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c 147 Forestry Act

Ontario

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CHAPTER 147

The Forestry Act

1. In this Act,

Inter-
pretation.

- (a) "Minister" means Minister of Lands and Forests;
- (b) "lands" includes lands covered with water; all trees and underwood growing upon land; all mines, minerals, gas, oil, salt, quarries and fossils in and under land; the interest in land of a tenant or occupant, and the interest of a holder of any lease, licence, concession, or contract under which there has been acquired from the Crown any right to be exercised in respect of or over or upon land, and all buildings, improvements, structures and fixtures in or on land. R.S.O. 1937, c. 39, s. 1.

2. The Minister may for and in the name of His Majesty lease, purchase or acquire, and, subject as hereinafter mentioned, may without the consent of the owner thereof enter upon, take and expropriate any land in Ontario which the Minister may deem necessary for forestry purposes and may lease, sell or otherwise dispose of the interest of the Province in any land thus leased, purchased, acquired or expropriated, or the timber thereon, and for the purposes of this section the Minister shall have and may exercise the like powers and shall proceed in manner provided by *The Public Works Act* where the Minister of Public Works takes land or property for the use of Ontario and the provisions of that Act shall *mutatis mutandis* apply. R.S.O. 1937, c. 39, s. 2.

Power
to acquire
lands for
forestry
purposes.Rev. Stat.,
c. 323.

3. Lands acquired under this Act shall be under the control and management of the Minister who may develop, protect, care for, and manage the lands and may sell and dispose of any timber which in the opinion of the Minister for any reason should be disposed of. R.S.O. 1937, c. 39, s. 3.

Adminis-
tration and
manage-
ment.

4. For the purposes of reforesting, developing and managing for forestry purposes lands held by other persons, firms, corporations or municipal corporations, the Minister may enter into agreements for such purposes with any such persons, firms, corporations or municipal corporations. R.S.O. 1937, c. 39, s. 4.

Agreements
as to forestry
develop-
ment on
private
lands.

Disposing
of Crown
lands for
forestry
purposes.

5. For forestry purposes the Minister may lease, sell or otherwise dispose of Crown lands and may enter into agreements with reference thereto. R.S.O. 1937, c. 39, s. 5.

Employees.

6. For the purpose of carrying out the provisions of this Act the Minister may employ such persons as he may deem necessary, and they shall be subject to the instructions of the Minister. R.S.O. 1937, c. 39, s. 6.

Appropriation of
funds.

7. All moneys required for the purposes of this Act shall be paid out of such moneys as may be appropriated therefor by the Legislature. R.S.O. 1937, c. 39, s. 7.

Taking
townships
out of
unions.

Rev. Stat.,
c. 243.

8. Notwithstanding *The Municipal Act*, when a township forming part of a union of townships has less than twenty-five resident freeholders whose names are entered on the last revised assessment roll, the Lieutenant-Governor in Council may, for forestry purposes, detach the township from the union of townships, upon such terms as may seem proper, and thereupon the township so detached shall cease to be incorporated and shall not thereafter without the approval of the Lieutenant-Governor in Council, become, be annexed to, or form part of a municipal corporation, and the Order in Council may contain such provisions as may seem proper and necessary for any school section that may be affected by the Order in Council. R.S.O. 1937, c. 39, s. 8; 1946, c. 89, s. 20 (1).

Declaring
incorporated
townships
part of
provincial
forest.

Rev. Stat.,
c. 243.

9. Notwithstanding *The Municipal Act*, where any township has an area of less than ten per cent of the township used for farming purposes the Lieutenant-Governor in Council may, for forestry purposes, declare that the township or such part of the township as may be designated by the Order in Council shall form part of a provincial forest, or be otherwise used for forestry purposes, upon such terms as may be set out in the Order in Council, and for municipal or administrative purposes any balance of the township may be attached to any adjoining township, and the Order in Council may contain such provisions as may seem proper and necessary for any school section that may be affected by the Order in Council. R.S.O. 1937, c. 39, s. 9; 1946, c. 89, s. 20 (2).

Right of
entry for
estimating
natural
resources
of land.

10. For the purpose of making a survey and estimating the timber and other natural resources of the Province, and the adaptability of land for forestry purposes, the Minister may himself or by any officer or person appointed by him for

that purpose, and without the consent of the owner, from time to time, enter into and upon any land to whomsoever belonging, and there investigate and examine the condition of the land for the purposes provided for and intended by this Act. R.S.O. 1937, c. 39, s. 10.

11. Whenever any townships, township, or part of a township have been taken over by the Minister for forestry purposes the Lieutenant-Governor in Council may upon the recommendation of the Minister declare that all the roads, reserves, allowances for roads, or other public lands in such area shall be closed to the public upon such terms and conditions as may seem proper. R.S.O. 1937, c. 39, s. 11.

Power to close roads on lands taken over for forestry.

12. Upon the recommendation of the Minister the Lieutenant-Governor in Council may provide that any township or portion of a township in Ontario suitable for settlement purposes, may be set aside for the purpose of location of settlers whom the Minister may desire to move from locations that have been found to be unsuitable for agricultural purposes, and which it is desired to take over for forestry purposes, and the terms and conditions of location upon such lands may be fixed and determined by the Order in Council. R.S.O. 1937, c. 39, s. 12; 1946, c. 89, s. 20 (3).

Setting apart lands for settlement of settlers removing from unsuitable lands.

13. Whenever in the opinion of the Minister it is found that settlement has taken place on lands not suitable for agricultural purposes and which lands are required for forestry purposes, the Minister shall have power to make arrangements for the removal of the settlers upon such terms as may be agreed upon, and may pay the expenses of the removal of the settlers and their families, chattels and effects to lands designated under section 12 and may enter into agreements with the settlers for the purpose of providing for such removal and for the reconveyance or release of the lands to the Crown. R.S.O. 1937, c. 39, s. 13.

Removal of settlers from lands unsuitable for farming.

14. Whenever in the opinion of the Minister any lands required under this Act, or otherwise, are suitable for the creation of a provincial forest, the Lieutenant-Governor in Council may set apart the lands as a provincial forest under *The Provincial Forests Act*, notwithstanding the fact that the lands may be valuable or used for the preservation or reproduction of timber other than pine. R.S.O. 1937, c. 39, s. 14; 1946, c. 89, s. 20 (4).

Provincial forest, proclamation of.

Rev. Stat., c. 297.

Requiring
permit for
entering
Provincial
Forest.

15. Upon the recommendation of the Minister the Lieutenant-Governor in Council may provide that no person shall enter upon any lands acquired under this Act or lands forming a part of any provincial forest without a permit obtained for that purpose and upon such terms and conditions as may be proper and necessary, and subject to such penalties for a breach of the terms and conditions as may be provided for by the Order in Council. R.S.O. 1937, c. 39, s. 15; 1946, c. 89, s. 20 (5).

Advisory
Committee.

16.—(1) There shall be a committee to be known as the Advisory Committee to the Minister of Lands and Forests consisting of a chairman and eight other members, each of whom shall be appointed by the Lieutenant-Governor in Council for such term as may be specified in the Order in Council.

Interests to
be repre-
sented.

(2) Each of the following interests shall be represented on the Committee: the building industry, education, finance, the forest engineers, labour, the lumber industry, the mining industry, the pulp and paper industry and the railways.

Remunera-
tion and
expenses.

(3) The remuneration and expenses of the members of the Committee shall be paid out of the Consolidated Revenue Fund.

Secretary.

(4) The Committee shall have a secretary who shall be a civil servant and who shall perform such other duties as may be assigned to him.

Meetings.

(5) The Committee shall meet monthly or otherwise as may be agreed upon by the Minister and the Committee.

Duties.

(6) It shall be the duty of the Committee to advise the Minister upon forest policy, either generally or in any particular that may be initiated by the Minister or by the Committee, regard being had to the conservation, development and utilization of the forest resources of Ontario. 1948, c. 33, s. 1.

Regulations.

17. Upon the recommendation of the Minister, the Lieutenant-Governor in Council may make such regulations as he may deem necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1937, c. 39, s. 17.