

# OTC Responds to Erroneous Media Reporting on Landowner Rights

## Press Release

For immediate release: February 8, 2016

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Ontario Trails Council  
Conseil des sentiers de l'Ontario

**Bill 100 and Landowner Concerns** Clarifying the  
Impacts of Bill 100 for landowners

“Recent media reports, (concerning the impacts of Bill 100 - “The Ontario Trails Act,”) have the potential to cause real damage to some trails in Ontario,” states Patrick Connor, Executive Director of the Ontario Trails Council.

As a charitable organization working to promote the management, use, development and preservation of recreational trails, the Ontario Trails Council is concerned that the facts regarding Bill 100, trails and landowners, are being misunderstood by some groups.

To be clear, Bill 100 only affects landowners who want to negotiate an easement for trail access. It in no way makes trails on private or public land nor does it take negotiation rights away from landowners. What it does is make the process clearer. As an aide we've provided a Q and A for landowners and trail groups.

### Q and A

1) **Do I own my land after Bill 100?** - Yes. The landowner is still the owner of the land. Your land is not given up through the Act. The landowner still has title and deed even through an easement process.

2) **What does easement mean?** Easement means you are providing access to your land.

3) **Land easements between 3rd party groups and private landowners are negotiated and are not government expropriation** - Bill 100 does not represent or enable government expropriation, and the word expropriation is not mentioned in the Act. An easement is not an expropriation.

- 4) **Bill 100 improves easement negotiation** - the Act itself doesn't give trail groups more rights, it means that trail groups have to negotiate the easement with landowners. If you don't want to negotiate an easement you won't have to.
- 5) **Are your property rights lost or not protected through easement agreement?** Easements are legally binding so you want to secure your best possible protection and expectations going forward with your easement. Make sure you secure your requirements when you ease. Before signing make sure you are in agreement with the terms of the agreement.
- 6) **Future trespass and Bill 100** - currently there are limits of cash penalty for trespass and for property damage. Trail groups worked with landowners to secure "no damage limits" so if you, your business or your property, off the easement, are damaged, you have greater legal recourse via Bill 100 than you currently have now.
- 7) **Easements are between you and the third party.** Bill 100 reinforces a fair and reviewable process, so that if parties don't provide expectations and land management requirements, as per your easement, legal remedy can be sought.
- 8) **Are my property rights (easement) at greater risk because of Bill 100?** We don't think so. By enacting Bill 100 there are real benefits to landowners. Trails will be defined, trails will be marked more clearly, and trail users, will be expected to adhere to landowner agreements. Once the easement is secured it is binding on both parties.
- 9) **What happens if somebody doesn't do what we agreed?** If I sign off on an easement and the group I sign it off and someone doesn't do what they say in the easement. If the agreement is breached, then legal redress can be sought on or by the other party.
- 10) **Can I pull out of an easement after Bill 100?** You can, but as a landowner you don't want to be in a breach. Neither does the trail group, after all, you both negotiated the agreement. In a breach situation closing or nullifying your agreement would depend on a judge's decision.

If you have any questions about Bill 100 please contact the Ontario Trails Council, 613-484-1440 or email us at: [execdir@ontariotrails.ca](mailto:execdir@ontariotrails.ca)

We are here to help everybody have a better understanding of trails, trail use and management practice. Please read our paper on Bill 100 - it's available here - <http://goo.gl/yzl00X>

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# **A Statement from Minister Coteau on Bill 100 and Landowner Easements**

Please see the statement that Minister Michael Coteau released to clarify the misconception around Bill 100:

*February 10, 2016*

*The province introduced Bill 100, the Supporting Ontario's Trails Act, 2015, to improve access to Ontario's trails, building both a healthier, and more prosperous Ontario. Our ministry held consultations with over 250 organizations, including municipalities, Aboriginal groups, trail organizations and not-for-profit organizations. The feedback the ministry heard during these consultations was integral to shaping the proposed legislation.*

*To be clear, an easement pursuant to Bill 100, if passed, would be a voluntary agreement between a landowner and an eligible body or bodies. No property owner would be compelled to provide an easement unless they agreed to do so.*

- *Michael Coteau, Minister of Tourism, Culture and Sport*

At Ontario Trails we thank the Minister for clarifying the content and intent of Bill 100. We appreciate his support on the issue and his support of the legislation.