

## **Provincial Parks Act**

R.S.O. 1990, Chapter P.34

Notice of Currency:\* This document is up to date.

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Amended by: 1994, c. 27, s. 132; 1996, c. 14, s. 3; 1997, c. 41, s. 124; 1998, c. 18, Sched. I, ss. 41-47; 2002, c. 17, Sched. F, Table; 2006, c. 12, s. 65.

Note: On a day to be named by proclamation of the Lieutenant Governor, this Act is repealed by the Statutes of Ontario, 2006, chapter 12, section 65. See: 2006, c. 12, ss. 65, 67 (2).

### Definitions

#### 1. In this Act,

“assistant superintendent” means a person who is designated by the Minister as an assistant superintendent for the purposes of this Act and the regulations; (“directeur adjoint”)

“conservation officer” means a conservation officer under the Fish and Wildlife Conservation Act, 1997; (“agent de protection de la nature”)

“district manager” means the person in charge of the administrative district of the Ministry of Natural Resources in which a provincial park is situated; (“chef de district”)

“management plan” means a program and policy, or any part thereof, prepared from time to time in respect of a provincial park or proposed provincial park and includes the maps, texts and other material describing such program and policy; (“plan directeur”)

“Minister” means the Minister of Natural Resources; (“ministre”)

“park warden” means a person who is designated by the Minister as a park warden for the purposes of this Act and the regulations; (“gardien de parc”)

“provincial park” includes provincial camp grounds, provincial picnic grounds and provincial camp and picnic grounds; (“parc provincial”)

“public lands” means lands belonging to Her Majesty in right of Ontario, whether or not covered with water; (“terres publiques”)

“regulations” means the regulations made under this Act; (“règlements”)

“superintendent” means a person who is designated by the Minister as a superintendent to have charge of a provincial park. (“directeur”) R.S.O. 1990, c. P.34, s. 1; 1997, c. 41, s. 124 (1); 1998, c. 18, Sched. I, s. 41.

### Parks dedicated to public

2. All provincial parks are dedicated to the people of the Province of Ontario and others who may use them for their healthful enjoyment and education, and the provincial parks shall be maintained for the benefit of future generations in accordance with this Act and the regulations. R.S.O. 1990, c. P.34, s. 2.

#### Existing parks continued

3. (1) All provincial parks in existence when this Act comes into force shall continue to be reserved, set apart and known as provincial parks. R.S.O. 1990, c. P.34, s. 3 (1).

#### New parks and additions, etc.

(2) The Lieutenant Governor in Council may set apart as a provincial park any area in Ontario, may increase or decrease the area of any provincial park and may delimit any provincial park. R.S.O. 1990, c. P.34, s. 3 (2).

#### Acquisition of land

(3) Land may be acquired under the Ministry of Government Services Act for the purposes of this Act. R.S.O. 1990, c. P.34, s. 3 (3).

#### Unopened road allowances vested in Crown

(4) Despite the Municipal Act, 2001, every unopened road allowance that is within a provincial park and that has not been closed and conveyed shall be deemed to have been vested in the Crown from the day on which the provincial park was established or the area in which the unopened road allowance is located was added to a provincial park, as the case may be, and the Minister may close to travel any such road allowance one month after having caused notice of the proposed closing to be published once a week for four consecutive weeks in a newspaper having general circulation in the locality in which the road allowance is located or one month after having caused such a notice to be posted in a conspicuous place at or near the road allowance. R.S.O. 1990, c. P.34, s. 3 (4); 2002, c. 17, Sched. F, Table.

#### Municipal purposes

(5) For municipal purposes, any land set apart as a provincial park or added thereto shall, so long as it remains part of the provincial park, be deemed to be separated from any municipality of which it formed a part immediately before it became a provincial park or a part thereof. R.S.O. 1990, c. P.34, s. 3 (5).

#### Judicial purposes

(6) For judicial purposes, any land set apart as a provincial park or added thereto shall continue to form part of the county, if any, of which it formed a part immediately before it became a provincial park or a part thereof. R.S.O. 1990, c. P.34, s. 3 (6).

#### Tax assistance, assessment

(7) Despite subsection (5), for the purposes of the Municipal Tax Assistance Act, any land set apart as a provincial park or added thereto shall be deemed not to be separated from the municipality of which it formed a part immediately before it became a provincial park or a part thereof. R.S.O. 1990, c. P.34, s. 3 (7).

#### Hunting in designated provincial parks

4. The Lieutenant Governor in Council may designate any provincial park or any part of a provincial park as an area in which section 9 of the Fish and Wildlife Conservation Act, 1997 does not apply from and including the Tuesday following the second Monday in October to and including the 31st day of March next following. R.S.O. 1990, c. P.34, s. 4; 1997, c. 41, s. 124 (2).

## Classification of provincial parks

5. The Lieutenant Governor in Council may classify any provincial park as a natural environment park, a historical park, a nature reserve, a wilderness park, a recreation park and a waterway park or such other class of park as the Lieutenant Governor in Council may designate. 1998, c. 18, Sched. I, s. 42.

## Advisory committees

6. The Minister, with the approval of the Lieutenant Governor in Council, may appoint committees to perform such advisory functions as are considered necessary or desirable in connection with the administration of one or more of the provincial parks and fix the terms of reference and procedures of such committees. R.S.O. 1990, c. P.34, s. 6.

## Administration

7. (1) Each provincial park is under the control and management of the Minister and shall be under the charge of a district manager or a superintendent designated by the Minister. R.S.O. 1990, c. P.34, s. 7 (1).

## Zoning in provincial parks

(2) Without limiting the generality of subsection (1), in the management of a provincial park the Minister may from time to time define areas on maps or plans, designate such areas as zones, and classify any zone as an historical zone, natural environment zone, wilderness zone, nature reserve zone, access zone, development zone and recreation-utilization zone or otherwise as the Minister considers proper. R.S.O. 1990, c. P.34, s. 7 (2); 1998, c. 18, Sched. I, s. 43.

## Idem

(3) Without limiting the generality of subsection (1), the district manager or the superintendent, with the approval of the Minister, may, in respect of the provincial park under his or her charge,

(a) construct and operate on public lands golf courses, bowling greens or other facilities for sports or amusement;

(b) construct and operate on public lands restaurants, refreshment booths, shops, sleeping accommodations and other facilities for the convenience of the public;

(c) construct and operate on public lands toilet, dressing-room, picnic, camping, cooking, bathing, parking and other facilities for the convenience of the public;

(d) acquire and operate boats, vehicles and other means of transportation in connection with the park;

(e) make agreements with respect to the establishment or operation of any works, facilities or services on public lands;

(f) prescribe, by the erection, posting or other display of notices, the time or times of the day or year during which the park or any part thereof is open or closed, as the case may be, for the use of the public;

(g) erect, post or otherwise display notices in the provincial park that,

(i) prohibit camping, or prohibit camping for a period longer than a specified maximum period, in specified locations at specified times of the year, or

(ii) prohibit the operation of power boats, or power boats of a specified horsepower, in specified locations at specified times of the day or year. R.S.O. 1990, c. P.34, s. 7 (3); 1994, c. 27, s. 132 (1); 1996, c. 14, s. 3 (1).

#### Fees and rentals

7.1 The Minister may establish and charge,

- (a) fees for entrance into provincial parks of persons, vehicles, boats or aircraft;
- (b) fees for the use of provincial parks or of any facilities or services in provincial parks; and
- (c) fees and rentals for any licence, permit, lease or other right issued, made or given in respect of a provincial park. 1996, c. 14, s. 3 (2).

#### Separate account

7.2 (1) The following amounts shall be held in a separate account in the Consolidated Revenue Fund:

1. All fines, fees and rentals paid under this Act or the regulations.
2. All amounts received by the Crown under agreements made under this Act or the regulations.
3. All costs recovered by the Crown under subsection 22 (3).

#### Money in account

(2) Money standing to the credit of the separate account is, for the purpose of the Financial Administration Act, money paid to Ontario for a special purpose.

#### Payments out of account

(3) The Minister may direct that money be paid out of the separate account to the Minister or a person specified by the Minister if,

- (a) the payment will be used for a purpose related to provincial parks; or
- (b) the payment will be used to,
  - (i) refund all or part of an amount paid under this Act or the regulations, or
  - (ii) make a payment under subsection 15 (2).

#### Annual report

(4) The Minister shall ensure that a report is prepared annually on the financial affairs of the separate account.

#### Tabling of report

(5) The Minister shall submit the report to the Lieutenant Governor in Council and shall table the report in the Legislative Assembly. 1996, c. 14, s. 3 (3).

#### Management plan

8. (1) The Minister may prepare a management plan in respect of any provincial park or proposed provincial park. R.S.O. 1990, c. P.34, s. 8 (1); 1998, c. 18, Sched. I, s. 44 (1).

#### Idem

(2) The Minister may review a management plan from time to time and make amendments thereto. R.S.O. 1990, c. P.34, s. 8 (2); 1998, c. 18, Sched. I, s. 44 (2).

#### Access roads to provincial parks, in municipalities

9. (1) The Minister and any municipality, with the approval of the Lieutenant Governor in Council, may enter into agreement for the construction or maintenance of a road or the reconstruction or maintenance of an existing road under the jurisdiction and control of the municipality for the purpose of providing access to a provincial park, and the provincial share of the cost thereof may be paid out of the money appropriated therefor by the Legislature.

#### Idem

(2) A road constructed, reconstructed or maintained under an agreement made under subsection (1) remains under the jurisdiction and control of the municipality.

#### Idem, in unorganized territory

(3) The Minister, with the approval of the Lieutenant Governor in Council, may arrange with the road commissioners elected under the Statute Labour Act or with a person who is the owner of land in territory without municipal organization for the construction or maintenance of a road therein for the purpose of providing access to a provincial park, and the provincial share of the cost thereof may be paid out of the money appropriated therefor by the Legislature. R.S.O. 1990, c. P.34, s. 9.

#### Gifts

10. (1) The Minister may receive and take from any person by grant, gift, devise, bequest or otherwise, any property, real or personal, or any interest therein, for the purposes of a provincial park.

#### Surface rights

(2) Where only the surface rights in lands are received and taken by the Minister under subsection (1) and the mines and minerals are not vested in the Crown, subsection 20 (1) does not apply to such lands. R.S.O. 1990, c. P.34, s. 10.

#### Inquiry into leases, etc.

11. (1) The Minister may inquire into and ascertain all the facts concerning all leases and other agreements in respect of any lands in a provincial park.

#### Cancellation of leases

(2) If the Minister is satisfied that any person claiming to be entitled to any rights in respect of public lands in a provincial park, or any person claiming under or through such person, has been guilty of a fraud or imposition, or has contravened any of the conditions of a lease or other agreement, the

Minister may cancel such lease or other agreement and resume the land and dispose of it as if the lease or other agreement had never been made, and upon such cancellation all money paid in respect of such lease or other agreement remains the property of the Crown and the improvements, if any, on the land are forfeited to the Crown.

#### Power to acquire possession

(3) Where a person refuses to deliver up land or where a trespasser is in possession, the Minister may obtain possession in a manner similar to that provided in section 24 of the Public Lands Act. R.S.O. 1990, c. P.34, s. 11.

#### Use and occupation of public lands

12. Except as provided by this Act or the regulations, no person shall use or occupy any public lands in a provincial park. R.S.O. 1990, c. P.34, s. 12.

#### Powers of superintendent, etc.

13. The superintendent, the assistant superintendent, a park warden and a conservation officer have all the power and authority of a member of the Ontario Provincial Police as it relates to the enforcement of this Act, the Liquor Licence Act, the Trespass to Property Act, the Highway Traffic Act, the Criminal Code (Canada), the Off-Road Vehicles Act and the Motorized Snow Vehicles Act within a provincial park. 1998, c. 18, Sched. I, s. 45.

#### Seizure and confiscation

14. Any person having the power and authority of a member of the Ontario Provincial Police Force may seize any motor or other vehicle, or any aircraft, or any boat, skiff, canoe, punt or other vessel, or any equipment or appliance, or any other article used in contravention of this Act and found in the possession of a person suspected of having committed an offence against this Act or the regulations, and upon conviction therefor the court may order the chattel so confiscated to be forfeited to the Crown in right of Ontario, and after the expiration of thirty days it may be disposed of in such manner as the Minister considers proper. R.S.O. 1990, c. P.34, s. 14.

#### Lost, mislaid or abandoned property

15. (1) Any lost, mislaid or abandoned property coming into the custody of the district manager, superintendent or other person in charge of a provincial park and not claimed by the owner within three months is the property of the Crown in right of Ontario and may be sold under the direction of the Minister, but, where any such property is perishable or has no commercial value, it may be given to a charitable institution or destroyed. R.S.O. 1990, c. P.34, s. 15 (1).

#### Idem

(2) Where a person establishes to the satisfaction of the Minister within one year of the date of sale that the person was the owner of property sold under subsection (1), the Minister may direct the payment to such person of an amount equal to the price received for the property less the cost of the sale and other expenses incurred in connection with the property. R.S.O. 1990, c. P.34, s. 15 (2); 1996, c. 14, s. 3 (4).

#### Roads, trails and portages

16. (1) The district manager or superintendent in charge of a provincial park may open or close to travel any road or trail in the provincial park that is not under the control of the Ministry of Transportation, or any portage in the provincial park.

#### Prohibition against travel on closed road

(2) No person who has knowledge of the closing of a road or trail under subsection (1) shall travel thereon. R.S.O. 1990, c. P.34, s. 16.

#### Definition

17. (1) In this section,

“road” includes a trail.

#### Stop signs

(2) The district manager or superintendent in charge of a provincial park may erect at the entrance to the provincial park or at the intersection of any roads therein a stop sign conforming with the regulations under the Highway Traffic Act.

#### Stop at entrances

(3) The driver or operator of a vehicle, upon approaching a stop sign at the entrance to a provincial park, shall bring the vehicle to a full stop at a clearly marked stop line or, if none, then immediately before proceeding past the stop sign.

#### Stop at through road

(4) The driver or operator of a vehicle,

(a) upon approaching a stop sign at an intersection in a provincial park, shall bring the vehicle to a full stop at a clearly marked stop line or, if none, then immediately before entering the nearest crosswalk or, if none, then immediately before entering the intersection; and

(b) upon entering the intersection, shall yield the right of way to traffic in the intersection or approaching the intersection on another road so closely that it constitutes an immediate hazard and having so yielded the right of way may proceed with caution and the traffic approaching the intersection on another road shall yield the right of way to the vehicle so proceeding in the intersection. R.S.O. 1990, c. P.34, s. 17.

18. Repealed: 1994, c. 27, s. 132 (2).

#### Conservation of wildlife, etc.

19. Subject to the Fish and Wildlife Conservation Act, 1997 and the regulations under that Act, the Minister may take such measures as the Minister considers proper for the protection in a provincial park of fish, wildlife and invertebrates within the meaning of that Act and for the protection in a provincial park of any property of the Crown. 1997, c. 41, s. 124 (3).

#### Prospecting, mining, etc.

20. (1) Subject to the regulations, prospecting, staking mining claims, developing mineral interests, working mines or extracting sand, gravel, topsoil or peat resources in provincial parks is prohibited. 1998, c. 18, Sched. I, s. 46.

#### Licences of occupation

(2) A licence of occupation may be issued under the regulations to the recorded holder of a lawfully staked mining claim in a provincial park.

#### No title acquired in surface rights

(3) The staker or recorded holder of a mining claim or the holder of a licence of occupation issued to the recorded holder of a mining claim does not acquire any right, title or interest in or to the surface rights in the land.

#### Necessary use of surface rights

(4) Where it is necessary to interfere with the surface rights in any such land in order to carry on mining operations, the district manager or superintendent in charge of the provincial park in which the land is may permit such interference with the surface rights as he or she considers necessary. R.S.O. 1990, c. P.34, s. 20 (2-4).

#### Agreements re powers and duties

20.1 (1) The Minister may enter into an agreement with any person authorizing or requiring the person to exercise any power or perform any duty that is granted to or vested in the Minister or a superintendent under this Act.

#### Exceptions

(2) Subsection (1) does not apply to the powers of the Minister under sections 10 and 14.

#### Terms and conditions

(3) An agreement under subsection (1) may contain such terms and conditions as the Minister considers appropriate.

#### Deeds and contracts

(4) Section 6 of the Executive Council Act does not apply to a deed or contract that is executed under an agreement made under subsection (1).

#### Offence

(5) A person who enters into an agreement with the Minister under subsection (1) and knowingly contravenes the agreement is guilty of an offence and, on conviction, is liable to a fine of not more than \$25,000.

#### Limitation period

(6) A proceeding in respect of an offence under subsection (5) shall not be commenced more than five years after the date on which the offence was, or is alleged to have been, committed. 1996, c. 14, s. 3 (5).

#### Regulations

21. (1) The Lieutenant Governor in Council may make regulations,

(a) for the care, preservation, improvement, control and management of the provincial parks;

- (b) regulating and controlling prospecting or the staking out of mining claims or the development of mineral interest or the working of mines in provincial parks;
- (c) prohibiting or regulating and controlling the occupation of public lands in provincial parks or designating areas therein in which land may be leased or occupied under licence of occupation and describing such areas by metes and bounds or in relation to highways, lakes, rivers or railways;
- (d) regulating and controlling the use of lands in provincial parks;
- (e) prohibiting the erection of buildings or structures in provincial parks, or regulating and controlling the nature, cost, type of construction or the location of buildings or structures that may be erected therein;
- (f) governing the granting, issue, form, renewal, transfer and cancellation of leases, licences of occupation and other rights to public lands in provincial parks and prescribing terms and conditions in connection therewith;
- (g) prohibiting or regulating and controlling the use or keeping of horses, dogs and other animals in provincial parks;
- (h) prohibiting or regulating and controlling the erection, posting or other display of notices, signs, signboards and other advertising devices in provincial parks;
- (i) prohibiting or regulating and controlling the use, setting out and extinguishment of fires in provincial parks;
- (j) prohibiting or regulating and controlling pedestrian, vehicular, boat or air traffic in provincial parks;
- (k) prohibiting or regulating and controlling and issuing permits for the use of vehicles, boats or aircraft or any defined class thereof in provincial parks;
- (l) for issuing permits to persons to enter and travel in provincial parks;
- (m) prohibiting or regulating, controlling and licensing trades, businesses, amusements, sports, occupations and other activities or undertakings in provincial parks;
- (n) regulating, controlling and licensing and requiring the use of guides in provincial parks;
- . . . . .
- (p) prescribing the maximum periods of stay of persons, vehicles, boats, vessels or aircraft in provincial parks;
- . . . . .
- (r) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1990, c. P.34, s. 21 (1); 1996, c. 14, s. 3 (6).

Application

(2) Any regulation under subsection (1) may be made applicable to all provincial parks or to any provincial park or to any class of provincial park or to any part or zone of a provincial park. R.S.O. 1990, c. P.34, s. 21 (2).

## Offence

22. (1) Every person who contravenes any of the provisions of this Act or of the regulations is guilty of an offence and on conviction is liable to a fine of not more than \$25,000. R.S.O. 1990, c. P.34, s. 22 (1); 1998, c. 18, Sched. I, s. 47.

## Restraint by action

(2) Where any regulation is contravened, in addition to any other remedy and to any penalty, the contravention may be restrained by action at the instance of the Minister. R.S.O. 1990, c. P.34, s. 22 (2).

## Recovery of restoration costs

(3) If a person is convicted of an offence under subsection (1) and if the Crown in right of Ontario repairs or restores any of the facilities or other property that were damaged as a result of the offence, the cost to the Crown of the repair or restoration is a debt due to the Crown by the person convicted of the offence and may be recovered in a court of competent jurisdiction. 1994, c. 27, s. 132 (3).

## Niagara and St. Lawrence Parks not affected

23. Nothing in this Act applies to or affects any park under the management of The Niagara Parks Commission or The St. Lawrence Parks Commission. R.S.O. 1990, c. P.34, s. 23.