



1937

c 334 Beaches and River Beds Act

Ontario

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CHAPTER 334.

The Beaches and River Beds Act.

Application to Ontario Municipal Board by township council.

1. Where a petition signed by thirty or more resident rate-payers in a township is presented to the municipal council of the township praying that an application may be made to the Ontario Municipal Board for an order permitting the rate-payers in such township or in an adjoining municipality to take sand or gravel for use in such township or adjoining municipality for building and other purposes, from the shore or bed of any lake, river, stream, creek or other waters in the municipality within the area described in the petition, the council may apply for such order as hereinafter mentioned. R.S.O. 1927, c. 299, s. 1.

Map or plan to accompany application.

2. The application shall be accompanied by a map or plan prepared by an Ontario land surveyor showing the area from which it is proposed that the sand or gravel should be taken and the map or plan shall show,—

- (a) the location of any buildings, docks, landing places, boat-houses, bathing houses or other structures in such area and upon any lot immediately adjoining the same;
- (b) all existing roads or other means of access to such area;
- (c) the location of any roads which may be required to afford means of access to such area; and
- (d) such other particulars as the Ontario Municipal Board may by general regulation require. R.S.O. 1927, c. 299, s. 2.

Notice of application.

3. The application shall not be considered by the Board until notice thereof and of the time and place at which the same will be heard has been published once a week in some newspaper published in the county town of the county in which the described area is situate, or, if there is no newspaper so published, then in a newspaper published in the nearest city or town in the same county, and has been sent by registered post to any owner or occupant whose property is affected and to such other persons as the chairman of the Board may direct at least thirty days before the hearing of the application. R.S.O. 1927, c. 299, s. 3.

4. The Board shall at the time and place appointed hear the council, and the petitioners or their counsel, and any owner or occupant of land which may be taken or used or affected in any manner by the granting of leave to take such sand. R.S.O. 1927, c. 299, s. 4. Hearing.

5. The order shall not authorize the removal of sand or gravel if it appears that such removal may,— When removal of sand or gravel not to be allowed

- (a) cause the subsidence of or injury to or in any way interfere with any artificial work or structure having for its object the protection or formation of such beach, or the beautifying or protection of any adjoining land; or
- (b) endanger in any manner the safety of the public or of any person using or passing over adjoining land; or
- (c) injure, impair the beauty or purpose of, or in any manner affect land used as an orchard, garden or pleasure ground, or as a summer residence or health resort; or
- (d) injure or affect the safety of any highway or bridge; or
- (e) injure or interfere in any manner with, or with the right of access to, any wharf, dock, landing stage, boat-house, bathing house, or any other structure erected for the convenience or pleasure of the public, or of the owners of adjoining land;

or if it appears that the beach, shore or bank from or opposite to which the sand or gravel is to be taken is used generally by the public or by the owners or occupants of adjoining land as a promenade, pleasure ground or play ground, or is resorted to largely for bathing and boating, and that the taking of such sand or gravel will interfere with the use of any land or land covered with water for such purposes or that there is not a sufficient demand for such sand or gravel to render the granting of leave to take the same desirable. R.S.O. 1927, c. 299, s. 5.

6. If the Board thinks fit to grant the application in whole or in part it may make an order specifying,— Order granting application.

- (a) the places from which sand or gravel may be taken within the described area or any part thereof;
- (b) the means of access to be afforded for that purpose;

- (c) the compensation to be paid to the owner or occupant of any land to be passed over or from which such sand or gravel may be taken or which may be affected in any other manner by the granting of the application;
- (d) the times when and the quantities in which sand or gravel may be taken;
- (e) the tolls and charges to be paid for the taking of the sand or gravel;
- (f) the period during which the order is to remain in force. R.S.O. 1927, c. 299, s. 6.

Township
by-law
adopting
order.

7. The council of the township may, by by-law, adopt the order and consent to be bound by its terms. R.S.O. 1927, c. 299, s. 7.

Filing and
register-
ing order.

8. The order of the Board shall be in triplicate and shall be filed in the offices of the Board and of the clerk of the municipality, and, with the by-law, shall be registered in the registry office of the registry division in which the described area is situate. R.S.O. 1927, c. 299, s. 8.

Finality
of order.

9. The order of the Board shall be final and shall not be subject to appeal, but at the expiration of the period named therein it may be renewed or a new order may be made upon the like application and subject to such terms and conditions as to compensation and tolls as the Board may deem just. R.S.O. 1927, c. 299, s. 9.

Renewal.

Annual rate
to pay com-
pensation.

10.—(1) The council of the township shall annually raise by general rate any amount ordered by the Board to be paid to any person whose land is passed over or from which sand or gravel is taken or which is affected thereby.

Tolls.

(2) The tolls and charges ordered by the Board to be paid shall be collected by the corporation of the municipality and may be applied in reduction of such rate. R.S.O. 1927, c. 299, s. 10.

Crown
property not
affected.

11. No order made under this Act shall apply to or affect the property of the Crown until assented to by the Lieutenant-Governor in Council. R.S.O. 1927, c. 299, s. 11.

Exemption
of any
locality by
Order-in-
Council.

12. This Act shall not apply to any municipality or portion of a municipality declared by the Lieutenant-Governor in Council to be exempted therefrom. R.S.O. 1927, c. 299, s. 12.