common theme I see with a lot of presenters is that, no matter what organization it is, they feel that it would have been more beneficial to have more people involved in northern Ontario and across the province being able to voice their opinions on the bill and the lack of consultation. Would that be a fair statement?

**Mr. Peter Wood:** I think that would be a fair statement.

**Mr. Paul Miller:** Thank you. Do you have anything, Mr. Mantha?

**Mr. Michael Mantha:** Yes. The reliance on having a good relationship between landowners and the clubs that are using those trails means having access. Most of the landowners are going to err on the side of caution, not having clarity here. There's no other access for you to pass your trail, you need to go down this individual's trails, which you have been agreeing to for the last 20 years—great relationship. They're erring on the side of caution. What happens to your club?

**Mr. Peter Wood:** Sorry, the nature of your question—

**Mr. Michael Mantha:** What happens to your trail? It's the only trail that you have. It's been there for 20 years. Because of this bill, landowners are going to err on the side of caution and they're going to deny it. What happens?

**Mr. Peter Wood:** That is a concern and, obviously, practically speaking, people would have to get engaged in active communication, saying, "We don't want to go down the easement route."

**Mr. Michael Mantha:** But if we don't fix this, they're not going to change it.

**Mr. Peter Wood:** I think it's bad publicity. I think the net effect of this bill is negative.

**The Chair (Mr. Monte McNaughton):** Mr. Wood, thank you very much for your presentation.

I made sure we went around this time.

#### AVON TRAIL

**The Chair (Mr. Monte McNaughton):** We'll now call upon the Avon Trail. You have 10 minutes for your presentation. If you would just state your name for Hansard, please, and questioning this time will begin with the official opposition.

1400

**Mr. Bernard Goward:** Thank you, Chair McNaughton. My name is Bernard Goward, and I'm president of the Avon Trail, which is a hiking trail existing between St. Marys and Conestogo.

I apologize; I would have had handouts for you all, but I left them on the subway. They're on their way to somewhere and I don't think they'll ever return. So if any of you would like a copy of my comments, I'd be glad to make arrangements with Trevor.

Chair McNaughton and committee members, good afternoon and thank you for this opportunity. I would just say I do have my presentation on a BlackBerry—thank goodness for BlackBerry—so there you go.

First, let me say as a member of the hiking community, I am in favour of Bill 100, as I believe it addresses a number of measures that will strengthen and enhance the ability of providers and the benefits of participants in the recreational activity of hiking. I do, however, believe the bill can be improved, and that's what I wish to address today.

I appreciate the need for securing trails for future generations through a mechanism such as an easement, and that for some organizations this could be a valuable tool. However, I am not here to address the issue of easements and the media furor that has ensued with that introduction, with the exception of one arrangement with Wildwood Conservation Area, with whom we have an annual agreement. Permission with our 84 landowners to access their private lands is simply word of mouth and a handshake. For us, this has worked well in the past.

What would help the long-term sustainability of our trail would be a provincial government initiative that encourages rural landowners to partner with trail associations in allowing the development of trails on their land. My purpose today is to ask the Ontario government, with an amendment to this bill, to consider granting a tax credit to landowners who give permission for a trail to cross their property. This makes good sense, as both government and trail organizations share a common goal of promoting fitness and health amongst our society.

As I said, I'm president of the Avon Trail, which is a 111-kilometre single-file walking path connecting St. Marys to Conestogo. The trail was established in 1975, and we have recently celebrated our 40th anniversary. We have approximately 90 members and have some 84 landowners. Last year, our trail maintenance and construction crew logged over 600 volunteer hours in our efforts to keep our trail up to acceptable safe hiking standards. We organize and lead on average three hikes a month throughout the year, with anywhere from a dozen to two dozen participants per hike.

Part of the mandate of the Ministry of Tourism, Culture and Sport is to promote trails through the province. The Ontario Trails Strategy's vision, which I see on the website, sets out a bold objective. To quote that website, the vision is "A world-class system of diversified trails, planned and used in an environmentally responsible manner, that enhances the health and prosperity of all Ontarians."

Back in 1977, some members of the Avon Trail joined others in the hiking community in making a presentation to the Ontario Trails Council, in which they identified policies that would help create a healthy environment for trail-building across the province. One of the policies suggested at that time was a form of tax concession for landowners. Other policies that have been suggested to that council have been successfully implemented but, to date, to my knowledge, no form of tax concession has been implemented.

The Avon Trail is a proud member of the trails of distinction across Ontario. We are part of the Ontario network of legacy trails begun in the year 2000 under the initiative of Hike Ontario with funding by the Ministry of Culture and Recreation, under the Honourable Helen Johns.

Our trail is a link joining the Thames Valley Trail and the Grand Valley Trail. Some 68% of our trail is on private land, 15% is on conservation authority, and 32% is on country roads or highway.

Two ongoing priorities of our volunteer members are, firstly, to maintain our existing trails to Bruce Trail Conservancy standards, which is the gold standard in Ontario, and secondly, to gain new landowners so that we can get more of our trail off-road and onto the fields and woodlots of this beautiful part of southwestern Ontario. We presently have an effective landowner relations officer diligently pursuing this second goal. What a positive factor it would be, to be able to indicate to prospective landowners some gesture of recognition by the province of Ontario that that generosity on their part is recognized in the form of a tax credit.

Part of maintaining our trails is to be able to keep the landowners that we presently have. The continued existence of our trail is precarious. Just a short time ago, I received an email from one of our long-time landowners asking that the trail be moved off his land. This involved removing a 24-foot bridge, an investment on our part of approximately \$1,000. It's pennies, considering the budget that most of you folks deal with here, but in our jurisdiction, that's a hefty amount. Fortunately, there has been a good outcome to that particular situation. But in another case, dating from two years ago, we had another 24-foot bridge stranded on another section of lost trail. That landowner's request to reroute the trail resulted in us losing five other landowners, and an increase of over three kilometres of road walking.

Society has changed over the last 40 years, since when the trail was founded. When the trail founders knocked on farmers' doors, asking permission for trail access, in most cases the landowners were affable and agreeable and had few, if any, concerns about granting permission. A congenial handshake and a basic agreement that hikers stay to the edge of the cropped land, that we build stiles to cross fence lines and that we stay on the marked trail, was all that was needed to secure the trail.

Today, liability issues and other concerns have changed that. In many cases, the landowner with whom we had made the agreement has passed on. The younger generation, or perhaps a new owner, may not always be so ready to make that same agreement with us.

Our agreement with landowners includes the hikers' adherence to the trail users' code, which includes respect for the landowner's land and privacy; offering a complimentary membership and an invitation to our annual general meeting; and access to documents on our website of interest particularly to landowners. Some special initiatives have included an offer to plant trees on landowners' property, which we did to celebrate our 40th anniversary.

More could be done to show appreciation to landowners for their generosity. We believe that if there were some tangible incentive for the landowner forthcoming from the government in return for granting that permission, that would have a positive effect in reinforcing our efforts to secure and maintain our trail. It would also have the added benefit of enhancing both provincial and trail association objectives of promoting a healthy and active populace.

Thank you.

**The Chair (Mr. Monte McNaughton):** Great. Thank you very much. We'll move to the official opposition, and Mr. Clark, for questions.

**Mr. Steve Clark:** Thanks very much for your presentation. I appreciated your suggestions. It's nice that we can get some very positive suggestions about increasing trails.

I know you didn't want to wade too heavily into the—I think you used the word “furor.” But I think part of the reason why this bill doesn't include a positive incentive is because the government just didn't consult with people. They did basically the bare minimum. That's why we're here today.

**1410**

I'd be interested to know, in terms of your concept of a tax credit, would that only be given to a landowner if they took out a formal easement, or are you proposing that some credit system be dealt with on a voluntary basis?

You hit the nail on the head when you talked about how you had one landowner that went out of your volunteer agreement and it affected five others. This bill has done that in my riding of Leeds–Grenville. I've got 11 landowners. They've basically shut down the entire Grenville snowmobile trail.

How would you see this tax credit coming forward?

**Mr. Bernard Goward:** First of all, with none of our landowners do we have an easement arrangement. Even the arrangement with Wildwood is something special. It wouldn't fall under an easement. That's the only formal thing we sign every year; it's with the Wildwood conservation authority. Otherwise, all our landowners are volunteer.

I would see a tax credit certainly being made as a gesture of recognition to landowners whom we have volunteer handshake agreements with.

**Mr. Steve Clark:** In terms of the landowner that cancelled their volunteer agreement, do you think that the tax credit would have salvaged that agreement?

**Mr. Bernard Goward:** I'd like to say yes, but to be honest, I don't think so in this particular case. I think the request to remove our trail from his property came shortly after Bill 100 became news. Though he didn't cite Bill 100 in his objections to us being on his property, he cited garbage along the trail, which was just something that he chose to pull out of the air. We walk that trail all the time and there was no garbage. It was used as a convenient, maybe polite, thing to say. In that case, I don't think it would have made a difference. He had already made up his mind.

He has several properties and we were on one of his properties, but other municipal trails were pushing to be on part of his property and I think that was a pushback on his part. The easy solution was, “All trails off all my property.”

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

**Mr. Paul Miller:** From the feedback you've received, are there any components of this bill that could be

modified to make landowners and trail users more receptive while not taking away any of the benefits of the trail?

**Mr. Bernard Goward:** Modifications to the bill that would make landowners more receptive? Definitely. My point is that if there was some financial recognition in the form of a modest tax concession to landowners—

**Mr. Paul Miller:** Other than the financial thing you'd like to see, do you think that if there had been more consultation with the landowners in reference to clarifying to them the volunteer part of this bill and alleviating their fears of any potential easements, lawsuits or any liability, do you think more consultation to clarify would have been a lot better?

**Mr. Bernard Goward:** I am not aware fully of all the consultation processes that have taken place but our umbrella organization, Hike Ontario, I would say has been in the loop on this whole process. They have been consulted and they had input, so no.

I actually have heard stories of groups being asked to be part of consultation and refusing to because of their predisposition against—for various partisan reasons—which I think is unfortunate. I really can't speak to the full consultation process.

**Mr. Paul Miller:** So you would say from your perception it hasn't been too bad, but we've heard from many other groups that it has been not—

**Mr. Bernard Goward:** I recognize that, yes.

**Mr. Paul Miller:** How will this trail classification system and the recognition of trails of distinction benefit the users of the Avon Trail?

**Mr. Bernard Goward:** We're a small trail in the general mix of trails. Nevertheless, we always covet some publicity. The reference that I was quoting there was from a newspaper article in which that announcement was made. The then president of Hike Ontario was being presented and recognized by the Honourable Minister Johns for creating the legacy trail network.

Naturally, we take pride in that benefit. We promote our trails in various different ways in our local community. Any positive publicity as a trail we appreciate.

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

**The Chair (Mr. Monte McNaughton):** Great. Thank you very much.

We'll move to the government and Mr. Anderson.

**Mr. Granville Anderson:** Hi, Mr. Goward. Thank you very much for your presentation this afternoon and for your support of Bill 100. You alluded to the fact that you have 90 members in your association. A lot more people use the trail than the 90 members, I would assume.

**Mr. Bernard Goward:** There are.

**Mr. Granville Anderson:** Roughly how many users would there be in a year?

**Mr. Bernard Goward:** How many?

**Mr. Granville Anderson:** Yes, roughly.

**Mr. Bernard Goward:** Well, it's very hard to put a number on that. We have a website. Our trail guide, interestingly, which we publish and sell, is bought province-wide and beyond the province. There is a very,

let's say, under-the-radar community of hikers who go far and wide to hike trails. So people can hike our trail without us being aware of them.

Dedicated hikers like to do what they call an end-to-end hike, and they like a little badge for it. I've obliged them with that. Those hikers, we say on our website, can do us the courtesy of letting us know that they're going to be doing an end-to-end hike, and want to be alerted to trail reroutes and so on. We get a number of those requests over the course of a year.

But for folks who just go out, who may not be members of our trail and hike the trail, it's hard to put a number on that.

**Mr. Granville Anderson:** I know that the Avon Trail has a number of bridges—you alluded that you have to remove one of them. These are all maintained by active groups of volunteers. We have heard from organizations, such as the Ontario Federation of Snowmobile Clubs, that easements help to protect investment in trails infrastructure. Do you feel that easements would help to encourage the development of more trails?

**Mr. Bernard Goward:** Well, I understand that for some organizations, particularly the Bruce Trail Conservancy, they're in a much different league than we are. We're a small trail. Easements would not benefit us greatly, financially or otherwise, but I can understand that for some groups, easements would be a benefit.

**Mr. Granville Anderson:** Okay. As a follow-up, I heard the Ontario Landowners Association allude to the fact that the sole purpose of Bill 100 was to take away property rights from landowners. Would you like to comment on that?

**Mr. Bernard Goward:** Um—

**Mr. Granville Anderson:** Sorry, I know you've been here throughout the three previous presentations. Any other aspect of those presentations, please feel free to comment on as well.

**Mr. Bernard Goward:** Is your question what my take is on the Ontario Landowners Association's view on easements?

**Mr. Granville Anderson:** Yes.

**Mr. Bernard Goward:** I must say that I think the Ontario Landowners Association has done a disservice to the hiking community—

**The Chair (Mr. Monte McNaughton):** Mr. Goward, that's all the time we have for your presentation. Thank you.

ESSEX REGION  
CONSERVATION AUTHORITY  
CONSERVATION ONTARIO  
ONTARIO TRAILS  
COORDINATING COMMITTEE

**The Chair (Mr. Monte McNaughton):** We'll call the Essex Region Conservation Authority to present. If you would state your name for Hansard, we'd appreciate that. You have 10 minutes for your presentation. This round of questioning will start with the third party.

**Mr. Richard Wyma:** Thank you. My name is Richard Wyma and I'm the general manager/secretary-treasurer of Essex Region Conservation Authority. I represent Conservation Ontario and the Ontario Trails Coordinating Committee. I'd certainly like to thank everyone for the opportunity to comment on Bill 100, the proposed Supporting Ontario's Trails Act.

The mandate of conservation authorities is to protect, manage and restore Ontario's woodlands, wetlands and natural habitat; and as importantly, to provide opportunities for the public to enjoy, learn from and respect Ontario's natural and cultural environment.

Trails are an important way to build that connection. In fact, Ontario's 36 conservation authorities own and manage over 270 conservation areas, including almost 2,500 kilometres of single- and multi-use trails, primarily within conservation areas, greenways and long-abandoned railway corridors and on some easements.

#### 1420

I know during these debates there has been a lot of discussion on the economic and other related benefits of trails, and I won't get into that. I will say, from a conservation authority perspective, we are involved in trails to connect people to their landscapes and to other communities. Trails provide opportunities to experience nature, to increase our awareness of our cultural and natural heritage, to connect and protect natural areas, to support healthy active living—which saves millions of dollars in health care costs—and to encourage tourism and related economic benefits and opportunities. They increase the value of homes and communities; and, ultimately, are large contributors to quality of life in Ontario.

In short, when you connect people to each other and to the landscapes around them, they better appreciate the landscapes we live in, become more attached to them and help create stronger places. I see the act, the trails strategy and the work that has gone into those documents since 2005, further the intention. For these reasons, we support enhancement and support for trails and trail development in Ontario, and we support the creation of an Ontario Trails Act.

As part of our review and involvement in this bill and efforts related to the Ontario Trails Strategy, we did offer some comments and considerations through these processes that we feel will strengthen the proposed legislation and the ability to further the purposes of the act. I'd like to speak to those comments this afternoon.

We support the designation of a trails week and look forward to participating in this. We believe, through this designation, the proposed Bill 100 will bring higher profile to the value of trails beyond the trails community and, as such, is welcome. We note that the planned week coincides with International Trails Days and Conservation Ontario's own efforts regarding Healthy Hikes. There's an opportunity to foster greater widespread recognition of the presence and significance of trails in the province. We, in the Essex region, are also working internationally with our partners across the river to promote international trails.

The act provides opportunity for the minister to recognize trails of distinction, which we also support as another opportunity to highlight and profile our trail resources. We would, however, suggest that the act provide greater clarity around criteria that would qualify a trail to be considered a trail of distinction and how trails are to be nominated and selected. For example, is a trail-of-distinction program intended to be an annual event? Is there an opportunity to create a program that highlights trails that exhibit special natural, cultural or recreational heritage permanently, such as the Canadian heritage rivers program?

We also support the establishment of a trails classification system and the establishment of related best practices. This approach will help clarify user experiences and user expectations, including design standards, management and operations, associated infrastructure and potential liabilities. We recognize there are challenges in establishing such a classification system, and we look forward to working through the Ontario Trails Coordinating Committee to ensure that the classification system and best practices are reflective of industry needs and public desires.

In keeping with the trails strategy, we agree that the establishment of targets will facilitate trail development, enhance trail experience and increase awareness of trails as important contributions to quality of life in Ontario. We would encourage the development of financial and other supports for trails organizations to help meet these targets.

We support establishing the ability to form easements for trails. We would note that the ability to form an easement for a trail already exists and existed before the proposal for this trails act. Conservation authorities, including Essex region, hold and are named in easements for natural areas and other purposes, and we are also named in easements related to trails on public and private lands. These easements are tools to identify and for managing agencies to satisfy criteria or conditions that are included in these easements. These easements are always voluntary and always involve willing partners.

We would like to see this easement strengthened, similar to the speaker before me, to become a more effective tool for trail creation and management. We would suggest that entering into a trail easement brings with it some form of incentive in the form a tax incentive, perhaps, such as the Conservation Land Tax Incentive Program, the Managed Forest Tax Incentive Program or some form of compensatory payment that's tied to demonstration of criteria associated with that incentive. These tools, we believe, are especially needed to facilitate completion of trail networks and, in particular, connecting key trails as part of a broader regional or provincial network. We support the specific use of trail easements for trail purposes and believe that these added mechanisms will help us get there.

With respect to amendments to the Occupiers' Liability Act, we welcome the clarification around payment for access, but believe there is still scope for some interpretation in respect to whether access is charged or not. For

example, if one area of access is non-charge and in another a charge applies to the same organization that operates both, can these organizations apply different managing standards to the two sets of trails?

What would be of increased value is greater clarity around negligence as it relates to trails. We would suggest a better test of “reckless disregard” in respect to standards and care owed. We would also encourage the province to consider strengthening the amendments to the Occupiers’ Liability Act to further clarify and firmly place the onus of responsibility on the trail user, rather than the manager or landowner. Requiring trail users to be aware of the nature of the trail which they are accessing would, we believe, better protect organizations that manage and provide trails, and the landowners whose land these trails are found on.

The province is also urged to consider legislation from other jurisdictions, such as the land reform legislation in Scotland, which has a longer tradition of trails and has actually created trails as part of their emphasis on the value of land in their country and recognizing the importance of those lands as an attractant to people to come visit and use their lands.

Similarly, though increasing the value of fines may be an additional deterrent, fines are rarely levied by trail managers, and if so, fines do not meet the existing maximums. It’s challenging, then, to see how this may facilitate greater use of these provincial offence powers or increased fines being levied. As an alternative, we would urge the province to facilitate greater enforcement of existing instruments by providing funding and support to trail providers such as conservation authorities, which have designated conservation officers to build enforcement programs to support sustainable and appropriate trail use on public and private lands where easements are held.

Once again, we thank you for the opportunity to provide comments on the bill. Conservation Ontario remains supportive of the vision, goals and objectives of the Ontario Trails Strategy and the intent of the proposed act. Our comments draw on our collective experiences in creating, managing, operating and using trails and greenways in both northern and southern Ontario. In many areas, conservation authorities are the first to advocate for and develop trails. We work to ensure that they reflect local and regional needs and respond to local and regional concerns.

Again, speaking on behalf of Essex region, our greenways that we acquire and develop are actually done without municipal levy. We acquire and build greenways with support from our corporate partners, through our foundation and through provincial and federal programs. In fact, we will be working with the town of Tecumseh, which recently received a cycling grant, to help connect our own Chrysler Canada Greenway to the Herb Gray Parkway trails, as well as trails in Tecumseh and Listowel. That’s an important gap for us and it’s one that, through the support of the Ontario Trails Strategy, we’re able to achieve.

Because of our tremendous history, we look forward to not only being actively involved in the implementation

of this act, but also in the continuation of regulation and other tools related to this act. Thank you.

**The Chair (Mr. Monte McNaughton):** Great. Thank you very much. We’ll move to Mr. Miller for questions.

**Mr. Paul Miller:** Thank you for your presentation. I sat on the board of the Hamilton Conservation Authority for a few years and I’m well aware of the great work you do in all conservation authorities in the province. We thank you for your good work.

I listened to your presentation. You explained what conservation authorities are all about, and I’m well aware of that. I noticed you mentioned the money for the landowners—some kind of tax benefit. I’m not opposed to such a suggestion, but I noticed you commented on how you felt you were part of this process throughout the whole situation. Do you feel that you were part of it and that you were notified enough?

**Mr. Richard Wyma:** I believe we were, both from the Essex Region Conservation Authority as well as—

**Mr. Paul Miller:** Now, that would be in the Essex area, which is southwestern Ontario.

**Mr. Richard Wyma:** —as well as through Conservation Ontario, which represents 36 CAs across Ontario.

**Mr. Paul Miller:** Yes, but I don’t think there’s been a lot done in northern Ontario, to be honest with you. I didn’t hear any mention of that in your presentation. I also—

**Mr. Richard Wyma:** We—

**Mr. Paul Miller:** I’m asking a question here.

I also noticed that you didn’t mention anything about the landowners’ concerns about access, liability and all that. You avoided that, and you had no position on that other than on the easement situation. I know that some conservation authorities already have easements. We do, along the Bruce Trail in the conservation authority in Hamilton. We have those. So I’m well aware of that. But I’m concerned that you did not identify the landowners’ concerns. What do you have to say about that?

**Mr. Richard Wyma:** Well, again, when we develop our trails and our trail systems in Essex region or in any of the 36—which includes five conservation authorities in northern Ontario—we develop those in heavy consultation with the public. We look at it, and when we talk about landowner issues, even on lands that we own, we work with our neighbouring and adjacent landowners to ensure that any concerns that they have are addressed. So we, again, as trail managers and operators, value the input that we get from our public, especially those who live adjacent to the trails. We work very closely with them to address their concerns.

**Mr. Paul Miller:** Okay, but I’ve heard from several presenters that a lot of these are handshakes and have been for many decades. With conservation authorities or whoever, they’ve had these types of things. Now, with this concern about Bill 100, a lot of landowners have developed this fear—even though it’s been spelled out, the government thinks, to their satisfaction. I think if they had actually sat down with some of the landowners in northern Ontario and other regions and explained exactly where they stood—because there are a lot of miscon-

ceptions, a lot of rumours out there, that have made these landowners a little bit afraid of allowing access to their land. Would that be a fair statement, that it could have been more clarified?

1430

**Mr. Richard Wyma:** As it relates to the work that we as conservation authorities do, I wouldn't agree with that statement.

**Mr. Paul Miller:** I wasn't asking about the work you did. I was saying that the people who are landowners have had questionable—they're getting mixed messages on this bill. What I asked you was, do you think, in your opinion, with all this organization that you have, that they've been notified?

**The Chair (Mr. Monte McNaughton):** And with that, Mr. Miller—I apologize—we have to move to the government and—

**Mr. Paul Miller:** I guess I'm not going to get an answer on that.

**The Chair (Mr. Monte McNaughton):** Sorry, which government member is going to be asking questions?

**Ms. Eleanor McMahon:** It's Ms. McMahon.

**The Chair (Mr. Monte McNaughton):** Ms. McMahon. Great.

**Ms. Eleanor McMahon:** Thank you, Mr. Chair.

Delighted to see you. I'm going to take 10 seconds and just say that I recall the first time we met. I was down in Windsor—Essex, I think—at the CWATS presentation. The County Wide Active Transportation System in Essex is vibrant and growing strong. I know that the conservation authority, ERCA, which is a fabulous organization, really works so well with local organizations and municipalities and landowners, especially in the context of the Amherstburg-Essex Greenway and the Chrysler Canada Greenway, in order to allow access. So I'm delighted to have you here. Thank you again for your work.

There has been a lot of conversation today about easements and the flexibility inherent in existing agreements, and the importance of that flexibility to your work, for example. Could you maybe enlighten us about conservation easements and other arrangements that you have that are working?

**Mr. Richard Wyma:** Sure. One of the reasons why we do support the use of easements is because it provides clarity to the landowners, the trail users and the trail managers in terms of what the rules are, if you will. It allows us, as conservation officers, to apply those rules and to ensure that those rules are being met. In our estimation, and in our respect, it does provide clarity in terms of what can and can't go on, on those properties.

As we've found, with the easements that we do have for trails—and we have a number of them and are currently negotiating some more right now—these easements are actually desired by the landowners we're working with, because they want to see that clarity and they want to know, if they have an issue, that the issues will be addressed through the tools that are available.

**Ms. Eleanor McMahon:** It's interesting, because my riding backs onto the Bruce Trail, so I know that they are

also looking for that clarity and that ability to have that flexibility, because they find that there's great co-operation and they'd like to enshrine that. I'm hearing the same thing from you.

I think I heard in your presentation a desire to strengthen the Occupiers' Liability Act. Can you expand on that a little bit?

**Mr. Richard Wyma:** I think my comments were in terms of how we look at who has the responsibility as it relates to who is using the trails and who is using these facilities. We know that there are issues with respect to how liabilities are applied, and amounts of liabilities and amounts of awards, in cases where, as we argue and we believe, there should have been a greater onus on the trail user for the expectations that are there.

Through the mechanisms that could be available, we could look at reckless disregard, instead of just negligence, and tools like that, as it relates to providing clarity in terms of what the conditions and the experiences of the trail might be.

**Ms. Eleanor McMahon:** I heard you talk about the international context, which is so important, given the fact that Michigan is right there. I know that in the United States, they have a rubric of protection for their trails acts, and they celebrate their trails really well—

**The Chair (Mr. Monte McNaughton):** Ms. McMahon, I apologize for the three-minute mark.

**Ms. Eleanor McMahon:** Darn. Thank you. It's nice to see you, Richard. Thanks, Mr. Chair.

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

**Mr. Steve Clark:** Thank you for your presentation. I have three conservation authorities in my riding, and they all three deal with people differently. One, South Nation, I have a lot of respect for. They've undertaken some big projects. The other two, especially the one I share with Ms. Kiwala, I have some very serious concerns about how they deal with their business.

One of the things you said, and I want you to clarify it, is that you indicated you favoured an easement over a voluntary agreement. Did I hear that correctly?

**Mr. Richard Wyma:** Again, we work with whatever the interests of the landowner are, if we're working with them. Everything that we do is voluntary, first of all. We talk about and identify the opportunities related to easements, because we believe that does provide that clarity that sometimes handshake agreements do not.

**Mr. Steve Clark:** But you have to recognize—please tell me you recognize—that there are a number of communities—I look at my own community, where the preferred method is the voluntary method and not one that would be an easement. So you have to recognize that, while you may favour, or conservation authorities may favour or whoever you're speaking for, there is a tremendous, very fragile relationship between some property owners and some of the people they deal with for trail access.

**Mr. Richard Wyma:** I would agree that, again, there are different intentions out there, and in some cases an easement may not be the right tool. There are various

other tools through agreements and otherwise that are maybe not as secure as an easement, which we still operate as well. It goes back to what is the intention of what you're trying to do and what is the best tool to do that.

**Mr. Steve Clark:** But a voluntary agreement that the property owner cancels because of fear of Bill 100, I would definitely say that was a fragile agreement. I don't believe and I don't think most people in my caucus would believe that an easement would alleviate that concern of the property owner.

**Mr. Richard Wyma:** Again, in my reading of the work that's before us, it does talk about the importance of voluntary, and I think it comes down to that it's not a requirement to have an easement. It would be whatever is the best tool available.

**Mr. Steve Clark:** So help me out—I probably don't have much time. If this bill was shelved and put on the table, not moved forward to clause-by-clause and resurrected after consultation, brought back in September, it's not the end of the world.

**Mr. Richard Wyma:** There are mechanisms currently for easements. What I think this bill would do is encourage opportunities to enhance those existing easements and I think there is—

**Mr. Steve Clark:** But it's not the end of the world.

**Mr. Richard Wyma:** I think any time you can move something forward to get things done, we should be looking at ways of doing that.

**Mr. Steve Clark:** Well, cancelling agreements isn't getting things done.

**The Chair (Mr. Monte McNaughton):** And that's it. Thank you very much for your presentation. I'd like to, on behalf of the committee, thank everyone who presented on Bill 100.

We're going to, just by way of a reminder, let everyone know that the deadline for written submissions is 6 p.m. on Wednesday, May 11, 2016, and that amendments for Bill 100 will be filed with the Clerk of the Committee by 12 noon on Friday, May 13, 2016.

Ms. Wong? Any questions on that?

**Ms. Soo Wong:** I recall one of the witnesses, because he left his presentation on the subway—can we make sure the Clerk connects with him to make sure we have it electronically? Thank you.

**The Chair (Mr. Monte McNaughton):** Great. Thank you.

I also wanted to let the committee know that we actually did request to change committee rooms for today, but it was denied.

*Interjections.*

**Ms. Soo Wong:** No, there was another committee. You should be respectful. It was nothing to do with the government.

#### COMMITTEE BUSINESS

**The Chair (Mr. Monte McNaughton):** Order.

We're going to move on. Everyone has in front of them the details and the budget for the conference coming up in August. I'd like to turn it over the Clerk to just run through some of those details.

**The Clerk of the Committee (Mr. Trevor Day):** Once again this year, the committee has been invited to the National Conference of State Legislatures. The committee has gone for the last number of years. In order for the committee to accept this invitation, two things have to happen. We have to approve a budget for the Board of Internal Economy to look at—it's not for additional funds; it's just for approval to spend the money we already have—and we have to send a letter to the House leaders letting them know that we would like a motion in the House authorizing us to travel this summer.

There's a draft budget before you. It is very similar to last year's budget. The only differences are really that the registration fee has gone up a little bit and—what was the other one?—accommodation has gone up, and the dollar has also gone down. So it is a little more expensive than last year's, but this is what we're looking at.

The other thing about this budget is that we have budgeted for the most in terms of plane tickets. We have to get you fully refundable, fully exchangeable. If you purchase them yourselves, you'll get them much cheaper than what we have here. But if we're buying tickets for you, because there might be changes, we have to get the more expensive tickets on your behalf.

**The Chair (Mr. Monte McNaughton):** Do we have a mover to approve the budget?

**Ms. Soo Wong:** I thought I was supposed to do the letter first.

**The Chair (Mr. Monte McNaughton):** It doesn't matter which order.

**Ms. Soo Wong:** It doesn't matter which order. Okay.

I move that the committee approve a budget in the amount of \$45,500 for the committee and staff to attend the annual meeting of the National Conference of State Legislatures and that the final budget be submitted to the Speaker and the Board of Internal Economy for their approval.

**The Chair (Mr. Monte McNaughton):** Shall the motion carry? Carried.

Mr. Clark?

**Mr. Steve Clark:** I move that the Chair write a letter to the House leaders expressing the committee's willingness to accept the invitation to attend the 2016 annual meeting of the National Conference of State Legislatures in Chicago, Illinois, from August 7 to 11, 2016, and request that a motion be presented to the House that the Standing Committee on the Legislative Assembly be authorized to attend the 2016 annual meeting of the National Conference of State Legislatures in Chicago, Illinois.

**The Chair (Mr. Monte McNaughton):** Shall the motion carry? Carried.

We now will adjourn until next Wednesday.

*The committee adjourned at 1440.*

# CONTENTS

Wednesday 11 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-285
Ontario Federation of Anglers and Hunters .....	M-285
Mr. Greg Farrant	
Ontario Landowners Association .....	M-288
Ms. Elizabeth Marshall	
Ontario Federation of 4 Wheel Drive Recreationists .....	M-292
Mr. Peter Wood	
Avon Trail .....	M-295
Mr. Bernard Goward	
Essex Region Conservation Authority; Conservation Ontario; Ontario Trails Coordinating Committee.....	M-297
Mr. Richard Wyma	
Committee business .....	M-301

## 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 McMahan (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)

### Clerk / Greffier

Mr. Trevor Day

### Staff / Personnel

Ms. Mercedes Lee, research officer,  
Research Services