

**From:** Tom Brason <brason@sympatico.ca>  
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**To:** <Undisclosed-Recipient:;>  
**Subject:** Attn Media

Att: Media

At the 850 member Ontario Outdoors Recreational Alliances's (OntORA) Nov 6th annual general membership meeting in Sault Ste Marie a resolution was passed unanimously to hire a well known Toronto lawyer to assist OntORA in considering possible legal proceedings against the **Ministry of Natural Resources** and senior Liberal staff who had been aware for several years of alleged illegal practices by this Ministry.

This meeting was covered by MCTV.

Two days later on Nov 9th we received a call from David Orazietti Lib MPP Sault ste Marie and Parliamentary Assist to the MNR urgently requesting a meeting with OntORA , according to him it would take place in Toronto before Christmas and it would result in changes that would save us on legal expenses, twice in the weeks following we called his office to be told by his staff, that the meeting was indeed being arranged, have patience. A week before the holidays we called again when the staff nonchalantly sounded like a meeting had never been on the agenda and that if we wanted one they could maybe arrange something for late February/2011.

While researching information recently, we discovered that the Public Lands Act s.28 had been quietly and surreptitiously changed by the McGuinty Liberals in an obvious attempt to legally accomodate what we considered illegal and abusive uses of this section of the Act by the MNR. We were conned by David Orazietti and Liberal staff members as they frantically rewrote the law.

OntORA had complained that the Ministry was misusing PLA s.28(1) to close roads and charge people with "trespassing" for using these roads when the wording of that section neither mentioned roads, other than a sign could be erected on one, nor did it carry any offences under PLA s.28(2) for using a road contrary to a sign. OntORA had warned the Liberal Government years ago that the MNR were abusing their power as custodians of our public lands. The MNR's actions in preventing or seriously curtailing public access by the citizens of Ontario was not legally nor morally warranted.

In most every case the Ministry of Natural Resources stated that the excuse for closing these roads and charging members of the public with \$1000 fines was to protect remote-tourism values. This is evident in the attachment "authority to use s.28" and the attached sign from Espanola where the MNR states right on the sign itself their intent.

Remote-based tourism values is defined in this NOTO document where under the subtitle "Value of Remoteness" it becomes obvious that the MNR created artificial remoteness to allow these privileged businesses to charge upwards of three times the rates of their drive-to competitors who are being excluded along with their clients.

<http://www.noto.net/images/news/TrailsPolicyPpr.pdf> By looking under sub title "public Lands Act you can see how the intent is to close off publicly funded roads to prevent lawful public access to the publics own lakes.

A complaint has been lodged by at least one drive-to outfitting business complaining of an MNR-created monopoly benefiting only a few privileged business while harming the vast majority, suggesting the MNR is in violation of sec 18 of this Act [http://www.e-laws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_01m25\\_e.htm](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_01m25_e.htm) for one.

It's very clear that David Orazietti and his staff blatantly misled us in a ruse to stall our legal pursuit against the MNR long enough to complete these statutory changes and in doing so, admitting their guilt

See the note to our officers and changes to the Act below.

Note :Crown land and roads on Crown land are two separate entities each covered under a separate part of the Act and where roads are involved the category of road must be made clear to legally apply the Act.

Sincerely,  
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Ontario Outdoors Recreational Alliance  
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OntORA Directors,  
I've been preparing info and during the course of listing references I happened to notice some major changes to Public Lands Act s.28. **see the new version below followed by the old version.**  
It's clear that Orazietti was putting us off till they changed this.  
Tom Brason

#### **New Version**

[http://www.e-laws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_90p43\\_e.htm#BK38](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90p43_e.htm#BK38)

#### **Unauthorized occupation, etc., of public lands**

**28. (1)** The Ministry may give notice prohibiting, controlling or governing,  
(a) the possession, occupation or any use or uses of public lands or roads under the jurisdiction of the Minister; or  
(b) the parking of vehicles on public lands or the roads described in clause (a). 2010, c. 16, Sched. 10, s. 4 (3).

#### **Methods of giving notice**

**(2)** A notice mentioned in subsection (1) may be given,  
(a) in those newspapers and other media that the Minister considers appropriate;  
(b) by means of signs posted on the public lands or the road to which the notice applies so that it is clearly visible in daylight under normal conditions from the approach or each point of access to the lands or road;  
or  
(c) by means of the marking system described in section 7 of the *Trespass to Property Act*. 2010, c. 16, Sched. 10, s. 4 (3).

#### **Offences**

**(3)** A person is guilty of an offence if the person possesses, occupies or uses any public lands or a road in contravention of a notice given under subsection (1) or parks a vehicle on public lands or a road in contravention of any such notice. 2010, c. 16, Sched. 10, s. 4 (3).

#### **Old Version**

**28. (1)** The Ministry may cause to be erected on any public lands, including a road under the jurisdiction of the Minister, signs prohibiting, controlling or governing,  
(a) the possession, occupation or any use or uses thereof; or  
(b) the parking of vehicles thereon. R.S.O. 1990, c. P.43, s. 28 (1).

#### **Offences**

**(2)** Every person who possesses, occupies or uses any public lands on which signs have been erected under clause (1) (a) in contravention of any such sign, or who parks a vehicle on public lands on which signs have been erected under clause (1) (b) in contravention of any such sign, and who has had a reasonable opportunity of seeing any of such signs, is guilty of an offence. R.S.O. 1990, c. P.43, s. 28 (2); 2000, c. 26, Sched. L, s. 9 (6).