



Français

Public Lands Act

R.S.O. 1990, CHAPTER P.43

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Definitions

1 In this Act,

“boat” includes a motorboat, rowboat, canoe, punt, sailboat or raft; (“bateau”)

“conveyance” means a vehicle, boat or aircraft; (“moyen de transport”)

“Deputy Minister” means the deputy minister of the Minister; (“sous-ministre”)

“land use plan” means a land use plan mentioned in subsection 12 (2); (“plan d’aménagement du territoire”)

“mines and minerals” includes gold, silver, copper, lead, iron and other mines and minerals, and quarries, and beds of stone, marble or gypsum; (“mines et minéraux”)

“Minister” means the member of the Executive Council to whom responsibility for the administration of this Act or part of this Act is assigned or transferred under the *Executive Council Act*; (“ministre”)

“Ministry” means the ministry of the Minister; (“ministère”)

“officer” means an officer appointed to carry out and enforce this Act and the regulations under subsection 5 (1); (“agent”)

“public lands” includes lands heretofore designated as Crown lands, school lands and clergy lands; (“terres publiques”)

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

“vehicle” means any kind of vehicle that is driven, propelled or drawn on land or ice by any kind of power, including muscular power, and includes the rolling stock of a railway. (“véhicule”) R.S.O. 1990, c. P.43, s. 1; 2010, c. 18, s. 25 (1); 2016, c. 8, Sched. 5, s. 1; 2021, c. 34, Sched. 23, s. 1.

Section Amendments with date in force (d/m/y) [+]

PART I THE MINISTRY

Function of Minister

2 (1) The Minister shall have charge of the management, sale and disposition of the public lands and forests. R.S.O. 1990, c. P.43, s. 2.

Agreements

(2) The Minister may enter into agreements with any person for the purpose of carrying out his or her duties under this Act. 1998, c. 18, Sched. I, s. 48.

Delegation of powers

(3) In addition to the authority given the Minister to delegate powers to an employee of the ministry under section 7 of the *Ministry of Natural Resources Act*, the Minister may delegate any of his or her powers under this Act that are prescribed by regulation to a person or body prescribed by the regulations, subject to the limitations prescribed by the regulations. 2012, c. 8, Sched. 49, s. 1.

Crown not liable for delegate's acts

(4) No action or other proceeding shall be instituted against the Crown, the Minister, or any official or employee of the Ministry for any act or omission of a person or body to whom powers are delegated under subsection (3) or of an employee or agent of the delegate. 2012, c. 8, Sched. 49, s. 1.

Performance agreement

(5) If the Minister delegates powers under subsection (3), the Minister and the delegate shall enter into a performance agreement setting out measurable performance goals and objectives for the delegate. 2012, c. 8, Sched. 49, s. 1.

Annual performance assessment

(6) Every year, the delegate shall prepare a performance assessment demonstrating that the performance goals and objectives set out in the performance agreement are being met. 2012, c. 8, Sched. 49, s. 1.

Failure to meet performance goals, etc.

(7) If the Minister believes that a delegate has failed to meet the performance goals and objectives set out in the performance agreement, the Minister shall give the delegate written notice of his or her belief and require that the delegate fulfil the requirements of the performance agreement within such time period as may be specified in the notice. 2012, c. 8, Sched. 49, s. 1.

Failure to comply

(8) If a delegate fails to comply with a notice given under subsection (7), the Minister may terminate the performance agreement and revoke the delegation made under subsection (3). 2012, c. 8, Sched. 49, s. 1.

Section Amendments with date in force (d/m/y) [+]

Public reserves

3 (1) Where 25 per cent or more of the frontage of lands fronting on a body of water are public lands, lands comprising at least 25 per cent of the frontage and to such depth as the Minister considers appropriate shall be set apart for recreational and access purposes and, where less than 25 per cent of the frontage of lands fronting on a body of water are public lands, all public lands fronting thereon and to such depth as the Minister considers appropriate shall be set apart for such purposes. R.S.O. 1990, c. P.43, s. 3.

Transfers, dispositions, etc.

(2) Nothing in subsection (1) prevents the Minister from doing any of the following:

1. Ordering the transfer of the administration and control of public lands in accordance with section 37.1.
2. Directing the disposal of public lands for the purpose of implementing an agreement involving the Crown in right of Ontario and an Indigenous community.
3. Directing the disposal of public lands to a municipality. 2021, c. 34, Sched. 23, s. 3.

Section Amendments with date in force (d/m/y) [+]

Power to make regulations

4 The Lieutenant Governor in Council may make such regulations as the Lieutenant Governor in Council considers necessary to carry out the provisions of this Act, or to meet cases for which no provision is made by this Act. R.S.O. 1990, c. P.43, s. 4.

Officers

Appointment

5 (1) The Minister may appoint such officers to carry out and enforce this Act and the regulations as the Minister considers necessary. R.S.O. 1990, c. P.43, s. 5 (1).

Entry upon private land

(2) Subject to subsection (4), an officer appointed under subsection (1) and any person accompanying that officer and acting under the officer's instructions may, at all reasonable times and upon producing proper identification, enter and inspect any private land for the purposes of this Act. R.S.O. 1990, c. P.43, s. 5 (2).

(3) REPEALED: 2016, c. 8, Sched. 5, s. 2.

Search warrant

(4) An officer or any person accompanying the officer and acting under the officer's instructions shall not enter any room or place actually used as a dwelling without the consent of the occupier, except under the authority of a search warrant issued under section 158 of the *Provincial Offences Act*. R.S.O. 1990, c. P.43, s. 5 (4).

Section Amendments with date in force (d/m/y) [+]

Exercise of powers

6 The powers conferred on the Minister by this Act shall be exercised subject to the regulations and they may also be exercised by the Lieutenant Governor in Council. R.S.O. 1990, c. P.43, s. 6.

Surveys and annulments

7 (1) The Minister may cause any public lands to be surveyed or subdivided and may annul in whole or in part any survey or subdivision made under this section or a predecessor of this section. R.S.O. 1990, c. P.43, s. 7 (1).

Amended plans

(2) Where a plan of survey or subdivision made under subsection (1) or a predecessor of subsection (1) has been or is lodged with the proper land registrar and the Minister annuls in whole or in part the survey or subdivision, the Minister shall cause an amended plan to be lodged with such land registrar. R.S.O. 1990, c. P.43, s. 7 (2).

Substitution of letters patent

(3) Where letters patent have been issued for any land that is affected by an annulment under subsection (1), the Minister shall cause the letters patent to be cancelled and letters patent containing a revised description of the land to be issued in their stead and letters patent heretofore or hereafter so issued shall,

- (a) relate back to the date of the letters patent so cancelled;
- (b) have the same effect as if issued at the date of such cancelled letters patent; and
- (c) have the effect of amending with necessary modifications every instrument made prior to the date of such cancelled letters patent by the patentee or any person claiming through or under the patentee. R.S.O. 1990, c. P.43, s. 7 (3).

Altering and amending plan

8 (1) Where in any instrument, including a Crown grant, there is a description of a township lot or any part of a township lot and by reason of an error in the original survey of the boundaries of any lake, river or stream the whole or part of which is situate in or flows through the township or by reason of no survey of such boundaries having been made in the original survey of the township the boundaries of such lot or part do not approximate the boundaries of such lot or part as established by a resurvey of the township or any part thereof, the Minister may cause an altering and amending plan to be prepared by an Ontario land surveyor. R.S.O. 1990, c. P.43, s. 8 (1).

Manner of preparation

(2) Every altering and amending plan shall conform as nearly as may be to a plan of subdivision under section 144 of the *Land Titles Act* or section 78 of the *Registry Act*, as the case may be, except that it shall be signed by the Surveyor General or his deputy on behalf of all persons having an interest in the land shown thereon. R.S.O. 1990, c. P.43, s. 8 (2).

Hearing, etc.

(3) When an altering and amending plan has been prepared, the Minister shall send a print of the plan by registered mail to each person appearing to have an interest therein, whereupon the provisions of section 48 of the *Surveys Act* with respect to notice, hearing and confirmation apply with necessary modifications. R.S.O. 1990, c. P.43, s. 8 (3).

Boundaries confirmed

(4) An altering and amending plan, when confirmed by the Minister pursuant to subsection (3), shall be registered in the proper land registry office, whereupon the boundaries of the lots or blocks shown thereon shall be deemed to be the true boundaries of such lots or blocks. R.S.O. 1990, c. P.43, s. 8 (4).

Procedure in land registry office

(5) Where an altering and amending plan has been registered in a land registry office for a land titles division, the registers for the parcels affected shall be amended accordingly. R.S.O. 1990, c. P.43, s. 8 (5).

Idem

(6) Where an altering and amending plan has been registered in a land registry office for a registry division, the land registrar shall keep an index of the land described and designated by any number or letter on the plan by the name by which it is so designated and every instrument affecting the land or any part thereof, executed after the plan is registered, shall conform and refer thereto, otherwise it shall not be registered except in cases provided for by section 86 of the *Registry Act*. R.S.O. 1990, c. P.43, s. 8 (6).

Costs and expenses

(7) The costs and expenses of and incidental to the preparation and registration of an altering and amending plan shall be paid out of the money appropriated therefor by the Legislature. R.S.O. 1990, c. P.43, s. 8 (7).

Where survey required

9 (1) Where an application to purchase public lands that are open for sale but are not surveyed is received, the Surveyor General may require the applicant to have a survey made and to bear the cost thereof, or may fix the survey fee to be paid by the applicant, and upon payment of the survey fee the Surveyor General shall cause the lands to be surveyed. R.S.O. 1990, c. P.43, s. 9 (1).

Idem

(2) The requirements of subsection (1) are additional to the payment of the sale price of the lands. R.S.O. 1990, c. P.43, s. 9 (2).

GRANTS, SALES, LICENCES OF OCCUPATION, ETC.

10 REPEALED: 2000, c. 26, Sched. L, s. 9 (1).

Section Amendments with date in force (d/m/y) [+]**Public lands set apart for different purposes**

11 (1) The Minister may set apart areas of public lands for any purpose that will benefit research in, and the management, utilization and administration of, the public lands and forests. R.S.O. 1990, c. P.43, s. 11 (1); 2021, c. 34, Sched. 23, s. 4.

(2) REPEALED: 2010, c. 16, Sched. 10, s. 4 (1).

Section Amendments with date in force (d/m/y) [+]**Designating planning units**

12 (1) The Minister may designate as a planning unit all or any area of public land that is not a planning area, as defined in the *Far North Act, 2010*, to which a community based land use plan, as defined in that Act, applies. 2010, c. 18, s. 25 (2).

Land use plan

(2) The Minister may require that a land use plan be prepared for a planning unit. 2010, c. 18, s. 25 (2).

Section Amendments with date in force (d/m/y) [+]**Land use planning**

12.1 (1) The Minister may establish policies and guidelines for land use planning. 2010, c. 18, s. 25 (2).

Advisory committees

(2) The Minister may establish one or more advisory committees to provide the Minister with advice on land use planning. 2010, c. 18, s. 25 (2).

Section Amendments with date in force (d/m/y) [+]**Land use plans**

12.2 (1) A land use plan shall be prepared in accordance with the land use planning policies and guidelines mentioned in subsection 12.1 (1). 2010, c. 18, s. 25 (2).

Approval required

(2) A land use plan is of no effect unless the Minister approves it, as the Minister considers appropriate. 2010, c. 18, s. 25 (2).

Amendments

(3) The Minister may, at any time, amend, in accordance with the land use planning policies and guidelines, a land use plan that the Minister previously approved. 2010, c. 18, s. 25 (2).

No hearing required

(4) The Minister is not required to hold or afford to any person an opportunity for a hearing before exercising any powers under this section. 2010, c. 18, s. 25 (2).

Non-application of *Environmental Assessment Act*

(5) For greater certainty, a land use plan is not an undertaking as defined in the *Environmental Assessment Act*. 2010, c. 18, s. 25 (2).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 12.2 (5) of the Act is repealed. (See: 2020, c. 18, Sched. 6, s. 63)

Section Amendments with date in force (d/m/y) [+]**Consistent activities**

12.3 (1) All activities carried out within a planning unit designated under subsection 12 (1) shall be consistent with the land use plan approved for the planning unit. 2010, c. 18, s. 25 (2).

Minister's order

(2) The Minister may, by order, require any person to stop any activity that, in the opinion of the Minister, contravenes subsection (1). 2010, c. 18, s. 25 (2).

Compliance

(3) No person shall contravene or fail to comply with the Minister's order. 2010, c. 18, s. 25 (2).

Section Amendments with date in force (d/m/y) [+]**12.4**

Section Amendments with date in force (d/m/y) [+]**Restricted areas**

13 (1) The Minister may designate any area in territory without municipal organization as a restricted area, and may issue permits for the erection of buildings or structures or the making of improvements on lands in any such area on such terms and conditions in any case as the Minister considers proper. R.S.O. 1990, c. P.43, s. 13 (1); 2021, c. 34, Sched. 23, s. 5.

Permits

(2) Except under the authority of a permit issued under this Act, no person shall erect or cause to be erected any building or structure or make or cause to be made any improvement on any lands in any area in territory without municipal organization that is designated by the Minister as a restricted area. R.S.O. 1990, c. P.43, s. 13 (2).

Offences

(3) Every person who erects or causes to be erected a building or structure or makes or causes to be made any improvement on lands in an area designated by the Minister as a restricted area without a permit therefor and every person who contravenes or causes to be contravened any term or condition of a permit issued under this section is guilty of an offence. R.S.O. 1990, c. P.43, s. 13 (3); 2000, c. 26, Sched. L, s. 9 (2).

Daily penalty

(4) An officer who finds a building or structure being erected or an improvement being made without the authority of a permit may order that work on the building, structure or improvement cease until a permit is obtained and any person continuing the work or causing the work to be continued in contravention of the order is guilty of an offence and on conviction is, in addition to any fine that may be imposed under subsection (3), liable to a fine of not less than \$200 for each day the work is continued in contravention of the order. R.S.O. 1990, c. P.43, s. 13 (4).

Order to dismantle and remove building, etc.

(5) Upon conviction of any person of an offence under this section, the court, in addition to the imposition of a fine, may order that person to dismantle and remove any building or structure erected or improvement made in contravention of this section within such time as the court orders and, if the person convicted fails to comply with the order, the Minister may cause the building, structure or improvement to be dismantled and removed and any cost or expense incurred thereby is a debt due the Crown and may be recovered by the Minister in a court of competent jurisdiction in an action against the person convicted. R.S.O. 1990, c. P.43, s. 13 (5).

Exception, mines, etc.

(6) This section does not apply to the erection of buildings or structures or the making of improvements on lands for the purpose of the exploration or development of mines, minerals or mining rights. R.S.O. 1990, c. P.43, s. 13 (6).

Section Amendments with date in force (d/m/y) [+]**Regulations re work permits**

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

- (a) governing activities that may be carried out on public lands and on shore lands, including requiring that such activities be carried out in accordance with the regulations and prohibiting certain activities on public lands or shore lands unless the activity is carried out in accordance with the terms and conditions of a work permit;
- (b) defining "shore lands" for the purpose of clause (a);
- (c) governing the issue, refusal, renewal and cancellation of work permits and prescribing their terms and conditions;
- (d) providing for and governing appeals from a refusal to issue or renew a work permit, from the cancellation of a work permit or from the imposition of terms and conditions in a work permit;
- (e) exempting any person or class of person from the requirement of obtaining a work permit to carry out an activity on public lands or shore lands. 1996, c. 1, Sched. N, s. 4; 2006, c. 19, Sched. P, s. 5 (1); 2012, c. 8, Sched. 49, s. 2.

General or particular

(2) A regulation under subsection (1) may be general or particular in its application. 1996, c. 1, Sched. N, s. 4.

Fee

(3) The Minister may charge such fee as he or she considers appropriate for the issuance or renewal of a work permit. 1996, c. 1, Sched. N, s. 4.

Offence

(4) A person who contravenes a regulation made under clause (1) (a) is guilty of an offence. 1996, c. 1, Sched. N, s. 4; 2000, c. 26, Sched. L, s. 9 (3).

Order to stop activity

(5) An officer who finds that an activity is being carried on in contravention of the regulations made under clause (1) (a) without the necessary work permit may order that the activity cease until the work permit has been obtained. 1996, c. 1, Sched. N, s. 4.

Daily fine

(6) A person who continues an activity or causes an activity to be continued in contravention of an order made under subsection (5) is guilty of an offence and, in addition to any penalty imposed under subsection (4), is liable on conviction to a fine of not less than \$200 for each day the activity is continued in contravention of the order. 1996, c. 1, Sched. N, s. 4.

Order to rehabilitate lands

(7) The court that convicts a person of an offence under this section may, in addition to imposing a fine, order the person,

- (a) to cease the activity being carried on upon public lands or shore lands in contravention of the regulations made under clause (1) (a);
- (b) to take action, within such time as the court may fix, to rehabilitate the lands,
 - (i) in accordance with a plan approved by the Minister, or
 - (ii) if the Minister has not approved a plan, in such manner as the court considers appropriate; and
- (c) to obtain a work permit in order to effect the rehabilitation of the lands in accordance with the order of the court. 2002, c. 18, Sched. L, s. 7 (1).

Minister may rehabilitate land and recover cost

(8) If a person fails to comply with an order under subsection (7), the Minister may take such action as he or she considers appropriate to rehabilitate the land, and any cost incurred by the Minister is a debt due the Crown and may be recovered by the Minister in a court of competent jurisdiction in an action against the person. 1996, c. 1, Sched. N, s. 4.

Section Amendments with date in force (d/m/y) [+]**Regulations re sale or lease of public lands**

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

- (a) prohibiting or regulating and controlling the sale or lease of public lands for any specified purpose or use, other than agricultural purposes, and fixing the prices or rentals and the terms and conditions of sale or lease;
- (b) fixing the periods for which the Minister may extend the time for performance of a term or condition of a sale or lease under subsection 23 (2). R.S.O. 1990, c. P.43, s. 15 (1); 2021, c. 34, Sched. 23, s. 6.

Terms and conditions of sale or lease

(2) The Minister may fix such terms and conditions of sale or lease as the Minister considers proper in addition to those required under subsection (1). R.S.O. 1990, c. P.43, s. 15 (2).

Idem

(3) Any regulation made under subsection (1) may be made applicable to any part of Ontario and may for the purposes of subsection (1) define any term used therein. R.S.O. 1990, c. P.43, s. 15 (3).

Sale by tender or auction

(4) The Minister may, whether or not the consideration has been fixed by the regulations, dispose of public lands by tender or by auction upon such terms and conditions as the Minister considers proper. R.S.O. 1990, c. P.43, s. 15 (4).

Subsequent sale or lease

(5) Where public lands offered for sale or lease by tender or auction are not disposed of, the Minister may at any time thereafter sell or lease any such lands at such price or rental and upon such terms and conditions as the Minister considers proper. R.S.O. 1990, c. P.43, s. 15 (5).

Reservation of mines and minerals

(6) In every sale or other disposition of public lands for summer resort locations there shall be reserved to the Crown all mines and minerals thereon or thereunder, and the instrument of sale or other disposition shall so provide. R.S.O. 1990, c. P.43, s. 15 (6).

Section Amendments with date in force (d/m/y) [+]**Sale, etc., of public lands not otherwise provided for**

16 Where the sale or lease of any public lands is not otherwise provided for in this or any other Act or the regulations, the Minister may direct the sale or lease of any such public lands at such price or rental and upon such terms and conditions as the Minister considers proper. R.S.O. 1990, c. P.43, s. 16; 1998, c. 18, Sched. I, s. 50.

Section Amendments with date in force (d/m/y) [+]**Quit claim letters patent**

17 (1) Subject to subsection (1.1), where the Minister is satisfied that the right to bring an action on behalf of Her Majesty against a person for the recovery of land is barred by subsection 3 (1) of the *Real Property Limitations Act*, the Minister may direct the issue of quit claim letters patent in respect of the land to that person or to that person's predecessor in possession if the right of recovery was barred against that predecessor upon such conditions as the Minister considers proper. R.S.O. 1990, c. P.43, s. 17 (1); 2002, c. 24, Sched. B, s. 44; 2021, c. 34, Sched. 23, s. 7 (1).

Application of subs. (1)

(1.1) Subsection (1) applies only if the right to bring an action on behalf of Her Majesty against a person for the recovery of the land was barred by the *Real Property Limitations Act* before the day the *Supporting People and Businesses Act, 2021* received Royal Assent. 2021, c. 34, Sched. 23, s. 7 (2).

Retroactive effect

(2) Where quit claim letters patent are issued under subsection (1) to a person's predecessor in possession, the quit claim letters patent shall specify a date during the period of time that the predecessor had possession and the quit claim letters patent shall,

(a) relate back to the date so specified; and

(b) have the same effect as if issued at the date so specified. R.S.O. 1990, c. P.43, s. 17 (2).

Section Amendments with date in force (d/m/y) [+]**No right, title or interest by adverse possession**

17.1 (1) Despite any other law, including the *Real Property Limitations Act* and any other Act or any common law rule, but subject to subsection (3), no person may acquire a right, title or interest in public lands, including lands described in subsection (2), by or through the use, possession or occupation of the lands or by prescription on or after the day the *Supporting People and Businesses Act, 2021* receives Royal Assent. 2021, c. 34, Sched. 23, s. 8.

Additional public lands

(2) For greater certainty, "public lands" for the purposes of this section includes lands acquired by the Crown in right of Ontario at any time for the purposes of a past or current program of the Ministry. 2021, c. 34, Sched. 23, s. 8.

Application

(3) This section does not apply if the right to bring an action on behalf of Her Majesty against a person for the recovery of the lands was barred by the *Real Property Limitations Act* before the day the *Supporting People and Businesses Act, 2021* received Royal Assent. 2021, c. 34, Sched. 23, s. 8.

Proceedings barred

(4) No proceeding may be brought or maintained in respect of a matter referred to in subsection (1). 2021, c. 34, Sched. 23, s. 8.

Proceedings set aside

(5) A proceeding that may not be maintained under subsection (4) is deemed to have been dismissed, without costs, on the day the *Supporting People and Businesses Act, 2021* received Royal Assent. 2021, c. 34, Sched. 23, s. 8.

Order

(6) Subject to subsection (7), the Minister may issue an order directing the appropriate land registrar to delete any instrument or deposit specified in the order that is registered or deposited on title to public lands under the *Registry Act, 2021*, c. 34, Sched. 23, s. 8.

Application

(7) Subsection (6) applies only to instruments or deposits registered or deposited against lands claimed by or through the use, possession or occupation of the lands or by prescription in circumstances where subsection (1) applies to the claim. 2021, c. 34, Sched. 23, s. 8.

Deletion

(8) Upon registration of the order referred to in subsection (6) in the proper land registry office in a manner approved by the Director of Titles, the land registrar shall delete the instruments or deposits specified in the order. 2021, c. 34, Sched. 23, s. 8.

No compensation

(9) No person is entitled to any compensation for any loss or damages, including loss of revenues or loss of profit, arising from the enactment, amendment, repeal or application of subsection 17 (1.1) or this section. 2021, c. 34, Sched. 23, s. 8.

No expropriation

(10) Nothing in subsection 17 (1.1) or this section and nothing done or not done in accordance with subsection 17 (1.1) or this section constitutes an expropriation or injurious affection for the purposes of the *Expropriations Act* or otherwise at law. 2021, c. 34, Sched. 23, s. 8.

Section Amendments with date in force (d/m/y) [+]**Land use conditions**

18 (1) Letters patent for land sold or leased under this Act may contain a condition that the land is to be used in a particular manner or a condition that the land is not to be used in a particular manner and every such condition shall be deemed to be annexed to the land. R.S.O. 1990, c. P.43, s. 18 (1).

Where condition violated

(2) Where land has been or is being used in violation of a condition in the letters patent, the Minister may apply to a judge of the Superior Court of Justice for an order forfeiting the land to the Crown and for possession of the land, and the judge, upon proof to his or her satisfaction that the land has been or is being used in violation of the condition, shall make an order declaring that, upon registration of the order under subsection (4), the land is forfeit to the Crown and requiring any person in possession of the land to deliver up possession of the land to the Minister or to any person authorized by the Minister to receive possession of it. R.S.O. 1990, c. P.43, s. 18 (2); 2001, c. 9, Sched. K, s. 5 (1).

Idem

(3) An order made under subsection (2) has the same force as a writ of possession and the sheriff or bailiff or person to whom it is entrusted for execution shall execute it in like manner as he or she would a writ of possession in an action for the recovery of land. R.S.O. 1990, c. P.43, s. 18 (3).

Idem

(4) A certified copy of an order made under subsection (2) shall be registered in the proper land registry office and, upon registration, the land is vested in the Crown and may be granted, sold, leased or otherwise disposed of in the same manner as public lands may be dealt with under the laws of Ontario. R.S.O. 1990, c. P.43, s. 18 (4).

Section Amendments with date in force (d/m/y) [+]**Release of land use conditions**

19 Where land has been sold or leased under this Act and the letters patent therefor contain a condition that the land is to be used in a particular manner or a condition that the land is not to be used in a particular manner, the Minister may, upon such terms and conditions as the Minister considers proper, make an order releasing the land or any part thereof from the condition or any part thereof contained in the letters patent. R.S.O. 1990, c. P.43, s. 19.

Release of habendum or certain restrictions

19.1 (1) If public lands have been sold under this or any other Act, whether before or after the day this section comes into force, and the letters patent contain a restriction in the habendum with respect to the purposes for which the lands may be used or any other restriction limiting the use of the lands or limiting the owner's ability to further transfer or deal with the lands, the Minister may, upon such terms and conditions as the Minister considers proper, make an order releasing the land or any part of it from the restriction. 2021, c. 34, Sched. 23, s. 9.

Effect

(2) An order made under subsection (1) in respect of a restriction in a habendum has the same legal effect as if the release of the restriction had been confirmed through the issuance of supplemental letters patent. 2021, c. 34, Sched. 23, s. 9.

Order sent to land registry office

(3) The Minister may, in the Minister's discretion, register the order in the proper land registry office in a manner approved by the Director of Titles. 2021, c. 34, Sched. 23, s. 9.

Registration

(4) Upon registration of an order under subsection (3) the land registrar shall provide a copy, including the particulars of the registration, to the person or entities identified by the Ministry. 2021, c. 34, Sched. 23, s. 9.

Section Amendments with date in force (d/m/y) [+]**Licences of occupation**

20 (1) The Minister may issue under his or her hand and seal a licence of occupation to any person who has purchased, or is permitted to occupy, or is entrusted with the care or protection of any public lands or who has received or been located on any public lands as a free grant. R.S.O. 1990, c. P.43, s. 20 (1).

Effect of licence of occupation

(2) Such person or the person's assigns may take possession of and occupy the land for which the licence is issued, subject to the conditions of the licence, and may under it, unless it has been revoked or cancelled, maintain actions against any wrongdoer or trespasser, as effectually as the person could under letters patent from the Crown. R.S.O. 1990, c. P.43, s. 20 (2).

As evidence

(3) The licence of occupation is proof, in the absence of evidence to the contrary, of the right to possession by such person and the person's assigns of the land, but has no force against a licence to cut pine trees existing at the time of its issue or where the pine trees are reserved to the Crown against a licence to cut such trees then existing or thereafter issued. R.S.O. 1990, c. P.43, s. 20 (3).

Easements

21 The Minister may grant easements in or over public lands for any purpose. R.S.O. 1990, c. P.43, s. 21.

Occupation for specified purposes

21.1 (1) Subject to subsections (5), (6), (7), (8), (9) and (11) and the regulations, a person is authorized under this section to occupy public lands for the purpose of doing either or both of the following:

1. Erecting or placing on the public lands a building, structure or thing that is of a type or class prescribed by regulation or that meets the specifications prescribed by regulation.
2. Using any building, structure or thing located on the public lands that is of a type or class prescribed by regulation or that meets the specifications prescribed by regulation, whether it was erected or placed on the public lands by the person or by another person. 2017, c. 2, Sched. 14, s. 21.

No instrument required to authorize possession, etc.

(2) For greater certainty, a person who is authorized to occupy public lands under this section is not required to,

- (a) obtain a lease, licence, permit or other instrument under this Act to occupy the lands; or
- (b) obtain the written consent of the Minister or an officer authorized by the Minister under section 27 in respect of activities related to erecting or placing a building, structure or thing on the public lands. 2017, c. 2, Sched. 14, s. 21.

Regulations re authorized persons

(3) A regulation may provide that a person is not authorized to occupy public lands under this section unless the person meets the criteria prescribed by regulation. 2017, c. 2, Sched. 14, s. 21.

Regulations re public lands

(4) If a regulation prescribes, for the purposes of this section, a type or class of building, structure or thing that is intended to float on water or to be suspended over lands, this section applies to the occupation of any public lands over which the building, structure or thing floats or is suspended as though it were erected or placed on the public lands. 2017, c. 2, Sched. 14, s. 21.

Certain public lands excluded

(5) This section does not apply to public lands if,

- (a) the public lands are in the possession of, or occupied by, another person and that possession or occupation is authorized under this Act or under any other Act prescribed by regulation;
- (b) the public lands are subject to a land use plan described in section 12.2 and the purpose for which the person wishes to occupy the lands is not consistent with the land use plan;
- (c) the Minister has given notice under clause 28 (1) (a) in respect of the public lands and the purpose for which the person wishes to occupy the public lands is not consistent with the notice; or
- (d) such circumstances or conditions as may be prescribed by the regulations exist. 2017, c. 2, Sched. 14, s. 21.

Limitation on extent of occupation, etc.

(6) The public lands that a person may occupy under this section are limited to,

- (a) the lands on which the building, structure or thing referred to in subsection (1) is erected or placed; and
- (b) any additional lands prescribed by regulation that are required for erecting or placing the building, structure or thing. 2017, c. 2, Sched. 14, s. 21.

Duration of occupation, etc.

(7) A person who occupies public lands under this section shall vacate the lands on or before the earlier of the following dates:

1. The date prescribed by regulation.
2. The date specified by the Minister in a notice given to the person under subsection (8). 2017, c. 2, Sched. 14, s. 21.

Notice to vacate lands

(8) The Minister may, at any time and for any reason, give a person who occupies public lands under this section notice to vacate the lands. 2017, c. 2, Sched. 14, s. 21.

Duty to remove building, etc.

(9) A person who is required to vacate public lands under subsection (7) shall remove from the lands, at the person's own expense, any building, structure or thing that the person erected or placed on the lands or that the person was using on the public lands on or before the date on which the person is required to vacate the public lands. 2017, c. 2, Sched. 14, s. 21.

How notice given, etc.

(10) A notice to vacate public lands shall be given in the manner prescribed by regulation and shall meet such other requirements as may be prescribed by regulation. 2017, c. 2, Sched. 14, s. 21.

Duty to comply with notice

(11) A person occupying public lands under this section to whom a notice is given under subsection (8) shall comply with the notice. 2017, c. 2, Sched. 14, s. 21.

Minister taking possession

(12) For greater certainty, a person who fails to vacate public lands in accordance with a notice given under subsection (8) or after the date prescribed by regulation is considered to be in possession or occupation of the public lands without lawful authority for the purposes of section 24. 2017, c. 2, Sched. 14, s. 21.

Nature of occupancy, etc.

(13) A person who occupies public lands under this section does not, by virtue of such occupation, acquire any right, claim or title to the lands or any interest in the lands. 2017, c. 2, Sched. 14, s. 21.

Regulations

(14) The Lieutenant Governor in Council may make regulations,

- (a) governing the occupation of public lands under this section, including the types or classes of buildings, structures or things that may be erected or placed on the public lands and the use of such buildings, structures or things;
- (b) respecting anything that this section requires, permits or authorizes to be prescribed by regulation or to be done by or in accordance with the regulations;
- (c) prescribing conditions or limitations relating to the occupation of public lands and the erection, placement or use of any building, structure or thing on the public lands;
- (d) respecting notices to vacate public lands, including the manner in which the notices shall be given;
- (e) respecting rules and requirements that apply to the vacating of public lands by a person who occupied the lands under this section, and requiring persons to comply with the rules and requirements;
- (f) establishing a registration system for persons occupying public lands under this section and requiring persons to register in accordance with the regulations;
- (g) respecting any transitional matters arising from the making of a regulation under this section;
- (h) exempting any person, building, structure or thing or public lands, or class thereof, from this section or any requirement in this section. 2017, c. 2, Sched. 14, s. 21.

Restricting common law right of passage

(15) For greater certainty, a regulation made under this section may remove or restrict any common law right of passage of the public over a road as defined in section 48, including over a road allowance on public lands. 2019, c. 14, Sched. 15, s. 56.

Section Amendments with date in force (d/m/y) [+]**Minister to decide as to right to patent**

22 The Minister has authority to determine all questions that arise as to the rights of persons claiming to be entitled to letters patent of land located or sold under this Act and the Minister's decision is final and conclusive. R.S.O. 1990, c. P.43, s. 22.

Cancellation of sale, etc., of land in case of fraud or error, etc.

23 (1) If the Minister is satisfied that a purchaser, locatee or lessee of public lands, or any person claiming under or through a purchaser, locatee or lessee of public lands, has been guilty of fraud or imposition, or has violated any of the conditions of sale, location or lease, or of the licence of occupation, the Minister may cancel such sale, location, lease or licence, and resume the land and dispose of it as if the same had never been made, and upon such cancellation all money paid in respect of such sale, location or lease remain the property of the Crown and the improvements, if any, on the land are forfeited to the Crown. R.S.O. 1990, c. P.43, s. 23 (1).

Extension of time

(2) The Minister may, upon payment of any required fee, extend the time for the performance of any condition of a sale or lease for such period as is fixed by the regulations. R.S.O. 1990, c. P.43, s. 23 (2); 2021, c. 34, Sched. 23, s. 10.

Section Amendments with date in force (d/m/y) [+]**Taking possession of public lands****Definition**

24 (1) In this section,

“lands” means public lands and includes public lands covered with water. R.S.O. 1990, c. P.43, s. 24 (1).

Mode of obtaining possession of public lands

(2) Where a person refuses or neglects to deliver up possession of any lands after the revocation, cancellation or expiration of the sale or lease thereof or of a licence of occupation or other document under which the person was permitted to occupy or was entrusted with the care or protection of the lands, or where a person is in possession or occupation of lands without lawful authority and refuses or neglects to vacate or abandon possession or occupation of the same, the Minister may apply to a judge of the Superior Court of Justice for an order for possession, and the judge, upon proof to his or her satisfaction that the right or title of the person to hold the lands has been revoked or cancelled or has expired, or that the person is in possession or occupation of the lands without lawful authority, shall make an order requiring the person to deliver up the lands to the Minister. R.S.O. 1990, c. P.43, s. 24 (2); 2001, c. 9, Sched. K, s. 5 (2).

Idem

(3) Where a person is in possession or occupation of lands without lawful authority and upon fifteen days notice by the Minister to vacate or abandon possession or occupation of the same, or to remove therefrom any building, structure or thing, refuses or neglects to do so, the Minister may by his or her warrant require such person to deliver up the lands to the person named in the warrant and the Minister may by his or her warrant authorize any person to remove such first-mentioned person from the land or any building, structure or improvement therefrom. R.S.O. 1990, c. P.43, s. 24 (3).

Building or thing remaining on lands

(4) Any building or thing remaining on lands after the revocation, cancellation or expiration of the sale or lease of the lands or of a licence of occupation or other document under which a person was permitted to occupy or was entrusted with the care or protection of the lands or any building or thing on lands possessed or occupied without lawful authority is the property of the Crown and may be sold, disposed of or destroyed under the direction of the Minister. R.S.O. 1990, c. P.43, s. 24 (4).

Recovery of cost and expense

(5) Any cost or expense incurred in the sale, disposition or destruction of a building or thing referred to in subsection (4) is a debt due the Crown and may be recovered by the Minister in a court of competent jurisdiction in an action against the person responsible for the construction of the building or the placing of the thing on the land or, in the case of a building that is occupied, the occupier. R.S.O. 1990, c. P.43, s. 24 (5).

Effect of order or warrant

(6) The order or warrant has the same force as a writ of possession, and the sheriff or bailiff or other person to whom it is entrusted for execution shall execute it in like manner as the person would a writ of possession in an action for the recovery of land. R.S.O. 1990, c. P.43, s. 24 (6).

Officer's right to demand assistance, etc.

(7) The sheriff, bailiff or other person executing the order or warrant may take along all necessary assistance and has the right to demand such assistance in the same manner as a constable or other peace officer in the execution of his or her duty. R.S.O. 1990, c. P.43, s. 24 (7).

Person removed may be again removed

(8) If a person who has given up possession of or has been removed from any land under the authority of this section again returns to or enters upon it, the order or warrant is a sufficient authority to the officer or person named in it again to remove such person from the land, and the power of removal may be exercised under such order or warrant from time to time and as often as occasion requires. R.S.O. 1990, c. P.43, s. 24 (8).

Offence

(9) Every person who refuses to obey any such order or warrant, or who resists, obstructs or interferes with any person executing it, or who again returns to the land, is guilty of an offence and on conviction is liable,

- (a) to a fine of not more than \$10,000 and to an additional fine of not more than \$1,000 for each day during which the offence continues; and
- (b) to imprisonment for a term of not more than six months. 2000, c. 26, Sched. L, s. 9 (4).

Section Amendments with date in force (d/m/y) [+]**Restoration of rights in forfeited property, etc.**

25 The Minister may make an order subject to such conditions as the Minister considers proper,

- (a) restoring to a person the right, title or interest in any improvement, building or thing forfeited under subsection 23 (1); or
- (b) declaring that any improvement, building or thing on public lands possessed or occupied without lawful authority is not the property of the Crown despite subsection 24 (4). R.S.O. 1990, c. P.43, s. 25.

Penalty for unlawfully taking possession of public lands and erecting buildings, etc.

26 (1) Any person who enters into possession of public lands without lawful authority and erects any building or structure or makes any improvements thereon is liable to a penalty of an amount equal to twice the market value of the public land so entered as determined by the Minister. R.S.O. 1990, c. P.43, s. 26 (1).

Recovery of penalty

(2) A penalty imposed under subsection (1) is recoverable at the suit of the Minister in any court of competent jurisdiction. R.S.O. 1990, c. P.43, s. 26 (2).

Idem

(3) If a person fails to pay a penalty imposed under subsection (1) and the Minister brings an action for the recovery of the penalty, it is the duty of the court,

- (a) to determine whether such person is liable to a penalty under subsection (1);
- (b) if it is determined that the person is liable to a penalty, to confirm or vary the amount thereof claimed by the Minister;
- (c) to give such judgment as it considers proper; and
- (d) to make such order as to costs or otherwise as it considers proper. R.S.O. 1990, c. P.43, s. 26 (3).

Saving

(4) Nothing in this section limits or in any way affects any right or remedy of the Minister or the Crown at common law or under any statute. R.S.O. 1990, c. P.43, s. 26 (4).

Unauthorized depositing

27 (1) Except with the written consent of the Minister or an officer authorized by the Minister, no person shall deposit or cause to be deposited any material, substance or thing,

- (a) on public lands, whether or not the lands are covered with water or ice; or

(b) on water or ice covering public lands. 2010, c. 16, Sched. 10, s. 4 (2).

Removal of material, etc.

(2) The Minister may remove any material, substance or thing deposited contrary to subsection (1), and any cost or expense incurred thereby is a debt due the Crown and may be recovered by the Minister in a court of competent jurisdiction in an action against the person who deposited the material, substance or thing or the person who caused it to be deposited. R.S.O. 1990, c. P.43, s. 27 (2).

(3) REPEALED: 2016, c. 8, Sched. 5, s. 3.

Section Amendments with date in force (d/m/y) [+]

Lost, mislaid or abandoned property

27.1 (1) Subject to the *Mining Act*, any personal property found on public land that is 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. 1998, c. 18, Sched. I, s. 51.

Crown prerogative preserved

(2) Subsection (1) shall not be construed to derogate from any Crown prerogative. 1998, c. 18, Sched. I, s. 51.

Same

(3) If the property is perishable or has no commercial value, it may be given to a charitable institution or destroyed. 1998, c. 18, Sched. I, s. 51.

Same

(4) If a person establishes, to the satisfaction of the Minister within one year after the date of sale, that the person was the owner of property sold under subsection (1), the Minister may direct payment to the 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. 1998, c. 18, Sched. I, s. 51.

Minister's direction

(5) Subsection (1) does not apply if the Minister, in writing, refuses to accept ownership of the property. 1998, c. 18, Sched. I, s. 51.

Section Amendments with date in force (d/m/y) [+]

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).

Section Amendments with date in force (d/m/y) [+]**Restraint on alienation of rights in unpatented lands**

29 (1) Except with the consent in writing of the Minister, public lands that have been purchased under this Part shall not, before the issue of letters patent, be alienated, mortgaged, or charged, either voluntarily or involuntarily, except by devise or sale under the authority of any Act of the Legislature relating to taxation. R.S.O. 1990, c. P.43, s. 29 (1); 2019, c. 14, Sched. 14, s. 12 (1) and 2021, c. 25, Sched. 26, s. 2.

Lands not to be liable for debts incurred before patent

(2) Except by mortgage or charge thereon made in favour of the Crown, neither the land nor any interest or right therein is, before the issue of letters patent, liable for the satisfaction of any debt or liability contracted or incurred by such purchaser, or the purchaser's heirs or devisees. R.S.O. 1990, c. P.43, s. 29 (2).

Section Amendments with date in force (d/m/y) [+]

30 REPEALED: 2010, c. 16, Sched. 10, s. 4 (4).

Section Amendments with date in force (d/m/y) [+]**Grants or letters patent issued after death of grantee or patentee**

31 A grant or letters patent issued to or in the name of a person who is dead is not therefore void, but the title to the land thereby granted or intended to be granted vests in the heirs, assigns, devisees or other legal representatives of the deceased person according to the laws in force in Ontario as if the grant or letters patent had issued to or in the name of the deceased person during the person's lifetime. R.S.O. 1990, c. P.43, s. 31.

Cancellation of unregistered letters patent

31.1 The Minister may make an order cancelling letters patent that have not been registered in the proper land registry office. 1999, c. 12, Sched. N, s. 6.

Section Amendments with date in force (d/m/y) [+]**Cancellation of erroneous letters patent**

32 (1) Where letters patent have been issued to or in the name of the wrong person, through mistake, or contain any clerical error or misnomer or a wrong description of the land intended to be granted, the Minister, if there is no adverse claim, may direct the defective letters patent to be cancelled and corrected letters patent to be issued in their stead. R.S.O. 1990, c. P.43, s. 32 (1).

Effect of corrected letters patent

(2) Corrected letters patent heretofore or hereafter issued shall,

- (a) relate back to the date of the defective letters patent cancelled pursuant to subsection (1);
- (b) have the same effect as if issued at the date of the defective letters patent cancelled pursuant to subsection (1); and
- (c) have the effect of correcting with necessary modifications every instrument made prior to the date of such corrected letters patent by the patentee or any person claiming through or under the patentee. R.S.O. 1990, c. P.43, s. 32 (2).

Land registered under *Land Titles Act*

(3) The powers conferred by subsection (1) may be exercised even if the land has been registered under the *Land Titles Act*. R.S.O. 1990, c. P.43, s. 32 (3).

Cancellation of duplicate letters patent

32.1 (1) If two or more letters patent grant identical parcels of land to the same person, the Minister may make an order cancelling all but the earliest of the letters patent. 1998, c. 18, Sched. I, s. 52.

Registration

(2) The Minister may cause an order under subsection (1) to be registered in the proper land registry office. 1998, c. 18, Sched. I, s. 52.

Section Amendments with date in force (d/m/y) [+]**Compensation in case of double or inconsistent grants**

33 Where grants or letters patent for the same land inconsistent with each other have been issued through error, or where sales or appropriations of the land inconsistent with each other have been made, the Minister may, in cases of sale, cause a repayment of the purchase money, with interest to be made to the person damnified, or where the land has passed from the original purchaser, or has been improved before discovery of the error, or where the original grant or appropriation was a free grant, the Minister may in substitution appropriate land or give a certificate entitling the person damnified to public lands, of such value and to such extent as the Minister considers just; but no claim shall be entertained unless it is made within five years from the discovery of the error. R.S.O. 1990, c. P.43, s. 33.

Compensation for deficiency of land

34 (1) Where by reason of erroneous survey or of error in the books or plans in the Ministry any grant, sale or appropriation of land is found to be deficient, or any parcel of land contains less than the quantity of land mentioned in the letters patent therefor, the Minister may direct that the purchase money of so much land as is deficient, with interest thereon from the time of the application for a refund or if the land has passed from the original purchaser, the Minister may direct that the purchase money that the claimant, if the claimant was ignorant of the deficiency at the time of the claimant's purchase, paid for so much of the land as is deficient, with interest thereon from the time of the application for a refund, be paid to the claimant in land or money, as the Minister may direct. R.S.O. 1990, c. P.43, s. 34 (1).

Case of free grants

(2) In the case of a free grant, the Minister may direct a grant to be made of other land equal in value to so much of the land intended to be granted as is deficient, as a free grant. R.S.O. 1990, c. P.43, s. 34 (2).

Limitations

(3) No claim shall be entertained unless it concerns a deficiency of at least one-tenth of the whole quantity described as being contained in the land granted and the claim is brought within five years from the date of the letters patent. 2006, c. 19, Sched. P, s. 5 (2).

Section Amendments with date in force (d/m/y) [+]**Registration of judgments**

35 If letters patent for land are repealed or avoided in a judicial proceeding, the judgment shall be registered in the proper land registry office. R.S.O. 1990, c. P.43, s. 35.

Lists to Municipal Property Assessment Corporation

36 (1) The Minister shall, in accordance with subsection (2), transmit to the Municipal Property Assessment Corporation one or more lists of all lands in the assessment region patented, sold or agreed to be sold by the Crown, or leased, or appropriated to any person, or in respect of which a licence of occupation was issued during the next preceding calendar year and one or more lists of the cancellations of any licence of occupation, sale, lease, location or appropriation of land in the assessment region during the next preceding calendar year. 2019, c. 14, Sched. 15, s. 57.

Timing

(2) The Minister shall transmit the lists under subsection (1),

(a) at least once in every calendar year; or

(b) if an alternative schedule has been established jointly by the Minister and the Municipal Property Assessment Corporation, in accordance with that schedule. 2019, c. 14, Sched. 15, s. 57.

Section Amendments with date in force (d/m/y) [+]**Grants, etc.****Definition**

37 (1) In this section,

“Crown grant” means a grant of a freehold or leasehold interest in unpatented public lands or of an easement in or over unpatented public lands made under this or any other Act but does not include a transfer of such an interest or a grant of an easement under section 37.2. R.S.O. 1990, c. P.43, s. 37 (1); 2020, c. 34, Sched. 22, s. 1.

Crown grants, release, grants of minerals registered in land registry offices

(2) If a Crown grant of public lands, a release under subsection 58 (6) or a grant under *The Canada Company's Lands Act*, being chapter 24 of the Statutes of Ontario, 1922, is given, the Minister shall forward the instrument by which the release or grant is given to the proper land registry office. R.S.O. 1990, c. P.43, s. 37 (2).

Registration

(3) Upon receipt of an instrument under subsection (2), the land registrar shall, without fee or other charge, register the instrument, note particulars of registration on a copy and forward the copy to the grantee at the address furnished by the Ministry. R.S.O. 1990, c. P.43, s. 37 (3).

Section Amendments with date in force (d/m/y) [+]

Transfer of administration and control

37.1 (1) The Minister may, by order signed by him or her, transfer the administration and control of public lands to,

- (a) the Crown in right of Canada;
- (b) another Minister of the Crown in right of Ontario;
- (c) a Crown agency within the meaning of the *Crown Agency Act*; or
- (d) an agent corporation within the meaning of the *Financial Administration Act* (Canada). 1998, c. 18, Sched. I, s. 53.

Terms and conditions

(2) A transfer by ministerial order is subject to any terms and conditions specified in the order. 1998, c. 18, Sched. I, s. 53.

Release from reversionary clause

(2.1) If an order under subsection (1), or an order-in-council, that transfers responsibility for the administration and control of public lands from the Minister to the Crown in right of Canada or an agent corporation within the meaning of the *Financial Administration Act* (Canada) contains either a provision requiring that the administration and control of the lands be returned to the Crown in right of Ontario at some point in time or upon such other specified terms or a provision requiring that the lands be used by the Crown in right of Canada or the agent corporation only for a specified purpose, the Minister may, by order, release the Crown in right of Canada or the agent corporation from any such requirement. 2021, c. 34, Sched. 23, s. 11 (1).

Order sent to land registry office

(3) The Minister may, in the Minister's discretion, register the order in the proper land registry office in a manner approved by the Director of Titles. 2021, c. 34, Sched. 23, s. 11 (2).

Registration

(4) Upon registration of an order under subsection (3) the land registrar shall provide a copy, including the particulars of the registration, to the person or entities identified by the Ministry. 2021, c. 34, Sched. 23, s. 11 (2).

Section Amendments with date in force (d/m/y) [+]

Transfers of land without letters patent

37.2 (1) Subject to subsections (7) and (9), this section applies if,

- (a) the administration and control of unpatented public lands is transferred from the Minister to another Minister of the Crown in right of Ontario or to a Crown agency within the meaning of the *Crown Agency Act* by an order made under subsection 37.1 (1), by an order in council or under any Act of the Province other than the *Mining Act*; and
- (b) the order, order in council or Act referred to in clause (a) does not include a provision requiring that,
 - (i) the administration and control of the unpatented lands be returned to the Minister at some specified point in time or upon such other specified term, or

- (ii) the unpatented lands be used by the other Minister or Crown agency only for a specified purpose. 2020, c. 34, Sched. 22, s. 3.

Authorization to dispose of interests, grant easements

(2) On and after the day section 2 of Schedule 22 to the *Better for People, Smarter for Business Act, 2020* comes into force, a Minister or Crown agency to whom responsibility for the administration and control of the unpatented public lands has been transferred in accordance with subsection (1) may,

- (a) transfer a freehold or leasehold interest in the unpatented lands to a third party, without letters patent being issued under the Great Seal to effect the transfer; and
- (b) grant an easement in or over the unpatented lands to a third party. 2020, c. 34, Sched. 22, s. 3.

Effectiveness of transfer of interest

(3) A transfer of a freehold or leasehold interest under clause (2) (a) has the same legal effect as a Crown grant of the interest carried out through the issuance of letters patent. 2020, c. 34, Sched. 22, s. 3.

Same, easement

(4) An easement granted under clause (2) (b) is valid and legally binding on the Crown and on all subsequent owners of the lands affected by the easement. 2020, c. 34, Sched. 22, s. 3.

References to letters patent, etc. in other legislation

(5) Subject to anything in this section, section 37.3 or 37.4, the following rules apply to the interpretation of any provision of this Act, the regulations, any other Act including the *Mining Act* or any regulation made under another Act:

1. Any reference in the provision to letters patent or to a patent with respect to land shall be deemed to include a reference to the instrument by which a freehold or leasehold interest is transferred under clause (2) (a), unless a contrary intention appears in the context of that provision.
2. Any reference in the provision to lands or interests in land that are patented or granted by the Crown shall be deemed to include a reference to freehold and leasehold interests transferred under clause (2) (a), unless a contrary intention appears in the context of that provision.
3. Any reference in the provision to the issuance or granting of letters patent shall be deemed to include a reference to the transferring of freehold and leasehold interests under clause (2) (a), unless a contrary intention appears in the context of that provision.
4. Any reference in the provision to a patentee shall be deemed to include a reference to the third party to whom a freehold or leasehold interest was transferred under clause (2) (a), unless a contrary intention appears in the context of that provision. 2020, c. 34, Sched. 22, s. 3.

Same, exceptions

(6) Despite subsection (5) and for greater certainty,

- (a) section 36 of this Act does not apply with respect to land that is the subject of a transfer under clause (2) (a) or of an easement granted under clause (2) (b) and any reference in that section to lands that are patented by the Crown shall not include a reference to lands that are the subject of a transfer under clause (2) (a);
- (b) section 24 of the *Evidence Act* shall not apply with respect to instruments by which a freehold or leasehold interest is transferred under clause (2) (a) and any reference in that section to letters patent shall not include a reference to those instruments; and
- (c) section 35 of the *Land Titles Act* does not apply with respect to land that is transferred to a third party under clause (2) (a) and any reference in that section to land granted to a patentee shall not include a reference to an interest in land transferred to a third party under clause (2) (a). 2020, c. 34, Sched. 22, s. 3.

Release from reversionary clause

(7) If an order under subsection 37.1 (1), or an order-in-council, that transfers responsibility for the administration and control of unpatented public lands from the Minister to another Minister or to a Crown agency contains either a provision requiring that the administration and control of the unpatented lands be returned to the Minister at some point in time or upon such other specified terms or a provision requiring that the unpatented lands be used by the other Minister or Crown agency only for a specified purpose,

- (a) the Minister may, by order, release the other Minister or Crown agency from any such requirement; and
- (b) upon an order being made under clause (a), this section applies with respect to the order made under subsection 37.1 (1) or the order in council and with respect to any subsequent transfers of interests or grants of easements that may be made by the other Minister or Crown agency under subsection (2). 2020, c. 34, Sched. 22, s. 3.

Registration

(8) Subsections 37.1 (3) and (4) apply with necessary modifications to an order made under clause (7) (a). 2020, c. 34, Sched. 22, s. 3.

Non-application

(9) This section does not apply with respect to unpatented public lands that are the subject of an order, order in council or Act described in subsection (1) if the Minister or Crown agency that receives responsibility for the administration and control of those lands has the authority under this Act or any other Act,

- (a) to sell, lease or otherwise dispose of the lands, without requesting the issuance of letters patent under the Great Seal to effect the disposition; or
- (b) to grant an easement in or over the lands. 2020, c. 34, Sched. 22, s. 3.

Section Amendments with date in force (d/m/y) [+]**Validity of previous transfers**

37.3 (1) This section applies if, before the day section 2 of Schedule 22 to the *Better for People, Smarter for Business Act, 2020* came into force,

- (a) the administration and control of unpatented public lands was transferred from the Minister to another Minister of the Crown in right of Ontario or to a Crown agency within the meaning of the *Crown Agency Act* by an order made under subsection 37.1 (1), by an order in council or under an Act of the Province, other than the *Mining Act*; and
- (b) the Minister of the Crown or Crown agency referred to in clause (a) purported to,
 - (i) transfer a freehold or leasehold interest in all or part of the unpatented lands referred to in that clause to a third party, without letters patent being issued under the Great Seal to effect the transfer of the interest, or
 - (ii) grant an easement in or over the unpatented lands to a third party. 2020, c. 34, Sched. 22, s. 3.

Deemed validity

(2) If an interest or easement in unpatented lands was transferred or granted in accordance with clause (1) (b) before the day section 2 of Schedule 22 to the *Better for People, Smarter for Business Act, 2020* came into force, then,

- (a) as of the day the transfer of the interest was registered in the relevant land registry office, it is deemed to have been as legally effective with respect to the transfer of the interest in unpatented lands as a Crown grant of the interest carried out through the issuance of letters patent would have been; or
- (b) as of the day the easement is granted or, if registered in the relevant land registry office, as of the day it is registered, it is deemed to have been validly granted and legally binding on the Crown and all subsequent owners of the lands affected by the easement. 2020, c. 34, Sched. 22, s. 3.

Application

(3) Subsections 37.2 (5) and (6) apply with necessary modifications to a transfer of an interest in unpatented lands that is deemed to be legally effective under clause (2) (a) and clause 37.2 (6) (a) applies with necessary modifications to an easement deemed to be validly granted under clause (2) (b). 2020, c. 34, Sched. 22, s. 3.

Section Amendments with date in force (d/m/y) [+]**Reservations, etc. in transfers under ss. 37.2 and 37.3**

37.4 (1) A Crown transfer is subject to the reservations and conditions set out in this section. 2020, c. 34, Sched. 22, s. 3.

Definition, Crown transfer

(2) In this section,

“Crown transfer” means a transfer of a freehold or leasehold interest in unpatented lands by a Minister of the Crown in right of Ontario or a Crown agency within the meaning of the *Crown Agency Act* that is carried out under section 37.2 or deemed to be legally effective under section 37.3. 2020, c. 34, Sched. 22, s. 3.

Reservation of ores, etc.

(3) All ores, mines and minerals on or under the lands that are the subject of a Crown transfer are reserved to the Crown and, for greater certainty,

- (a) section 60 does not apply to such lands;
- (b) subsections 61 (1) and (2) apply with necessary modifications, to a Crown transfer carried out before May 6, 1913 and deemed to be legally effective under section 37.3; and
- (c) subsection 61 (3) applies, with necessary modifications, to a Crown transfer carried out after May 6, 1913 and deemed to be legally effective under section 37.3, or carried out under section 37.2, as though the reservation under this section was expressly reserved in the instrument by which the Crown transfer was carried out. 2020, c. 34, Sched. 22, s. 3.

Navigable waters

(4) The free use, passage and enjoyment of, in, over and upon all navigable waters found on or under, or flowing through or upon, any part of the lands that are the subject of a Crown transfer is reserved to the Crown. 2020, c. 34, Sched. 22, s. 3.

Reservation for construction of roads

(5) Five per cent of the acreage of the lands that are the subject of a Crown transfer is reserved to the Crown for the purpose of constructing roads and, for greater certainty,

- (a) section 64 and subsection 65 (1) do not apply to the Crown transfer;
- (b) subsection 65 (2) applies to the Crown transfer, with necessary modifications, as though the reservation of the area for the construction of the road was contained in the instrument by which the Crown transfer was carried out; and
- (c) section 66 applies with necessary modifications to a reservation under this subsection as though it was a reservation relating to roads under section 65. 2020, c. 34, Sched. 22, s. 3.

Passage over portages

(6) Subsection 65 (4) applies with necessary modifications where a portage exists over unpatented lands at the time a Crown transfer of the unpatented lands is carried out under section 37.2 or deemed to be legally effective under section 37.3. 2020, c. 34, Sched. 22, s. 3.

Easements

(7) The reservations and conditions in subsections (3), (4) and (6) apply with necessary modifications with respect to an easement granted under section 37.2 or deemed to be validly granted under section 37.3. 2020, c. 34, Sched. 22, s. 3.

Additional reservations and conditions

(8) In addition to the reservations and conditions described in subsections (3) to (7), a Crown transfer and an easement granted under section 37.2 or deemed to be validly granted under section 37.3 are subject to such reservations and conditions as may be specified in,

- (a) the order, order in council or statute referred to in clause 37.2 (1) (a) by which the administration and control of the unpatented public lands was transferred from the Minister to another Minister or a Crown agency; or

(b) any order made by the Minister under subsection (9) or any order in council that has the effect of adding a reservation or condition to an order or order in council referred to in clause (a) and that was made before the date of the transfer or grant.

2020, c. 34, Sched. 22, s. 3.

Same, order

(9) If the administration and control of unpatented public lands has been transferred from the Minister to another Minister of the Crown in right of Ontario or to a Crown agency within the meaning of the *Crown Agency Act* by an order made under subsection 37.1 or by an order in council, the Minister may make an order specifying reservations and conditions that apply with respect to those lands in addition to any reservations and conditions that may have been specified in the order under section 37.1 or the order in council. 2020, c. 34, Sched. 22, s. 3.

Registration

(10) Subsections 37.1 (3) and (4) apply with necessary modifications to an order made under subsection (9). 2020, c. 34, Sched. 22, s. 3.

Binding future interests

(11) For the purposes of the registration under the *Land Titles Act* of an interest in unpatented lands transferred by a Crown transfer, or of an easement granted under section 37.2 or deemed to be validly granted under section 37.3, any reservation or condition applicable to the Crown transfer or easement under this section shall apply to all subsequent interests derived from that Crown transfer or easement, even though the reservation or condition is not entered or shown in the register. 2020, c. 34, Sched. 22, s. 3.

Section Amendments with date in force (d/m/y) [+]

Certificate that land is public lands

Definition

38 (1) In this section,

“Crown” means Her Majesty the Queen in right of Ontario as represented by the Minister. R.S.O. 1990, c. P.43, s. 38 (1).

Certificate forwarded for registration

(2) When the Crown becomes the registered owner of land that has been patented or otherwise disposed of or when land reverts to or vests in the Crown, the Minister may forward to the proper land registry office a certificate stating that the land is deemed to be public lands. R.S.O. 1990, c. P.43, s. 38 (2).

Registration

(3) The land registrar shall, without fee or charge, register every certificate received under subsection (2). R.S.O. 1990, c. P.43, s. 38 (3).

Effect of registration

(4) Upon registration of a certificate under subsection (3),

(a) the *Land Titles Act* or the *Registry Act*, as the case may be, ceases to apply to the land described in the certificate and the land registrar shall note that fact in the appropriate register or abstract index; and

(b) the land described in the certificate may be granted, sold, leased or otherwise dealt with in the same manner as other public lands. R.S.O. 1990, c. P.43, s. 38 (4).

Easements

(5) An easement that is appurtenant to or affects land described in a certificate registered under subsection (3) is not affected by registration of the certificate. R.S.O. 1990, c. P.43, s. 38 (5).

Restrictive covenants

(6) For the purposes of this section, a restrictive covenant running with land is considered to be an easement. R.S.O. 1990, c. P.43, s. 38 (6).

(7)-(9) REPEALED: 2000, c. 26, Sched. L, s. 9 (7).

Section Amendments with date in force (d/m/y) [+]**How Ministry employees may acquire public lands**

39 (1) No person holding an office in or under the Ministry and no person employed in or under the Ministry shall, directly or indirectly, purchase any right, title or interest in any public lands either in the person's own name or by the interposition of any other person or in the name of any other person in trust for the person without the approval of the Minister. R.S.O. 1990, c. P.43, s. 39 (1); 2021, c. 34, Sched. 23, s. 12.

Exception

(2) Subsection (1) does not apply when a purchase is made of a right, title or interest in public lands for private use at a public auction or when the purchase is made for private use and the purchaser is selected by public draw. R.S.O. 1990, c. P.43, s. 39 (2).

Section Amendments with date in force (d/m/y) [+]**How notices may be given**

40 Where by law or by any deed, lease or agreement relating to any public lands any notice is required to be given, or any act to be done, by or on behalf of the Crown, the notice may be given and the act may be done by the Minister or the Deputy Minister or by a person acting under the authority of either of them. R.S.O. 1990, c. P.43, s. 40; 2021, c. 34, Sched. 23, s. 13.

Section Amendments with date in force (d/m/y) [+]

41 REPEALED: 1998, c. 18, Sched. I, s. 54.

Section Amendments with date in force (d/m/y) [+]**Sale of water powers or privileges**

42 (1) The Minister in his or her discretion may fix the terms and conditions upon which water powers or privileges granted by the Crown and any public lands necessary for the development thereof may be leased or developed. R.S.O. 1990, c. P.43, s. 42 (1); 2009, c. 12, Sched. L, s. 23.

Agreements, etc., to be signed by Minister

(2) The Minister may sign all agreements, leases, licences, renewals or other writings relating to water powers or privileges or any public lands necessary for the development thereof. R.S.O. 1990, c. P.43, s. 42 (2).

Regulations re: additional charge

(3) The Lieutenant Governor in Council may make regulations,

- (a) requiring persons who are subject to an agreement, lease, licence or other writing under subsection (2) to pay an additional charge in respect of the generation of hydro-electricity;
- (b) prescribing the charge or a method of calculating the charge;
- (c) respecting the form, terms and time of payment of the charge and the interest owed for late payment;
- (d) providing for refunds in respect of the charge;
- (e) prescribing the conditions under which the charge may be reduced or cancelled;
- (f) providing that the regulation applies to agreements, leases, licences and other writings in force on the day the regulation comes into force and to agreements, leases, licences and other writings renewed on or after that day. 1994, c. 17, s. 133.

Application of charge

(4) A charge imposed under subsection (3) is in addition to a charge in an agreement, lease, licence or other writing that is based upon energy production. 1994, c. 17, s. 133.

Regulation may be retroactive

(5) A regulation made under this section is, if it so provides, effective with reference to a period before it was filed. 1994, c. 17, s. 133.

Section Amendments with date in force (d/m/y) [+]**Grant of forfeited land to former owner**

43 Where any land that is forfeited to the Crown under the *Provincial Land Tax Act, 2006* or the predecessor Act has not been granted, sold, leased or otherwise disposed of, the Minister may direct the issuance of letters patent granting the land to the owner thereof at the time of such forfeiture, or to any person appearing to have had an interest therein at that time, or to the heirs, successors or assigns of such owner or person, upon such terms as the Minister considers just. R.S.O. 1990, c. P.43, s. 43; 2006, c. 33, Sched. Z.3, s. 28 (2).

Section Amendments with date in force (d/m/y) [+]**Beach management agreements**

44 The Minister and any municipality may enter into agreements respecting the control and management by the municipality of any public lands comprised of beaches or lands covered with water in the municipality or elsewhere, but, where the public lands are in another municipality, no agreement shall be entered into without the consent of that municipality, and any such agreement may provide for the granting of leases by the municipality and the sharing of the rents therefrom. R.S.O. 1990, c. P.43, s. 44.

45 REPEALED: 2010, c. 16, Sched. 10, s. 4 (5).

Section Amendments with date in force (d/m/y) [+]**Acquisition of lands, agreements**

46 (1) Lands may be acquired under the *Ministry of Infrastructure Act, 2011* for any forestry, agricultural or other program of the Ministry, and any lands so acquired shall be deemed to be public lands within the meaning of this Act. R.S.O. 1990, c. P.43, s. 46 (1); 2011, c. 9, Sched. 27, s. 38 (1).

Agreements for public works

(2) The Minister or the Minister of Infrastructure may enter into agreements with the owners of lands respecting the erection, maintenance and operation thereon of a provincial public work. 2011, c. 9, Sched. 27, s. 38 (2); 2015, c. 38, Sched. 7, s. 59 (1).

Registration of agreements

(3) An agreement entered into under subsection (2) may be registered in the proper land registry office and thereupon such agreement is binding upon every subsequent owner and mortgagee of the lands during the term of the agreement. R.S.O. 1990, c. P.43, s. 46 (3).

Section Amendments with date in force (d/m/y) [+]**Collection of amounts**

46.1 If public land is located in territory without municipal organization, the following amounts may be collected under the *Provincial Land Tax Act, 2006* as if they were taxes imposed under that Act:

1. Amounts payable as rent under a lease.
2. Amounts payable as a fee under a licence of occupation, a land use permit or any other authority granting a right to occupy the land or permitting the carrying out of an activity on the land. 2006, c. 33, Sched. Z.3, s. 28 (3).

Section Amendments with date in force (d/m/y) [+]**Regulations**

47 The Lieutenant Governor in Council may make regulations,

- (a) REPEALED: 2021, c. 34, Sched. 23, s. 14.
- (b) prohibiting or regulating the use or occupation of or the kinds of activities carried on upon public lands;
- (c) governing delegations made under subsection 2 (3), including prescribing the powers under this Act that may be delegated, prescribing the person or body to whom powers may be delegated and prescribing limitations that apply to the delegations. R.S.O. 1990, c. P.43, s. 47; 2000, c. 26, Sched. L, s. 9 (8); 2012, c. 8, Sched. 49, s. 3; 2021, c. 34, Sched. 23, s. 14.

Section Amendments with date in force (d/m/y) [+]**PART II
ROADS ON PUBLIC LANDS****Definitions****48** In this Part,

“private forest road” means a road occupied under the authority of a document issued under this Act or the regulations; (“chemin forestier privé”)

“road” means a road or part of a road on public lands and includes the bridges, shoulders, ditches, culverts or other water crossings and right-of-way thereof, but does not include the King’s Highway or a secondary highway, or an industrial road designated under the *Public Transportation and Highway Improvement Act*, or a road under the jurisdiction of a local roads board. (“chemin”) R.S.O. 1990, c. P.43, s. 48; 2010, c. 16, Sched. 10, s. 4 (6, 7); 2019, c. 14, Sched. 14, s. 12 (2) and 2021, c. 25, Sched. 26, s. 2; 2019, c. 14, Sched. 15, s. 58.

Section Amendments with date in force (d/m/y) [+]**Public right of passage**

49 Except as otherwise provided in this Act, any person may exercise a public right of passage on a road other than a private forest road. R.S.O. 1990, c. P.43, s. 49.

No liability for damages

50 (1) No civil action shall be brought against the Crown or any person in respect of misfeasance, non-feasance, nuisance or negligence in connection with the construction, maintenance, repair, stopping up, closing or decommissioning of a road. 2019, c. 14, Sched. 15, s. 59.

Exception

(2) Subsection (1) does not apply to an action based on a contract between the parties to the action for the construction, maintenance or use of a road. R.S.O. 1990, c. P.43, s. 50 (2).

Section Amendments with date in force (d/m/y) [+]

51 REPEALED: 2010, c. 16, Sched. 10, s. 4 (8).

Section Amendments with date in force (d/m/y) [+]**Closure of roads**

52 (1) The district manager of the administrative district of the Ministry in which a road is situate may, in his or her discretion and for any periods that he or she determines, close the road or part of it to travel by the public generally or by any classes of the public. 2010, c. 16, Sched. 10, s. 4 (9).

Methods of closure

(2) A closing under subsection (1) may be effected by,

- (a) erecting barricades;
- (b) erecting signs;
- (c) publishing a notice on the Internet; or
- (d) taking any other action prescribed in the regulations made by the Minister under subsection (7). 2019, c. 14, Sched. 15, s. 60 (1).

Barricades and notices

(3) A district manager who closes a road or part of it under subsection (1) by the erection of barricades shall cause to be erected,

- (a) a barricade with reflective markings at each end of the closed road or part, and at each intersection of it with any other road;
- and

(b) a notice that the road is closed, at each end and intersection described in clause (a). 2019, c. 14, Sched. 15, s. 60 (1).

Permits

(4) Despite the closure of a road, the district manager may grant a permit for travel on the road subject to the terms and conditions that he or she considers advisable. 2010, c. 16, Sched. 10, s. 4 (9).

Offence

(5) A person is guilty of an offence if the person,

(a) without lawful authority, travels on a road that has been closed to travel by the person under subsection (1) and has had a reasonable opportunity of knowing that the road has been so closed; or

(b) removes or defaces any barricade or notice erected on a road by lawful authority. 2010, c. 16, Sched. 10, s. 4 (9); 2019, c. 14, Sched. 15, s. 60 (2).

Liability for damages

(6) A person who, in contravention of subsection (5), travels on a road or removes or defaces any barricade or notice erected on a road is liable to the Crown in right of Ontario for any damage or injury occasioned by the wrongful travel, removal or defacement. 2010, c. 16, Sched. 10, s. 4 (9); 2019, c. 14, Sched. 15, s. 60 (3).

Regulations

(7) The Minister may make regulations prescribing and governing actions provided for in clause (2) (d). 2019, c. 14, Sched. 15, s. 60 (4).

Section Amendments with date in force (d/m/y) [+]

Partial closure

53 If the district manager closes a road to the public generally with the exception of persons operating vehicles used for hauling forest products or other products designated by the regulations, sections 80, 108, 109, 110, 111 and 114 of the *Highway Traffic Act* do not apply to the road or to vehicles operated on the road, as the case may be. 2010, c. 16, Sched. 10, s. 4 (9).

Section Amendments with date in force (d/m/y) [+]

Private forest roads

54 (1) Except as provided in subsection (2), a private forest road is not open to travel by the public. R.S.O. 1990, c. P.43, s. 54 (1).

Agreements

(2) The Minister may enter into an agreement with a person who occupies a private forest road under the authority of a document issued under this Act or the regulations for opening the private forest road or part thereof to travel by the public generally or by any class or classes of the public as may be agreed upon, and thereupon the private forest road is open to travel by the public generally or by the class or classes of the public agreed upon for such time or times and upon such terms and conditions as are set forth in the agreement, provided that a permit has been issued or validated under the *Highway Traffic Act* or the regulations made thereunder for any vehicle used in such travel. R.S.O. 1990, c. P.43, s. 54 (2).

Idem

(3) Without limiting the generality of subsection (2), an agreement may provide that the cost of constructing, reconstructing or maintaining a private forest road shall be shared in the proportions agreed upon. R.S.O. 1990, c. P.43, s. 54 (3).

Status of road

(4) Despite the use of a private forest road by the public or a class or classes thereof under subsection (2), a private forest road remains a private forest road and is not a highway within the meaning of the *Highway Traffic Act*, but the provisions of the *Occupational Health and Safety Act* and the regulations made thereunder that apply to haul roads apply with necessary modifications to the private forest road. R.S.O. 1990, c. P.43, s. 54 (4).

Closure of private forest roads

(5) Where an agreement has been made under subsection (2), the district manager of the administrative district of the Ministry in which the private forest road is situated may, from time to time in his or her discretion and for such period or periods as he or she may determine, close the private forest road or part thereof to travel by the public generally or by any class or classes of the public with the exception of persons operating any class or classes of vehicles used for hauling forest products or other products designated by the regulations, and thereupon section 52 applies with necessary modifications. R.S.O. 1990, c. P.43, s. 54 (5); 2010, c. 16, Sched. 10, s. 4 (10).

Section Amendments with date in force (d/m/y) [+]**Regulations**

55 The Lieutenant Governor in Council may make regulations designating products for the purposes of sections 52, 53 and 54. R.S.O. 1990, c. P.43, s. 55.

Stopping up certain roads

55.1 (1) In addition to the powers of the Lieutenant Governor in Council under section 29.1 of the *Public Transportation and Highway Improvement Act*, the Minister may, by order,

- (a) stop up any road that has been dedicated to public use by the Crown and is not within a municipality; or
- (b) stop up any road allowance that was laid out by a Crown surveyor and that is not within a municipality. 2000, c. 26, Sched. L, s. 9 (10); 2002, c. 17, Sched. F, Table.

Notice

(2) The Minister shall not make an order under subsection (1) unless the Minister has given notice, in such manner as the Minister considers appropriate, to those persons that the Minister considers will be affected by the proposed order. 2000, c. 26, Sched. L, s. 9 (10).

Soil and freehold

(3) The Minister may sell, lease or otherwise dispose of the soil and freehold of any road or road allowance that has been stopped up under subsection (1). 2000, c. 26, Sched. L, s. 9 (10).

Section Amendments with date in force (d/m/y) [+]**PART III
PROVISIONS OF GENERAL APPLICATION****Issue of letters patent**

56 If public land was, before the 29th day of March, 1961, sold or located under the authority of any Act, the Minister may direct the issue of letters patent to the purchaser or locatee or any person claiming under or through the purchaser or locatee,

- (a) who has built a house on the land that is fit for habitation;
- (b) who has resided on the land or other land of which the purchaser, locatee or person is the registered owner that is distant not more than eight kilometres from the land so sold or located for one or more periods totalling at least three years;
- (c) who, in respect of land in the Territorial District of Cochrane or in the Territorial District of Timiskaming, has cleared and cultivated at least seven hectares of the land or who, in respect of land, other than land in the Territorial District of Cochrane or in the Territorial District of Timiskaming, has cleared and cultivated at least 10 per cent of the land; and
- (d) who pays the balance of the purchase price of the land and the interest thereon. R.S.O. 1990, c. P.43, s. 56.

57 REPEALED: 2010, c. 16, Sched. 10, s. 4 (11).

Section Amendments with date in force (d/m/y) [+]**Property in trees vested in patentee**

58 (1) Where land is disposed of under this Act for agricultural purposes, the property in all trees thereon shall be deemed to have passed to the patentee by the letters patent, and every reservation of any class or kind of tree contained in the letters patent shall be deemed to be void. R.S.O. 1990, c. P.43, s. 58 (1).

Reservations of trees voided

(2) A reservation of all timber and trees or any class or kind of tree contained in letters patent granting public lands disposed of under this or any other Act for a summer resort location is void. R.S.O. 1990, c. P.43, s. 58 (2).

Idem

(3) A reservation of all timber and trees or any class or kind of tree contained in letters patent dated on or before the 1st day of April, 1869 and granting public lands disposed of under this or any other Act is void. R.S.O. 1990, c. P.43, s. 58 (3).

Idem

(4) Every provision contained in letters patent granting public lands for a summer resort location that,

(a) prohibits the cutting of pine timber, except for necessary building or clearing with the written permission of the Minister, and, in default, sets out penalties and exacts prices for cut timber; or

(b) provides for the manner of disposal of cut timber,

is void. R.S.O. 1990, c. P.43, s. 58 (4).

(5) REPEALED: 1994, c. 25, s. 85.

Acquisition or release of trees

(6) If public lands have been disposed of by the Crown under this or any other Act and some or all of the species of trees on the lands have been reserved to the Crown and are not under timber licence, the Minister may acquire any species of trees not so reserved or release any species of trees so reserved at such price and on such terms and conditions as the Minister considers proper. 2001, c. 9, Sched. K, s. 5 (3).

Section Amendments with date in force (d/m/y) [+]**Definition**

59 In sections 57 and 58, the expression "this Act" includes any predecessor of this Act. R.S.O. 1990, c. P.43, s. 59.

Reservation of mines and minerals

60 In any letters patent issued for lands located or sold under this Act for agricultural purposes on or after the 1st day of April, 1957, the mines and minerals shall be reserved to the Crown. R.S.O. 1990, c. P.43, s. 60.

Mines and minerals on certain lands to be deemed to have passed to patentee

61 (1) In the case of land patented before the 6th day of May, 1913, the mines and minerals therein shall be deemed to have passed to the patentee by the letters patent, and every reservation thereof contained in the letters patent or by statute is void. R.S.O. 1990, c. P.43, s. 61 (1).

Exception as to application of subs. (1)

(2) Subsection (1) does not apply where,

(a) the mines and minerals or any of them in any land have been alienated or disposed of under the *Mining Act* or any predecessor of that Act;

(b) the mines or minerals or any of them have reverted or may hereafter revert to the Crown through abandonment, cancellation, forfeiture or otherwise. R.S.O. 1990, c. P.43, s. 61 (2).

Lands patented after May 6th, 1913

(3) In the case of lands patented after the 6th day of May, 1913, mines and minerals pass to the patentee unless expressly reserved by the letters patent. R.S.O. 1990, c. P.43, s. 61 (3).

Certificate

(4) The Minister or the Deputy Minister may issue a certificate as to the issue of letters patent with respect to any lands, mines or minerals affected by this section and every such certificate shall be received and recorded in the proper land registry office. R.S.O. 1990, c. P.43, s. 61 (4); 2021, c. 34, Sched. 23, s. 15.

Fee for certificate

(5) An applicant for a certificate under subsection (4) shall pay the fee specified by the Minister. R.S.O. 1990, c. P.43, s. 61 (5); 1998, c. 18, Sched. I, s. 56.

Section Amendments with date in force (d/m/y) [+]**Where interest reverts to Crown****Ores, etc., to be treated in Canada**

62 (1) All lands patented or otherwise disposed of under this Act after the 12th day of April, 1917, are subject to the condition that all ores or minerals raised or removed therefrom shall be treated and refined in Canada, so as to yield refined metal or other product suitable for direct use in the arts without further treatment, in default whereof the patent or other form of title of such lands is void, and the lands revert to and become vested in the Crown, freed and discharged of any interest or claim of every other person. R.S.O. 1990, c. P.43, s. 62 (1).

Easements

(2) Where a dominant tenement reverts to and becomes vested in the Crown under subsection (1), any easement appurtenant thereto passes to the Crown and, where a servient tenement reverts to and becomes vested in the Crown, any easement to which the servient tenement is subject is not affected. R.S.O. 1990, c. P.43, s. 62 (2).

Power to exempt lands

(3) The Lieutenant Governor in Council is hereby authorized to exempt any lands from the operation of this section for such period of time as the Lieutenant Governor in Council considers proper. R.S.O. 1990, c. P.43, s. 62 (3).

Travel on beaches

63 Any part of the public lands that is a beach and is used for travel by the public is not by reason only of such use a highway within the meaning of any Act. R.S.O. 1990, c. P.43, s. 63.

Surface rights in roads, etc.

64 (1) Unless the Minister otherwise directs, every patent, lease or licence of occupation issued under this Act shall contain a provision to the effect that the surface rights in any public or colonization road or any highway crossing the land granted, leased or licensed are excepted therefrom. R.S.O. 1990, c. P.43, s. 64 (1).

Idem

(2) Every patent, lease or licence of occupation issued under this Act shall reserve to the Crown such percentage, if any, of the surface rights of the land as the Minister considers necessary for road purposes. R.S.O. 1990, c. P.43, s. 64 (2).

Idem

(3) Where in any patent, lease or licence of occupation heretofore issued under this Act or any predecessor thereof there is a reservation of a percentage of the land for road purposes and the rights with respect thereto have not been exercised before the 1st day of May, 1963, the reservation shall be deemed to be a reservation of the surface rights only. R.S.O. 1990, c. P.43, s. 64 (3).

Right to make roads reserved in sales, etc.

65 (1) In all sales, free grant locations, leases, licences of occupation, mining claims and other dispositions of public lands or mining lands or mining rights, there shall be reserved to the Crown the right to construct on the land any colonization or other road or any road in lieu of or partly deviating from an allowance for road without making compensation therefor, and such right whether or not it is expressly reserved from the sale, location, lease, licence of occupation, mining claim or other disposition of the land or by the letters patent when issued shall be deemed to be so reserved. R.S.O. 1990, c. P.43, s. 65 (1).

Right to take wood, gravel, etc., for roads

(2) In all sales, free grant locations, leases, licences of occupation, mining claims and other dispositions of public lands or mining lands or mining rights, where the letters patent have been issued containing a reservation of any of the area for roads, wood, gravel and other materials required for the construction or improvement of any colonization or other road or of any road in lieu of or partly deviating from an allowance for road, may be taken from the land without making compensation therefor or for the injury thereby done to the land from which they are taken, and where the letters patent have been issued without a reservation being made of any of the area for roads, wood, gravel and other materials required for the purposes hereinbefore mentioned may be taken from the land, but compensation shall be paid as provided by the *Expropriations Act*. R.S.O. 1990, c. P.43, s. 65 (2).

Minister or person authorized may exercise rights

(3) The rights mentioned in subsections (1) and (2) may be exercised by the Minister or by any person authorized by the Minister to exercise them on behalf of the Crown. R.S.O. 1990, c. P.43, s. 65 (3).

Right of passage over portages

(4) Where public lands over which a portage has existed or exists have been heretofore or are hereafter sold or otherwise disposed of under this or any other Act, any person travelling on waters connected by the portage has the right to pass over and along the portage with the person's effects without the permission of or payment to the owner of the lands, and any person who obstructs, hinders, delays or interferes with the exercise of such right of passage is guilty of an offence. R.S.O. 1990, c. P.43, s. 65 (4); 2000, c. 26, Sched. L, s. 9 (11).

Section Amendments with date in force (d/m/y) [+]**Release of road reservations**

66 (1) Upon the application of the owner of land for which letters patent have been issued under this or any other Act, the Minister may make an order releasing the land or a part of the land from any reservation relating to roads under section 65 or in the letters patent, if the Minister is of the opinion that the present and future needs of the locality as to roads are adequately provided for and if the applicant pays the fee specified by the Minister. 2002, c. 18, Sched. L, s. 7 (2).

Release of reservation of access to shore

(2) Upon the application of the owner of land for which letters patent have been issued under this or any other Act, the Minister may make an order releasing the land or a part of the land from any reservation in the letters patent reserving a right of way or a right of access to the shores of rivers, streams or lakes for vessels, boats and persons, if the Minister is of the opinion that the reservation does not serve a useful purpose and is not required in the public interest and if the applicant pays the fee specified by the Minister. 2002, c. 18, Sched. L, s. 7 (2).

Power to determine reservation

(3) In respect of letters patent reserving or excepting a right-of-way or an allowance along the shore of a lake or river, the Minister may treat the reservation or exception as a reservation referred to in subsection (1) or (2) and issue the order under subsection (1) or (2). R.S.O. 1990, c. P.43, s. 66 (3).

Effect of order

(4) An order made under this section releases the land described in the order from the reservation referred to in the order and may be registered in the proper land registry office. R.S.O. 1990, c. P.43, s. 66 (4).

Section Amendments with date in force (d/m/y) [+]**Reservation of water power on public lands**

67 In all sales, free grant locations, leases, licences of occupation, mining claims and other dispositions of public lands, or mining lands or mining rights, the Minister may reserve from sale any water power or privilege, and such area of land in connection therewith as the Minister considers necessary for the erection of buildings and plant and the development and utilization of the power, together with the right to lay out and use such roads as may be necessary for passage to and from such water power or privilege and land. R.S.O. 1990, c. P.43, s. 67.

Building conditions in patents voided

68 Where letters patent have issued granting summer resort lands subject to the conditions that the patentee shall within eighteen months from the date of the patent expend not less than \$300 in the construction of buildings or of other improvements and that no building or other construction shall be erected unless the plan and description thereof have been approved by the Minister, such conditions shall be deemed to be void and of no effect. R.S.O. 1990, c. P.43, s. 68.

Release of reservation

68.1 (1) This section applies to a reservation in letters patent if,

- (a) the reservation cannot be released under any other provision of this Act; and
- (b) the release of the reservation is not prohibited by any provision in this Act. 1998, c. 18, Sched. I, s. 58.

Release of reservations by Ministerial order

(2) Where public lands have been disposed of by the Crown under this or any other Act and an interest or right has been reserved to the Crown, the reservation, other than a reservation under subsection 62 (1), may be released by an order signed by the Minister, at the price and on the conditions that the Minister considers proper. 2019, c. 14, Sched. 15, s. 61.

(3), (4) REPEALED: 2019, c. 14, Sched. 15, s. 61.

Section Amendments with date in force (d/m/y) [+]**Certificate**

69 (1) The Minister may issue a certificate as to any condition, proviso or reservation that is void by statute. R.S.O. 1990, c. P.43, s. 69 (1).

Fee for certificate

(2) An applicant for a certificate under subsection (1) shall pay the fee specified by the Minister. R.S.O. 1990, c. P.43, s. 69 (2); 1998, c. 18, Sched. I, s. 59.

Section Amendments with date in force (d/m/y) [+]**Compliance with agreement or permit**

69.1 (1) A person who has entered into an agreement, including a lease, a licence or an easement, with the Crown under this Act or to whom a permit to occupy public lands has been issued under this Act shall comply with the agreement or permit, as the case may be. 2009, c. 12, Sched. L, s. 24.

Offence

(2) A person who contravenes subsection (1) is guilty of an offence. 2009, c. 12, Sched. L, s. 24.

Compliance order

(3) A court that convicts a person of an offence under subsection (2) may, in addition to imposing a fine, order the person to take the action that the court specifies, within the time period that the court specifies, to come back into compliance, in the manner that the court considers appropriate, with the agreement or permit with which the person has failed to comply. 2009, c. 12, Sched. L, s. 24.

Section Amendments with date in force (d/m/y) [+]**No damage to Crown land or property**

69.2 (1) No person shall cause a prescribed type of damage,

- (a) to Crown land; or
- (b) to Crown property that is situated on, or attached to, Crown land including,
 - (i) any road or trail or water crossing or any material used to construct the road, trail or water crossing, or
 - (ii) any sign, building, structure or thing. 2016, c. 8, Sched. 5, s. 4.

Regulations

(2) The Lieutenant Governor in Council may make regulations defining types of damage for the purposes of subsection (1). 2016, c. 8, Sched. 5, s. 4.

Order of court

(3) If a person is found guilty of an offence for contravening subsection (1), the court may, in addition to imposing a fine under section 70.3, order the person,

- (a) to cease the activity that has caused or is causing the prescribed type of damage;
- (b) to take action, within such time as may be specified in the order, to rehabilitate the lands and repair any damage to property of the Crown,
 - (i) in accordance with a plan approved by the Minister, or
 - (ii) if the Minister has not approved a plan, in such manner as the court considers appropriate; and
- (c) to obtain any work permit or other authorization under this Act that may be required in order to effect the rehabilitation of the lands and repair any damage to Crown property in accordance with the order of the court. 2016, c. 8, Sched. 5, s. 4.

Compliance with order

(4) A person shall comply with an order made under subsection (3). 2016, c. 8, Sched. 5, s. 4.

Failure to comply with an order

(5) If a person fails to comply with an order under subsection (3), the Minister may take such action as he or she considers appropriate to rehabilitate the land and repair any damage to property of the Crown, and any cost or expense incurred in the rehabilitation and repair is a debt due to the Crown and may be recovered by the Minister in a court of competent jurisdiction in an action against the person. 2016, c. 8, Sched. 5, s. 4.

Section Amendments with date in force (d/m/y) [+]**Fees, etc.**

69.3 (1) The Minister may establish and charge fees or other charges for any service, approval, permission or decision related to the management, use or disposition of public lands under this Act. 2021, c. 34, Sched. 23, s. 16.

Same

(2) For greater certainty, where any provision of this Act requires or permits the Minister to set terms, conditions, or terms and conditions with respect to any activity, the power to set terms or conditions includes the power to require the payment of a fee or other charge established by the Minister. 2021, c. 34, Sched. 23, s. 16.

Requirement to pay

(3) A person shall pay any fees or other charges established by the Minister under this Act. 2021, c. 34, Sched. 23, s. 16.

Change, refund, etc.

(4) Where, under this section or any other provision of this Act, the Minister has the power to establish a fee or other charge, the Minister may change the amount of the fee or charge and may direct the refund or waiver of all or part of any fee or charge if, in the Minister's opinion, it is equitable to do so. 2021, c. 34, Sched. 23, s. 16.

Section Amendments with date in force (d/m/y) [+]**PART III.1
ENFORCEMENT AND GENERAL OFFENCES****Officers stopping conveyances**

70 (1) An officer may stop a conveyance if he or she has reasonable grounds to believe that stopping the conveyance would assist in determining compliance with this Act or the regulations. 2016, c. 8, Sched. 5, s. 6.

Operator to stop

(2) On the officer's signal to stop, the operator of the conveyance shall immediately stop and produce for inspection any document or other thing requested by the officer that is relevant to the purpose of determining compliance with the Act or the regulations. 2016, c. 8, Sched. 5, s. 6.

Stop signals

(3) For the purpose of subsection (2), signals to stop include,

- (a) intermittent flashes of red light, in the case of a vehicle;
- (b) intermittent flashes of blue light, in the case of a boat; and
- (c) a hand signal to stop, in the case of a vehicle or boat. 2016, c. 8, Sched. 5, s. 6.

Section Amendments with date in force (d/m/y) [+]**Arrest without warrant**

70.1 (1) An officer may arrest without warrant a person that he or she has reasonable grounds to believe is committing or has committed an offence under this Act or the regulations. 2016, c. 8, Sched. 5, s. 6.

Release by officer

(2) If an officer arrests a person under this section, he or she shall, as soon as practicable, release the person from custody, unless the officer has reasonable grounds to believe that,

- (a) it is necessary in the public interest for the person arrested to be detained, having regard to all the circumstances, including the need to,
 - (i) establish the identity of the person,
 - (ii) secure or preserve evidence of or relating to the offence, or
 - (iii) prevent the continuation or repetition of the offence or the commission of another offence; or
- (b) the person arrested, if released, will not respond to a summons or offence notice or will not appear in court. 2016, c. 8, Sched. 5, s. 6.

Person not released

(3) Subsections 149 (2) and (3) and section 150 of the *Provincial Offences Act* apply if the person arrested is not released under subsection (2). 2016, c. 8, Sched. 5, s. 6.

Necessary force

(4) An officer may use as much force as is necessary to make an arrest under this section. 2016, c. 8, Sched. 5, s. 6.

Section Amendments with date in force (d/m/y) [+]**Obstruction of officer**

70.2 A person shall not,

- (a) knowingly make a false or misleading statement to an officer who is acting under this Act; or
- (b) otherwise obstruct an officer who is acting under this Act. 2016, c. 8, Sched. 5, s. 6.

Section Amendments with date in force (d/m/y) [+]**Offences**

70.3 (1) A person is guilty of an offence if the person contravenes this Act or the regulations. 2016, c. 8, Sched. 5, s. 6.

Penalty

(2) Subject to subsections (6) and (7), an individual found guilty of an offence under this Act is liable on conviction,

- (a) to a fine of not more than \$15,000 for the first offence and to an additional fine of not more than \$1,000 for each day during which the offence continues; and
- (b) to a fine of not more than \$25,000 for the second or subsequent offence and to an additional fine of not more than \$1,000 for each day during which the offence continues. 2016, c. 8, Sched. 5, s. 6.

Same, corporations

(3) Subject to subsections (6) and (7), a corporation found guilty of an offence under this Act is liable on conviction,

- (a) to a fine of not more than \$25,000 for the first offence and to an additional fine of not more than \$1,000 for each day during which the offence continues; and
- (b) to a fine of not more than \$50,000 for the second or subsequent offence and to an additional fine of not more than \$1,000 for each day during which the offence continues. 2016, c. 8, Sched. 5, s. 6.

Officers, directors, etc.

(4) If a corporation commits an offence under this Act or the regulations, an officer, director, employee or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is a party to the offence and on conviction is liable to the penalty for the offence provided in this Act, whether or not the corporation is prosecuted for the offence. 2016, c. 8, Sched. 5, s. 6.

Additional orders of the court

(5) Upon convicting a person of an offence under this Act, the court may,

- (a) despite any maximum fine provided for under subsection (2) or (3), increase the fine that may be imposed on the person by an amount equal to the amount of any monetary benefit acquired by the person or that accrued to the person, as a result of the commission of the offence;
- (b) order that a fine provided for under subsection (2) or (3) be paid in addition to any penalty specifically provided for in any other provision of this Act, subject to subsections (6) and (7); and
- (c) make such order as the court considers proper to obtain compliance with this Act or the regulations. 2016, c. 8, Sched. 5, s. 6.

Exception

(6) The maximum fine that may be imposed under subsection (2) or (3) for each day during which the offence continues does not apply in the case of a daily fine imposed for an offence described in subsection 13 (4) or 14 (6). 2016, c. 8, Sched. 5, s. 6.

Same

(7) Subsections (2), (3), (4) and (5) do not apply to an offence described in subsection 24 (9). 2016, c. 8, Sched. 5, s. 6.

Section Amendments with date in force (d/m/y) [+]**Limitation period**

70.4 A prosecution for an offence under this Act,

(a) shall not be commenced more than two years after the day evidence of the offence first came to the attention of an officer;
and

(b) shall not be commenced more than five years after the offence was committed. 2016, c. 8, Sched. 5, s. 6.

Section Amendments with date in force (d/m/y) [+]

**PART IV
CONSTRUCTION OF DAMS**

Definition

71 In this Part,

“dam” includes a channel, diversion, dock, groyne, light, pier, slide, warning device, wharf or work for the control and regulation of water and any building, road, structure, service or temporary installation necessary or incidental thereto. R.S.O. 1990, c. P.43, s. 71.

Construction

72 The Minister may design, construct, renovate, service, maintain, repair, furnish, equip, manage, administer, operate and decommission dams. R.S.O. 1990, c. P.43, s. 72; 2019, c. 14, Sched. 15, s. 62.

Section Amendments with date in force (d/m/y) [+]**Acquisition of land**

73 Land or any interest therein may be acquired or expropriated under the *Ministry of Infrastructure Act, 2011* for the purpose of this Part. R.S.O. 1990, c. P.43, s. 73; 2015, c. 38, Sched. 7, s. 59 (2).

Section Amendments with date in force (d/m/y) [+]**Agreements**

74 The Minister may enter into any contract or agreement that the Minister considers advisable to effect the purposes of this Part. R.S.O. 1990, c. P.43, s. 74.

Power to enter and use

75 (1) In the event of emergency, as declared by the Lieutenant Governor in Council, respecting the safety of persons or the protection or preservation of public or private property, the Minister or any person authorized by the Minister, may, without the consent of the owner,

- (a) enter upon and use any land;
- (b) alter in any manner any natural or artificial feature of any land;
- (c) construct and use roads on, to and from any land;
- (d) construct and use all necessary sidings, water pipes, conduits or tracks in, over or upon any land; or
- (e) place upon or remove from any land any substance or structure. R.S.O. 1990, c. P.43, s. 75 (1).

Compensation

(2) Any powers referred to in subsection (1) may be exercised immediately despite any provision of the *Expropriations Act* and without the filing of a plan and the owner of the land is entitled to compensation in the manner provided in that Act. R.S.O. 1990, c. P.43, s. 75 (2).

Français