

The Corporation of the Township of Hamilton



REPORT TO: Members of Council
REPORT No: CAO 2015-03
SUBMITTED BY: Arthur Anderson, CAO
DATE: July 23, 2015

Subject: Bill 100 - officially titled the "Supporting Ontario Trails Act".

RECOMMENDATION: Requires Action ☒ For Information Only ☐ In Camera Only

It is recommended that Council:

1. Receive the report on Bill 100 – officially titled the "Supporting Ontario Trails Act."
2. Pass a resolution in overall support of the Bill and recommending concerns of stakeholders, such as ROMA and OFA with respect to liability and trespassing, be incorporated into the Bill.

ORIGIN/BACKGROUND/DISCUSSION:

Council will recall receiving information on Bill 100 is officially titled the "Supporting Ontario Trails Act".

Staff have reviewed the proposed legislation and have the following highlights to report.

- Discussion on legislation has been undertaken for some years. Various stakeholder / groups who have been seeking legislation include private landowners, agriculture, trails groups, various levels of government, and others.
- Issues raised by stakeholders have included:
 - liability concerns
 - Trespass
 - Protection of property
 - Securing land for trails
 - Financial concerns (taxation, non-profit status)
 - Training
 - Policy development
 - User conflicts
- A copy of the OFA and ROMA submission on the Bill has been attached to this report for reference.
- Bill 100 is the culmination of input from stakeholder groups and the implementation of the Ontario Trails Strategy which began in 2005.
- Changes to the regulations appear to improve the ability of trails operators to more independently maintain trails while retaining the requirement that trails maintenance work is done in a manner that protects the environment.

- Changes to various regulations, changes to definitions, improved ability to enforce Regulations, and increased fines strengthen the ability of trails operators to manage their trails.
- Changes under the Act (and related legislation) offer improved ability to develop agreements with private landowners for the establishment of trails under easements.
- Duty of care appears to be relieved to varying degrees for non-profits.

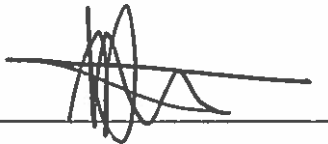
FINANCIAL IMPLICATIONS:

No specific financial issues are identified for the Township, although fencing, liability and signage issues may need to be addressed in the future, as more trails are developed and used in the community.

CONCLUSIONS:

It is recommended that Council acknowledges receipt of CAO Report 2015-03 regarding Bill 100 - officially titled the "Supporting Ontario Trails Act".

That Council Pass a resolution in overall support of the Bill and recommending concerns of stakeholders, such as ROMA and OFA with respect to liability and trespassing, be incorporated into the Bill.



Prepared by: Arthur Anderson

Attachments

Resolution Re: Bill 100 Supporting the Ontario Trails Act

WHEREAS Bill 100, Supporting the Ontario Trails Act has the following purposes:

1. To increase awareness about and encourage the use of trails.
2. To enhance trails and the trail experience.
3. To protect trails for today's generation and future generations.
4. To recognize the contribution that trails make to quality of life in Ontario.

AND WHEREAS the Association of Municipalities of Ontario has had input into this Bill looking out for municipal interests

AND WHEREAS the Bill includes stronger penalties for property damage and trespassing to discourage such actions

AND WHEREAS the Bill will be asking for best practices to be created and will have participation in these practices be voluntary THEREFORE not creating undue hardship on the municipality

AND WHEREAS this is complementary to the Hamilton Township Strategic Plan Health/Recreation/Lifestyle Goal: "To promote healthy lifestyles and to meet the broad range of community needs."

NOW THEREFORE LET IT BE RESOLVED THAT the Council of the Township of Hamilton supports the overall direction Bill 100 Supporting the Ontario Trails Act

AND FURTHER LET IT BE RESOLVED THAT the Council of the Township of Hamilton encourages the government to continue to work with stakeholder such as ROMA and OFA to enhance the liability and trespass provisions of the Bill

AND FURTHER LET IT BE RESOLVED THAT the Council of the Township of Hamilton forward this resolution for consideration by all other municipalities in the Province of Ontario.