

From: Donna Ebers
To: Tom Villemaire
Sent: Thursday, July 24, 2008 12:26 AM
Subject: Letter to the Editor The Midland Free Press July 24, 2008

Re: Recent News Reports regarding the fence at Balm Beach

Save the Beaches has been lobbying to protect the public interest to the shores of Tiny Township for the past several years. Numerous attempts have been made by Save the Beaches (and PUBB, Preserving Use at Balm Beach) to arrange a meeting with the Attorney General of the Province of Ontario to discuss the growing frustrations of the community over beach access. In correspondence received from the office of the Attorney General since mediation, the beach access issue has been referred to as a municipal responsibility. We were told in April, 2005 by Michael Bryant that he had encouraged "the Township to fully assume its important leadership role in the future direction of this resolution process". The Attorney General has stated in correspondence to various parties including Save the Beaches that our own resources should be used in the pursuit of any legal resolutions.

During the last municipal election, all members elected to Tiny Council were hand-picked through an interview process and promoted by the Federation of Tiny Township Shoreline Association (FoTTSA). It is evident that there is a bias held by Tiny Township Council, particularly the Mayor, who has recently expressed opinion in recent interviews with the media that the beaches are private. To date Tiny Council has never attempted to assume its important leadership role to resolve beach access. Any actions taken have been derogatory to resolving the issue.

Up until approximately 3 years ago, prior to revisions to the Township's Official Plan, the beaches of Tiny Township were zoned Open Space. When Mr. & Mrs. Marion (the owners of the fence) purchased their property 25 years ago, they purchased a measured property entered on a Plan of Subdivision. During this time frame, Tiny Township maintained and cleaned the beaches along the shoreline of the Township. Old photographs and postcards of Balm Beach show families enjoying the beach, lifeguard towers, lines of cars. These along with testimonials from many families document the traditional and historic public use and access at Balm Beach (and other Tiny beaches) that has been enjoyed for generations.

Common complaints heard from shoreline residents is about garbage left on the beach. Complaints such as these could be alleviated if our governments took action and replaced the garbage receptacles which were removed from the beaches by a former Tiny Council.

Save the Beaches is saddened that destruction and assaults have recently taken place over the beach access issue. Our municipal and provincial governments while aware of the potential for violence, have ignored concerns and are themselves responsible for increasing tension through their own actions (or inaction), i.e. additional signs, parking restrictions, increased fines, and by the provision of loopholes such as the province's

Boundaries and Land Titles Acts which allows beach front owners to extend their properties to the waters edge, build fences, without even applying for absolute title (the second stage of the process where public rights would come to light). The Balm Beach fence is not the only fence on our beaches, others are appearing along our shoreline. When advised by a consultant to address the issue of fences on the beach in their new Fencing By-law, Tiny Council chose to ignore the issue. Is it any wonder that people are frustrated?

We believe it is the responsibility of our municipal and provincial governments to protect the our public rights to continued traditional and historic access and use of our beaches. We have asked the Attorney General numerous times without success to declare a public interest on Tiny beaches, based on the Grand Bend decision which cost Ontario taxpayers millions of dollars. Unfortunately without government support, we (the taxpayers) are left to resolve the issue of public rights through costly legal proceedings. Save the Beaches supports PUBB (Preserving Use at Balm Beach) in their endeavours and encourage your readers to donate money to help PUBB proceed with legal actions to protect public rights and have the fence at Balm Beach removed. Donations can be forwarded to PUBB, P.O. Box 220, Perkinsfield, Ontario L0L 2J0 – please be generous.

Sincerely
Donna Ebers on behalf of
the Directors for Save the Beaches Inc.