

To our Valued Landowners,

As President of the Ontario Federation of ATV Clubs (OFATV), I would like to take this opportunity to try and clear up some of the confusion regarding Bill 100 – Supporting Ontario Trails Act. Let me first begin with a thank-you. We appreciate our landowners. We appreciate the access to their land, the relationships and we can understand the concern that you may experience with the introduction of Bill 100. Many of our members are landowners and I'm sure none of them would be interested in the possibility of any group taking ownership of their land. So, I can assure you, we have no intention of being a part of you losing control of your land.

It seems like the main concern with regards to Bill 100 is the use of easements and the registering against land titles. OFATV does not use easements as part of our land use agreements. We haven't in the past and we won't in the future, unless you specifically request it. This is the issue that appears to be of greatest concern with landowners and is grabbing the most attention in the media. We can appreciate that organizations such as the Ontario Landowners Association (OLA) are working to protect landowners' rights. The difficulty is that there appears to be political posturing taking place in the media, and fear and uncertainty are the weapons of choice. I'm hoping to dispel some of this.

First off, OFATV is a member of the Ontario Trails Council (OTC). Along with other organizations who have a vested interest in the promotion of trails across Ontario. As part of the OTC we have been involved in the discussion with the Ministry of Tourism on the drafting of the Bill. The development of the Bill took over two years and there were multiple consultation sessions. The intention of the Bill is to protect Landowners and Trail User Groups.

Currently, there are multiple laws that would govern trail usage. In fact, the OTC has stated "*Bill 100, draws provision from 48 different pieces of legislation into one coherent set of rules.*"ⁱ With Bill 100 the intention would be that we as a trail organization, and you as a landowner could easily reference a single document to understand how to be best protected.

Easements are referenced in the Bill but are completely voluntary. As previously mentioned, OFATV uses Land Use Agreements and wouldn't use Easements. There are benefits to the usage of easements but the cost alone would be prohibitive for us as an organization. It's estimated that the cost to survey and file an easement would be between \$3000 and \$5000 each. The benefits, would be that it would define the boundaries of the land use with greater clarity. This would allow for a clearer boundary as to where trail users are allowed, or not allowed. If those boundaries are crossed, then the trail user could be found trespassing. Though not our hope, we want to maintain good relationships with our Landowners, and if someone is leaving a trail and destroying your land, we want it stopped. This Bill helps with that. The easements referenced in the Bill are completely voluntary. As stated by Kurtis Andrews – Agricultural Lawyer; "*It in no way is anything but voluntary. If landowners have trails and don't want to subscribe to an easement, they don't have to. A trail can stay on their property without having a legally binding easement imposed,*" he says, adding farmers can enter into a simple easement agreement without the new bill.

*Under Bill 100, landowners can negotiate a time limit and restrictions, and when it comes to land, it has to be in writing – an easement can't be registered without a property owner's knowledge. But in rare cases in common law, an easement could be automatically established after 20 years. (emphasis added)*ⁱⁱ

Mission Statement:

The Ontario Federation of All-Terrain Vehicle Clubs (OFATV) is a not-for profit volunteer driven association that along with support staff, provides resources to our member clubs, so that together, we are able to strengthen the public's perception, and the position: that our clubs strive to provide responsible, safe, legal, and environmentally friendly trails, for riding all-terrain vehicles (ATVs, ROVs) in the province of Ontario.

Vision Statement:

"To have one trail access model available, from one sustainable organization that represents the interests of recreational ATVers in Ontario."

Trespassing is a serious concern to me and the OFATV. I don't want to have to take a call from a farmer that has lost thousands of dollars to crop damage because a rogue rider didn't obey signs. With the introduction of Bill 100, it's expected that trespassing fines would be increased and a judge could inflict judgement to compensate the landowner.

The Land Use Permission Agreements that define our land use parameters will continue to be our method of working with you – the Landowner. It defines the cancellation authority and notice, and ensures that OFATV's General Liability Insurance protects you. You've provided the land; we want to protect you from being held liable for an injury. If it's found that our Land Use Permission Agreement needs to be amended to better define and/or align with Bill 100 we would be coming to you as Landowners to be sure that we are maintaining a great relationship.

Once again, I am so thankful for our landowners. Thank you for your generous and continued support year after year.

Sincerely Yours,



President
Ontario Federation of All-Terrain Vehicle Clubs
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ⁱ Patrick Connor Ontario Trails Council Executive Director

ⁱⁱ Farmers Forum - <http://farmersforum.com/trails-bill-wont-take-your-land-agriculture-lawyer-says/>

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