

SAVE THE BEACHES INC.

Mailing Address: c/o Donna Ebers, 39 Withall Grove, Wyevale, ON L0L 2T0

www.savethebeaches.ca – Contact: Donald D'Aoust 549-8391

January 27, 2009

Hon. Donna Cansfield
Minister of Natural Resources
99 Wellesley St. W.
Toronto, ON
M7A 1W3

By email: dcansfield.mpp@liberal.ola.org

Dear Minister Cansfield

I am writing to inform you of further developments involving the creeping privatization of the beaches in Tiny Township. Recently, the following notice appeared in a local paper:

Application for Absolute Title - Lot 18, Plan 1127, Tiny Twp. Plan BA-2621 registered 2005/11/23 s Plan SC389154, designated as part a on draft reference plan prepared by R.J. Stewart O.L.S. and dated September 30, 2008, County of Simcoe... any person claiming to have any title to or interest in the subject property or any part thereof is required on or before February 9, 2009 to file a statement of claim, verified by affidavit to the solicitors for the applicants, Fogler, Rubinoff LLP.

In your letter of Oct. 22, 2008, you have recognized that many shorefront landowners have successfully applied to have their boundaries extended to the water's edge. Those decisions, similar to your interpretation of the Rowntree Beach decision, do not speak to title. Thus there remains hope that historic public access and use of the beaches can continue. However, the notice above is the first movement to establish clear private title and it is of great concern.

We also note in your interpretation of the Rowntree Beach decision that it affected the beaches between the third and eighteenth concessions. This is not a universally held opinion in the legal community. There are lawyers who submit the decision applied to Rowntree Beach only and there was no reason for MNR to give up its jurisdiction over the rest of the shore.

You correctly recognize in your letter that some responsibility lies with the Minister of Government Services and the Attorney General. We can report that repeated pleas to both ministers has resulted in nothing but throwing the matter back onto the local government. Our local council has not taken any action to find a means of resolution.

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In light of the above mentioned application, we respectfully ask that your ministry revisit the Rowntree Beach decision and reconsider your position that it applies to the extended beach and that you help convince your colleagues that there is a role for the provincial government to stand up for the rights of the public and restore and maintain those historic rights of access and use.

Thank you for your consideration.

Sincerely,

Don D'Aoust, President
Save the Beaches.

CC. Hon. Dalton McGuinty, Premier
Garfield Dunlop, MPP
Kim Craitor, MPP

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