



CATARAQUI REGION
CONSERVATION AUTHORITY

Access to Private Property Policy

This policy was approved by the Full Authority Board of the Cataraqui Region Conservation Authority (CRCA) through Resolution 147-07 on November 28, 2007. The policy reflects the practice of CRCA staff over several decades. It may be amended from time to time by the CRCA Board.

The Ontario *Conservation Authorities Act* and the Ontario *Clean Water Act, 2006* empower conservation authority staff to enter private property for specific purposes. Cataraqui Region Conservation Authority staff are cognizant of, and sensitive to, privacy rights and give due regard to this right to entry. This policy defines the process that staff shall follow regarding notification of property owners and occupants.

General Intent

It is the desire of the CRCA and its staff to work with the community in a positive and collaborative manner to protect the region's natural resources. CRCA staff shall respect the privacy and legal rights of property owners, only accessing properties to implement specific duties in service of the Conservation Authority's programs and services.

Governing Legislation

- Section 21(1)(b) of the *Conservation Authorities Act* gives CRCA staff the right to enter property to take surveys and collect data.
- Section 28(20) of the *Conservation Authorities Act* provides the right to enter private property, other than a dwelling or building, for the purpose of administering Ontario Reg. 148/06 made pursuant to Section 28(1) of the *Act*.
- Section 62(1) of the *Clean Water Act, 2006* allows conservation authority staff to enter property for the purposes of an inspection related to a risk management plan.
- Section 88(1) of the *Clean Water Act, 2006* allows conservation authority staff to enter property for the purpose of collecting information for the preparation of an assessment report or source protection plan and for monitoring of plan implementation.

- Conservation Authority staff also enter onto private property for other purposes at the invitation of property owners to provide technical advice (e.g., land use planning, forestry and other stewardship programs).

The above circumstances provide the “limited permission” to access private lands that is outlined in Section 4(1) of the Ontario *Trespass to Property Act*.

General Policy

The CRCA policy regarding entry onto private property is as follows:

- 1) CRCA staff shall normally attempt to contact property owners and/or occupants prior to entering their land in order to seek permission for entry. Such contact shall be made in person or via mail, e-mail or phone.
- 2) CRCA staff shall always carry out their duties in a courteous and professional manner. They shall only enter private property for specific purposes related to conservation authority programs and services, shall not damage private property, shall leave property as it was found (e.g., by closing gates behind them if they were initially closed) and shall immediately leave the property once their work is complete. If approached by an owner or occupant in the course of their work on private property, CRCA staff shall clearly identify themselves as employees of the CRCA and state the reason for their presence.
- 3) CRCA staff shall respect information and postings related to biosecurity on farms.
- 4) Upon arriving at a property CRCA staff shall first attempt to determine if the owner or occupant is present on the property to inform the owner/occupant of CRCA staff presence and purpose. If no one is present, staff shall conduct their business, and if there is a suitable location (e.g. a building), they shall leave a business card before departing the property.
- 5) For applications under the Ontario *Planning Act* that require a CRCA staff inspection prior to issuance of comments to a municipality: by submitting a signed application form to a municipality, applicants provide their permission for staff from commenting agencies such as the CRCA to access their property. The CRCA will work with its member municipalities to ensure that this permission is included on their application forms.
- 6) For applications for permits under Ontario Reg. 148/06, *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*: by submitting a signed application form, applicants provide their permission for CRCA staff to access their property.
- 7) Staff will leave a property immediately when asked to do so by the landowner, occupant or their authorized agent even if prior approval was in place.

- 8) If conditions that may cause significant environmental damage (e.g., landslides, pollution of water, flooding) are believed to exist on the property, staff shall contact the owner or occupant, if known, and attempt to reach a solution to prevent or reduce damage. Where reasonable efforts to reach the owner or occupant have failed, CRCA staff may enter private property for inspection purposes to assess the severity of the situation and identify measures to prevent or reduce the potential or occurring damage. If this entry is required, staff shall carry out their duties in the manner that is described by the above-listed policies.
- 9) The legislation cited in this document enables CRCA staff to enter onto private property without permission, in some circumstances beyond those addressed in Policy No. 8. This entry would be limited to the execution of specific duties related to the Conservation Authority's programs and services. If this entry is required, staff shall carry out their duties in the manner that is described by the above-listed policies.

Training

Training regarding this policy shall be provided to CRCA staff, upon hiring of new staff and regularly thereafter.

Contractors and Agents

Those contracted by or agents of the CRCA shall be apprised of this policy and shall be required to abide by it while conducting work on behalf of the CRCA.