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Access to Tiny shoreline fuelling volatile' situation

A-G should act: Dunlop

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-Concerns that public access to Tiny Township's shoreline is at risk is causing a growing number of township residents to draw a line in the sand.

The latest indication of the growing frustration over shoreline access was the senseless chainsaw attack on a fence at Balm Beach last weekend, which has prompted Simcoe North MPP Garfield Dunlop to renew his call for Attorney-General Chris Bentley to become involved in the shoreline issues.

While that event captured headlines, it has brought into focus a much larger issue that is impacting not only the Tiny's treasured shoreline but could spread across Ontario because of lower water levels.

The issue was brought home at a council meeting Wednesday when Beaches Without Borders spokesperson Elise Box urged council to register an objection to an application by Coun. George Cornell to have the boundaries of his property realigned to ensure he can maintain shoreline access; a move Box contended would deny the public access to Sandy Bay Beach.

It was, however, anything but a routine day.

The township hall had to be evacuated when somebody walked in and told staff that "things are going to blow up!" That prompted the Ontario Provincial Police to do a sweep of the place and to question the guy who, it appears, was merely expressing an opinion about the frustration level of the overflow crowd attending the committee of the whole meeting. OPP Inspector Rick Philbin said the man was questioned and no charges were laid.

Having survived the "bomb" scare, council's evening meeting briefly erupted in shouting matches over the fence at Balm Beach and the issue of public access to the shoreline. The evening was topped off by the comments of a man who identified himself as a former Toronto police detective who warned that the situation could become "volatile."

Breckenridge said the township itself has twice appealed to the Attorney- General for help.

"The first time we were ignored. The second time they wrote back and said they were not going to do anything."

She said there is nothing in the Municipal Act that aids council in dealing with private property issues.

Dunlop was forthright in his assessment of the fence issue, saying, "it's so out of place on a natural beach. It's not about who owns the land. How do you destroy the land by putting up a structure that destroys the views and the vistas of a community? That's what we're seeing here.

"The next thing we could see is people who own water lots putting netting in the water. There are some property owners on different rivers who own water lots beyond their property right into the water. Are we going to see a fence out there next?

"That's why the Attorney-General has a duty to step up to the plate and attempt to find solutions to the issues," Dunlop added. "It could spiral. Is everybody who has a piece of private property going to be able to destroy the view of the beach by putting up an ugly fence? I don't think that's right. The natural beaches of the world don't have fences going down to the water."

Without provincial help, sorting out access and determining land titles is a daunting challenge facing the township.

Mayor Breckenridge has said earlier this year that one of council's priorities is identifying and surveying, where necessary, to identify properties that are municipality-owned.

"Some are in dispute; some are questionable. With 72 kilometres of shoreline it's taking us a few years to do this. Our manager of public works is in charge of this project. They can only do surveying in summer months. We still have a massive clean-up to do. Each summer more gets done, but if we tried to do it all in a couple of years it would cost us a fortune in surveying and legal costs."

She said Wednesday that maps of the areas that have been designated as public areas are available at the township offices.

While the township struggles with the costly process of determining land titles, the lower water levels continue to impact properties along the shoreline.

Coun. Cornell's boundary application is not an isolated case. He says there are others he knows of.

Explaining the reasons underlying his application, he said that two years ago he had an application to the Ministry of Natural Resources to move some rocks at the front of his property to put in a dock and create a swimming pool.

"As part of that process, you notify your neighbours. In our case, our neighbours are the Township of Tiny. We approached the township staff, who at the time pointed out we fronted on township road allowances. Because the water levels were receding they crossed.

"We proposed bending the road allowances. To do that, you stop up and close a road which necessitates a public meeting. At the eleventh hour, it was realized a mistake had been made and was admitted by the township council and staff that they had incorrectly required a public meeting."

Since then Cornell was elected to council.

He notes his boundary application will be decided by an independent third party. He says he has always had waterfront access, until the water receded. When that happens, he added, where do the boundaries lie? "How do you bend things so everybody maintains a fair and equitable water-frontage based on what they originally had?"

Township lawyer Jeff Cowan explained to Wednesday's meeting how the Boundary Act applies.

He said the process only establishes the boundaries of a property. It does not establish title.

In Cornell's case, he explained, the application indicates how the land owner proposes to extend his property to maintain a waterfront lot.

Beaches Without Borders contends that the quality of Sandy Beach could be critically impacted because boundary changes in the area will eventually reduce the public beach to a small, potentially undesirable "gap" that one might use to get into and out of the water. They, too, have filed an objection to Cornell's application.

Meantime, shoreline access -and fences -remain hot button issues in Tiny Township.

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