

Deputation to the Leisure Activities Plan Steering Committee

Town of the Blue Mountains

February 18, 2021

Jayne Sutherland

I understand the Leisure Activities Plan Steering Committee has been tasked with the issue of the public's right to access the Georgian Bay waterfront. I'm not sure why this has been passed along to you, but as this will be included in your final report, I would like to address the committee on my concerns, and I believe those of many others, about this issue.

I know that the Town of the Blue Mountains has many waterfront access points but in my presentation today, I will be addressing this issue as it relates to my neighbourhood, which I have lived in both part time and full time, all my life. But I believe my points below are applicable to the entire Georgian Bay waterfront that exists within our municipality.

As a resident of the Blue Mountains, I appreciate how lucky I am to live in such a beautiful area with so much to offer. During the summer, our waterfront parks are enjoyed by residents and visitors alike. However, I am concerned that the Town of the Blue Mountains has, over the past couple of years, posted signage prohibiting the public from accessing most of the waterfront not included in our parks and only allowing people to access a strip of waterfront as wide as the access point. In the case of the Wellington Street access in my neighbourhood, the Town's private property signs are just a few metres apart. This basically means that only a handful of people at a time can use this beach.

There are a number of public right of ways along the Georgian Bay shore in our municipality where anyone can access the waterfront. I have the original Official Survey of my neighbourhood north of Highway 26 from the Beaver River to the old Town of Thornbury / Collingwood Township boundary. The survey shows there is a public shore walk along this entire waterfront that can be accessed by three public right of ways, namely the ends of Mill Street, Wellington Street and Grey Street. In my childhood, we were able to walk along the length of this shoreline unimpeded.

Unfortunately, the fluctuations of the water levels in the Bay since that time has meant that many waterfront property owners have hardened their shorelines, usually with boulders. And while I recognize that our current high water levels have decreased the available waterfront, this will not always be the case. Every authority on Great Lakes water levels, from the Georgian Bay Association to the U.S. Army Corp of Engineers, has acknowledged that this is just another cycle of fluctuations and is not permanent. This will mean that when the water levels on Georgian Bay are lower, more unimpeded waterfront will be accessible. But with the current high level water, one thing is clear, it is more important than ever that those remaining accessible waterfronts be available to all. Putting up signs that it is private property is not only erroneous, it gives the impression that the public no longer has any rights for waterfront usage, even when lower water levels return.

My research shows that riparian rights, in other words owning right to the waterline, are rare along southern Georgian Bay. If for some reason an exception has been made, only by looking at a property owner's deed can it be determined if riparian rights have been granted or if not, how far their lot lines go. Usually, these rights are granted if it is deemed publicly necessary. For example, riparian rights can be granted to waterfront conservation areas for their foreshore environmental efforts and the CFB site in Meaford is another example.

The troubling questions I have for the TBM are: Under what authority have they posted their private property signs? What by-laws are they basing this interdiction on? Have they checked the deeds of all waterfront properties or is it just a matter of putting up a sign when a water access property owner complains? And specifically to the TBM staff report, on what legal basis can the Town dictate the 'brief duration' stipulation for using the waterfront?

Anyone who been here for any length of time knows that previously there was never any question of denying the public access to the waterfront. I along with all the kids and parents in my neighbourhood have, for many years, swam and enjoyed the beach at Wellington and I still do. And as lately as last summer, the Town knew it too. Before the private property signs went up, the Town put up

a big Covid sign on the beach. Obviously, they too knew that this was a public area. It seems to me this has only become an issue this past summer with those new property owners who feel their investments in their properties give them rights that had never been granted before. Our Town is not a gated community with wealthy enclaves that keep out the hoi polloi. Yet.

Our municipality has become multi-faceted over the years. It started initially as an agricultural town, then evolved to include a ski destination, family cottages and a thriving retirement community. And more recently, we are seeing an influx of newly permanent residents who work remotely from home. We have become a vibrant community with a varied population. However, it is vital that we maintain our small-town roots – it is that which makes us unique and a much-desired community to live and play in. And in our small town, generations of residents have enjoyed free access to our waterfront. To pander to a just a few vocal property owners to the detriment of the many residents and visitors in our community should not be sanctioned by the Town of the Blue Mountains.

All this is to say that the Town may control the public access points, but not the waterfront itself. I believe that this committee in their final report to Council must include the recommendation that the private property signs that have been erected at various public access points must be removed.

This is not an us against them issue. Many of my neighbours who have waterfront properties are very much against those few residents who discourage and disparage those who want access to the waterfront. Summer is only a few short months, let's welcome others who want to enjoy our spectacular Bay. For the rest of the year, waterfront residents can enjoy their view in off-season solitude.

Thank you.

Jayne Sutherland
Thornbury ON



Wellington Access Signs



Wellington Access allowed only between the two signs.