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Province needs to intervene in beach access issue

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An open letter to Attorney General the Honourable Chris Bentley.

Dear Mr. Bentley,

I am sure you are aware of the situation in Tiny Township regarding public access and the use of our beaches, and most recently a fence extending to the water's edge in Balm Beach. You may not be aware that a number of times in the past few months the situation has escalated to where property was damaged, a person was injured, and charges have been laid. My husband and I have attended two meetings in the past month regarding this fence/beach access issue that have resulted in large

groups of people getting into emotional and heated discussions.

I hope that you can appreciate our frustrations here in Tiny Township. First there is the issue that we are being denied access to beaches that we have used for the past 30, 40, 50-plus years. Second is the fact that our local council either can't or won't resolve the issue. To add insult to injury, when we appeal to our provincial and federal levels of government for help (as we have been told to do by our local council), we are being told it is a municipal matter?!

It is my understanding that as our Attorney General, you have the authority to "litigate cases where there is a clear matter of public interest or rights at stake. This has been characterized as a constitutional responsibility to ensure that the public interest is well and independently represented."

We here in Tiny Township, and those of us who live in Ontario, are blessed by living in and around the largest stretch of freshwater beaches in the world -- one of Ontario (and Canada's) most precious natural resource. The fear for us here with respect to the fence in Balm Beach is

not only about beach access -- it is that by allowing this fence to remain it will set a precedent for other fences to be erected along the shoreline. It seems to me that the forefront of any major change is usually the result of a precedent being set. Where one is permitted to go, others will surely follow. We are

already seeing repercussions as a direct result of the precedent set by the Rowntree decision.

The battle over the beaches and the rights of the public versus private owners is happening all over the province -and the country. I can't think of a more obvious case where the public's interests and rights are at stake. If the reason for the fence in Balm Beach really is about privacy (as the owners have stated), then why wouldn't the fence end just beyond the restaurant's patio next door -- which by the way, I am sure most people could understand and accept. And what is purpose of the boat launch that sits in the water (which is public domain) beyond the fence, forcing passerbys to walk into the water to access the beach on either side?

This was a public beach when its current owners bought the property. The public has had access to the beaches across Tiny Township since people first started setting here. What has happened to change that? Perhaps we here in Ontario (and Canada) should look to the people of Hawaii to see how they manage their world-renowned beaches. In Hawaii, no property owner owns the beach. What they do own is everything going back from the high water mark. Everything from the high water mark to the water is public. And the law in Hawaii is that between every five and six homes, there is a public walkway that leads to the beach. What a concept!

I have spent my entire life in this community, first as a cottager and later as a year-round resident. This used to be a quiet, relaxing, welcoming community. Now it is charged with conflict and controversy, pitting neighbour against neighbour and community against community. I urge you, I beg you, on behalf of the many concerned citizens in Tiny Township, the surrounding area, and the general public, to please intervene and put an end to

this. By allowing this fence to remain and denying the public access to the beach, as a society what message are we sending? After centuries of fighting for equal rights for people of all races, religions, and stations in life, are we now saying that the rights of a privileged few outweigh the rights of the many? Preserve the use of this province's beautiful beaches for the use of us all -- not just a privileged few. Order the removal of the fence in Balm Beach and send a message that this province's shorelines are for us all to enjoy.

Cathy Burgers

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CATHY BURGERSLOCAL RESIDENT

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