

1980

## c 175 Forestry Act

Ontario

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## CHAPTER 175

## Forestry Act

## 1. In this Act,

Interpre-  
tation

- (a) "forestry purposes" includes the production of wood and wood products, provision of proper environmental conditions for wild life, protection against floods and erosion, recreation, and protection and production of water supplies;
- (b) "Minister" means the Minister of Natural Resources;
- (c) "Ministry" means the Ministry of Natural Resources;
- (d) "municipality" includes a district municipality and a regional municipality;
- (e) "nursery stock" means coniferous or hardwood seedlings, transplants, grafts or trees propagated or grown in a nursery and having the roots attached, and includes cuttings having or not having the roots attached;
- (f) "owner" means a person having any right, title, interest or equity in land;
- (g) "private forest reserve" means land declared to be a private forest reserve under this Act;
- (h) "regulations" means the regulations made under this Act. R.S.O. 1970, c. 181, s. 1; 1975, c. 20, s. 1.

2.—(1) The Minister may enter into agreement with the owners of lands that are suitable for forestry purposes for the management of such lands upon such terms and conditions as he considers proper, but no such agreement shall be entered into for a term of less than twenty years. R.S.O. 1970, c. 181, s. 2 (1).

Agreements  
as to  
forestry  
development

(2) Every agreement heretofore or hereafter entered into under subsection (1) may provide for entry into supplementary agreements and, notwithstanding subsection (1), any supplementary agreement heretofore or hereafter entered into may be for a term not exceeding the unexpired term of the agreement being supplemented. 1971, c. 17, s. 1.

Supple-  
mentary  
agreements

**Grants**

(3) The Minister may make grants out of the moneys appropriated therefor by the Legislature to any conservation authority or to any municipality for the purpose of assisting it in the acquisition of lands that are suitable for forestry purposes and that are to be managed under an agreement entered into under subsection (1) of such sums as are provided for in the agreement.

**Forestry purposes only**

(4) A conservation authority or municipality that has entered into an agreement under subsection (1) shall not, without the approval of the Lieutenant Governor in Council, use any lands in respect of which grants have been made under subsection (3) for any purpose that is inconsistent with forestry purposes at any time during the life of the agreement or at any time thereafter, and the conservation authority or municipality, as the case may be, unless the order of approval of the Lieutenant Governor in Council otherwise provides, shall repay to the Province of Ontario all grants to it under the agreement in respect of the lands that are used for a purpose that is inconsistent with forestry purposes.

**Sale of lands**

(5) Lands in respect of which grants have been made under subsection (3) shall not, without the approval of the Lieutenant Governor in Council, be sold, leased or otherwise disposed of during the life of the agreement or at any time thereafter, and the proceeds from any sale, lease or other disposition of any such lands shall be shared equally by the conservation authority or municipality, as the case may be, and the Province of Ontario.

**Exception**

(6) Subsection (5) does not apply to a sale, lease or other disposition for the uses of the Province of Ontario. R.S.O. 1970, c. 181, s. 2 (2-5).

**Registration of agreements**

**3.** The Minister may direct that an agreement entered into under section 2 shall be registered by the owner of the land in respect of which the agreement is made in the proper land registry office, and thereupon such agreement is binding upon and inures to the benefit of every successor-in-title to such owner during the term of the agreement. R.S.O. 1970, c. 181, s. 3.

**Establishment of programs**

**4.—(1)** The Minister, subject to the approval of the Lieutenant Governor in Council, may establish programs for the encouragement of forestry.

**Conditions to services or grants**

(2) A program may determine the conditions under which services are provided by the Ministry and expenses are allowed or grants are payable.

(3) A program may require that fees be paid by persons engaged in forestry to which the program applies and may fix the amounts thereof. <sup>Fees</sup>

(4) The moneys required for the purposes of a program shall be paid out of the moneys appropriated therefor by the Legislature. 1975, c. 20, s. 2. <sup>Moneys</sup>

5. The Minister or any person appointed by him for the purpose may, without the consent of the owner, enter upon any land and make an inspection thereof and survey and examine the timber and other natural resources thereon in order to determine the suitability of the land for forestry purposes. R.S.O. 1970, c. 181, s. 4. <sup>Right of entry and inspection</sup>

6.—(1) The Lieutenant Governor in Council may, with the consent of the owner of any land covered with forest or suitable for reforestation, declare the land to be a private forest reserve. <sup>Declaring forest land private forest reserve</sup>

(2) The declaration shall be registered forthwith by the owner in the proper land registry office and thereupon the land constitutes in perpetuity a private forest reserve. R.S.O. 1970, c. 181, s. 5 (1, 2). <sup>Registration of declaration</sup>

(3) The owner of a private forest reserve shall not cut or remove any trees growing thereon without the consent of the Minister who, in giving or refusing his consent, shall have regard to the sound management of the reserve for forestry purposes and the reasonable business requirements of the owner and who, where he refuses his consent, shall give reasons to the owner for his refusal. 1971, c. 50, s. 42 (1). <sup>Cutting and removing trees</sup>

7.—(1) Where the letters patent granting any land declared to be a private forest reserve under this Act contain a reservation of any class or kind of timber, the Minister, upon application and payment by the owner of a purchase price determined by the Minister, may make an order releasing the land from such reservation. <sup>Release of reserved timber rights</sup>

(2) Where lands are released from a reservation of any class or kind of timber under subsection (1), the cutting or removal of such timber is subject to subsection 6 (3). R.S.O. 1970, c. 181, s. 6. <sup>Effect of release</sup>

8.—(1) The Lieutenant Governor in Council may authorize the Minister to establish one or more nurseries for the growing and production of nursery stock. <sup>Establishment of nurseries</sup>

Furnishing  
of nursery  
stock

(2) The Minister, upon application therefor, may furnish nursery stock to any owner upon such terms and conditions as the regulations prescribe.

Idem

(3) The Minister may authorize the furnishing of nursery stock to any public authority or any association, board, institute, society or other organization for educational or scientific purposes upon such terms and conditions as he considers proper.

Sale, etc.,  
of nursery  
stock  
prohibited

(4) No person shall, directly or indirectly, sell or offer for sale or dispose of by gift or otherwise any nursery stock furnished under this Act.

False  
statement in  
application

(5) No person shall knowingly make any false statement of fact in an application to the Minister for nursery stock. R.S.O. 1970, c. 181, s. 7.

Offence

9. Every person who contravenes any provision of this Act or the regulations is guilty of an offence and on conviction is liable to a fine of not less than \$10 and not more than \$500. R.S.O. 1970, c. 181, s. 8.

Regulations

10. The Lieutenant Governor in Council may make regulations,

- (a) prohibiting or regulating and governing the running at large of live stock or other domestic animals in private forest reserves;
- (b) respecting the preservation of trees on private forest reserves;
- (c) governing the form of and the manner in which application for nursery stock shall be made and prescribing the manner and time of payment therefor where a charge is made;
- (d) prescribing the purposes for which nursery stock may or may not be furnished;
- (e) prescribing the classes of land in respect of which and the terms and conditions under which nursery stock may be furnished free of charge or with a charge;
- (f) fixing the charges to be made for nursery stock or any species or type thereof. R.S.O. 1970, c. 181, s. 9; 1971, c. 50, s. 42 (2).