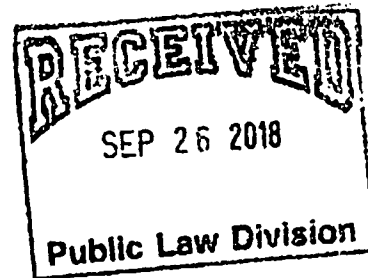




Saskatchewan Association of Rural Municipalities

2301 Windsor Park Road Regina, SK S4V 3A4 (306) 757-3577 sarm.ca

September 25, 2018



Ministry of Justice
Legislative Services Branch
Attn: Review of Trespass Related Legislation
800 - 1874 Scarth Street
Regina, SK S4P 4B3

Re: Review of Trespass Relation Legislation

On behalf of the Saskatchewan Association of Rural Municipalities (SARM), I am writing in response to the Government of Saskatchewan's review of trespass related legislation. We were pleased when Minister Morgan stated the provincial government was considering changes to trespass legislation at our Annual Convention in March. It appears there has been a healthy public discourse on the matter over the last two months.

As you may know, SARM has at least nine active resolutions related to trespassing. These resolutions have all been put forward by rural municipalities (RM) and carried by the membership at conventions within the last five years. The underlying theme to all of these resolutions is that SARM members support changes to legislation that requires individuals to receive express permission from a landowner before they may access private land. In other words, all private property should be deemed as "no trespassing" until an individual has obtained express permission from the landowner. SARM would support lessees having the ability to grant permission to access land in cases where the lessee has been granted the authority to give permission from the landowner. This could be specified in individual leases between a landowner and lessee.

As for how individuals may seek permission to access land, SARM would support a mechanism whereby individuals may seek permission by attending any on-site inhabited residence by the most direct route from a main access point. This would help prevent trespassers from stating they were crossing a property in search of the homestead to seek permission to be on the land. SARM strongly believes there should be no distinction between cultivated land, fenced property, or open pasture.

We agree with the discussion paper's suggestion that there may be confusion due to the multiple pieces of legislation that cover trespassing. As such, we would like to see harmony between all trespass related legislation.

Currently, *The Wildlife Act, 1998* prohibits hunting on posted land. Unfortunately, posting land does not successfully deter trespassers. Landowners report serious issues with individuals taking down posted signs, explicitly disregarding the landowner's wishes and legal right. SARM believes the onus should not be on landowners to post their land to prevent people from hunting on it. This is costly, particularly when some individuals have no qualms about removing these signs. It is difficult for landowners to determine when the signs may have been removed, which plays a critical role in determining whether an individual truly did not know the land was previously posted or if they are indeed a trespasser.

Trespassing prevents a threat not only to feelings of personal safety, but also to the livelihood of farmers. Livestock can be lost to hunting accidents or gates left open, and noxious weeds, invasive species, and soil-borne diseases like clubroot present a serious biosecurity threat to Saskatchewan's agricultural economy. Landowners need to know who is on their land and what is taking place so they can take the necessary precautions to protect their crop and livestock.

To further prevent the spread of noxious weeds and diseases, SARM recommends that legislation be updated to require all-terrain vehicles (ATV) entering Saskatchewan or moving across the province to be cleaned. This is a similar strategy to the "Clean, Drain, Dry" strategy the Ministry of Environment is promoting to prevent the introduction or spread of aquatic invasive species. ATVs represent a serious biosecurity threat, as they can easily spread soil-borne diseases like clubroot.

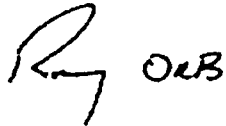
Finally, SARM is concerned that allowing people to access land without permission may result in accidents. For instance, if an individual does not speak to the landowner they may not know about potential hazards on the land, such as sloughs. This could result in serious accidents that could have easily been avoided by a conversation with the landowner. In addition, landowners are concerned about potential liability if an individual is accessing the land without permission and has some sort of accident. We would like clarification from the Ministry of Justice as to whether the owner/occupier owes a general duty of care to a person hunting on the land when consent has not been received.

The current fines for trespassing are not adequate. SARM members have identified this issue and requested via resolution that the fines be increased. As such, we support fines similar to those in Ontario, which are \$10,000. Fines need to be significantly steep as to actually act as a deterrent.

While SARM fully supports changes to legislation, we also believe enforcement needs to be stronger. The current enforcement strategy is untenable, as trespassers are rarely subject to enforcement action. The provincial government must work with the RCMP to determine how it can better enforce trespassing laws. SARM members have also previously asked that the province and the RCMP work together to increase awareness around property rights and trespassing.

I wish to again thank the Ministry of Justice for undertaking a review of trespass related resolutions, and for inviting all residents of Saskatchewan to provide feedback. We believe our recommendations are in the best interest of the province as a whole and will successfully balance private property rights and public access to the beautiful lands our province has to offer.

Sincerely,

A handwritten signature in black ink, appearing to read "Ray Orb". The signature is stylized, with a large, looped "R" and a cursive "Orb".

Ray Orb
President

Enclosure

Trespassing Resolutions

Permission to Hunt on Private Land 12-15A

WHEREAS 85% of land in southern Saskatchewan is privately owned or controlled; and

WHEREAS more hunting licences are being sold online without any personal contact with the Ministry officials; and

WHEREAS more problems are occurring between hunters and landowners about the right of access to private land (whether posted or not);

BE IT RESOLVED that SARM lobby the Ministry of Environment to place more emphasis in the Hunter and Trapper's Guide about obtaining permission to hunt on private lands.

Trespass Laws

55-16A

RM of Big River No. 555

WHEREAS current laws don't do enough to address problems farmers continue to experience when hunters, ATVs and snowmobiles enter upon farmland without permission and risk the safety of the occupants (human and livestock); and

WHEREAS this unauthorized entry onto farmland introduces a risk of disease and noxious weeds and invasive species;

BE IT RESOLVED that SARM lobby the appropriate ministries to amend legislation to change trespass laws so access onto farmland is granted with the permission of the landowner or lessee only.

Property Rights and Trespassing

29-16M

RM of Biggar No. 347

WHEREAS in 2009 the Province passed The Trespass to Property Act; and

WHEREAS The Trespass to Property Act clearly holds the private landowner responsible to ensure it is visible that trespassing is not allowed on their property; and

WHEREAS SARM recently received a response from the Ministry of Justice for resolution 31-12M submitted in 2012 requesting all land be deemed to be posted "No Trespassing" and the onus be on the Public to obtain permission from the property owner; and

WHEREAS the Ministry of Justice has responded that amendments to The Trespass to Property Act will not be recommended; and

WHEREAS trespassing causing damage to property, livestock, and crops is still problematic and causing financial hardships to the property owners; and

BE IT RESOLVED that the SARM Board meet with the Ministry of Justice, provincial officials and any others deemed necessary to lobby for legislative changes to The Trespass to Property Act to require the Public to obtain permission from property owners, excluding commercial properties, prior to entering privately owned land.

**Permission required to hunt on private or occupied crown land
36-16A**

WHEREAS the number of hunters is increasing due to the population increase in Saskatchewan; and

WHEREAS the number of occurrences of problems relating to hunters accessing land to hunt, causing field and crop damage; and

WHEREAS changes made to the hunting synopsis emphasising obtaining permission prior to hunting is not having a positive affect;

BE IT RESOLVED that SARM lobby the Minister of Environment to change The Wildlife Act to make it a requirement to have permission to hunt on private or occupied crown land.

**Permission to Hunt on Privately Owned Lands
35-16A**

WHEREAS The Wildlife Regulations, 1981, do not require hunters to obtain permission to hunt on private lands; and

WHEREAS when bird hunting season is open and game is plentiful it can happen that more than one group of hunters may converge on a particular field where disputes can and do arise between hunting parties as to who has the right to be there and landowners are likely only to know of the group that has requested permission to hunt on that field and can potentially be drawn into the dispute; and

WHEREAS Saskatchewan and New Brunswick are the only provincial jurisdictions where it is not mandatory to have landowner permission to enter on privately owned lands prior to entering upon them;

BE IT RESOLVED that SARM lobby the Ministry of the Environment to change The Wildlife Regulations, 1981, to require all people to gain permission to hunt from the landowner prior to entering on any privately owned lands within the Province of Saskatchewan.

**Property Rights and Trespassing
13-17A
RM of Moose Range No. 486**

WHEREAS in 1988 the Province passed The Wildlife Act that specifies lands where hunters can go and regulates how land owners are to sign their land and what hunters must do to abide by these regulations; and

WHEREAS hunters are the major cause of concern for damage to property, livestock and crops causing financial hardships to property owners; and

WHEREAS requiring hunters to seek permission prior to entering private land would alleviate many of the concerns facing private land owners;

BE IT RESOLVED that the SARM board meet with the Ministry of Environment to lobby for legislative changes to The Wildlife Act to include the requirement of the public to obtain permission from private land owners, excluding commercial properties, prior to entering privately owned land.

Trespassing on Private Property

POP 3-17A

RM of Blaine Lake No. 434

WHEREAS the issues of trespassing on private property has come up many times at SARM Conventions;

WHEREAS there has been no resolve to the issue of private property rights;

BE IT RESOLVED that SARM lobby the Provincial Government to amend The Trespass to Property Act to deem all private property as "no trespassing."

Recreation and Trespassing Penalties Related to Public Safety Offences

PoP 4-17A

WHEREAS there has been a notable increase in crimes;

WHEREAS a lot of these crimes are associated with recreation and access to private property;

BE IT RESOLVED that SARM lobby both the Provincial and Federal Governments to impose higher penalty fines related to public safety offences with respect to recreation and trespassing on private property.

Public Awareness of Private Property Rights and Firearms Safety

PoP 5-17A

WHEREAS there has been considerable effort on educating the public of the effects of drinking and driving, safety on the roads, and distracted driving;

WHEREAS the government issues, for sale, hunting licences to the public for the privilege of using private property and omits to include the safety of non-urban residents;

BE IT RESOLVED that SARM and the RCMP increase public awareness with respect to private property rights and firearms safety.

(b) that is surrounded by a fence, a natural boundary or a combination of a fence and a natural boundary, or
(c) that is enclosed in a manner that indicates the owner's or occupier's intention to keep persons off the land or to keep animals on the land."

2) Alberta's *Wildlife Act* prohibits hunting on "occupied land" without consent:

"[O]ccupied land" means

(a) privately owned land under cultivation or enclosed by a fence of any kind and not exceeding one section in area on which the owner or occupant actually resides, and

(b) any other privately owned land that is within one mile of the section referred to in clause (a) and that is owned or leased by the same owner or occupant.

Please see the attached jurisdictional review chart to note the differing rules for access as well as the fines that an individual may be subject to for committing a trespass pursuant to petty trespass legislation in Canadian jurisdictions.

Advance Permission

Given the disparities in approaches within Saskatchewan legislation and the approaches taken in other provincial jurisdictions, the Government of Saskatchewan is seeking public input on the need to revise and consolidate the approach taken with respect to trespass in the various Saskatchewan Acts. This would see all of the above-noted legislation moving to requiring express consent prior to access.

In particular, we are asking:

Q. Should all access by members of the public to rural property require the express advance permission of the rural land owner regardless of the activity?

yes . Absolutely !

Type of Rural Property

As noted above, what constitutes rural property for trespass purposes is also not uniform between provincial jurisdictions. For example, Alberta's *Petty Trespass Act* states:

2.1(1) Entry on land may be prohibited by notice to that effect,

and entry is prohibited without any notice on land

(a) that is a lawn, garden or land that is under cultivation,

(b) that is surrounded by a fence, a natural boundary or a combination of a fence and a natural boundary, or

(c) that is enclosed in a manner that indicates the owner's or occupier's intention to keep persons off the land or to keep animals on the land.

Q. Should there be a distinction between cultivated land, fenced property and open pasture land or should all land being used for agricultural purposes be treated the same?

Yes!

Method of Permission

At the same time as we are considering a process that would require permission for access, it is appropriate to ask how such permission would best be sought.

For example, should an individual seeking access be required to first seek permission by attending at any on site inhabited residence by the most direct route from a main access point? Such an approach would seek to avoid having individuals cross the property prior to seeking permission and then indicating that they were simply looking for the homestead. Similarly, provisions regarding posting of email addresses or enhanced access to landowners through municipal offices may require consideration to avoid defeating legitimate efforts to seek consent and therefore to conduct legitimate activities.

Q. How should permission be sought and granted?

Approaching owner.

Impact of Change

We are also seeking the comments of Saskatchewan citizens on how a change to require permission prior to access would impact recreational and other legitimate activities for members of the public with respect to rural land. For snowmobilers, atv-ers, hunters and other recreationalists, would this change represent an impediment to their activities that cannot be adequately managed? Keeping in mind that there is no legal entitlement to access to private property, does making consent an express prerequisite prior to access represent an unreasonable impediment?

Q. Would making consent an express prerequisite in all circumstances represent an unreasonable impediment to recreational activities?

Nobody without permission. Hunters, machines etc

Enforcement

As part of this initiative, a review of the penalties and enforcement options regarding trespass is also being conducted to determine whether adequate and immediate enforcement options are available to serve as a deterrent to those who fail to comply with the applicable legislation.

Hunting and Fishing Rights

It should be noted that First Nations hunting and fishing rights are Constitutional rights that are set out in the Treaties and are protected by the Natural Resources Transfer Agreement of 1930. Whether First Nations people have a right of access to any particular lands will continue to be governed by the Treaties, the Natural Resources Transfer Agreement, and the court decisions that have interpreted those rights.

Government's view is that the current *Trespass to Property Act* does not affect Treaty hunting and fishing rights as it neither creates a right of access to privately owned land nor takes those rights away. This will in no way change with any of the possible amendments discussed in this paper.

The Government of Saskatchewan is also of the view that Metis Aboriginal hunting and fishing rights are not affected by any amendments that may be proposed to *The Trespass of Property Act*. Whether Metis people have access to any particular lands for the purpose of hunting and fishing will continue to be governed by the court decisions that have interpreted those rights.

No one has the right to come on property, regarding race, religion, creed. The land was bought with money, blood, sweat & tears. Absolutely not!

[REDACTED]

Oct 1 2018

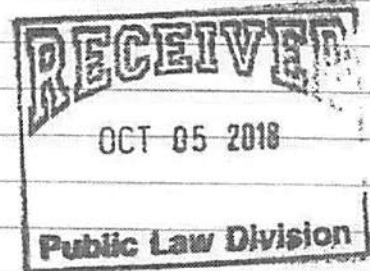
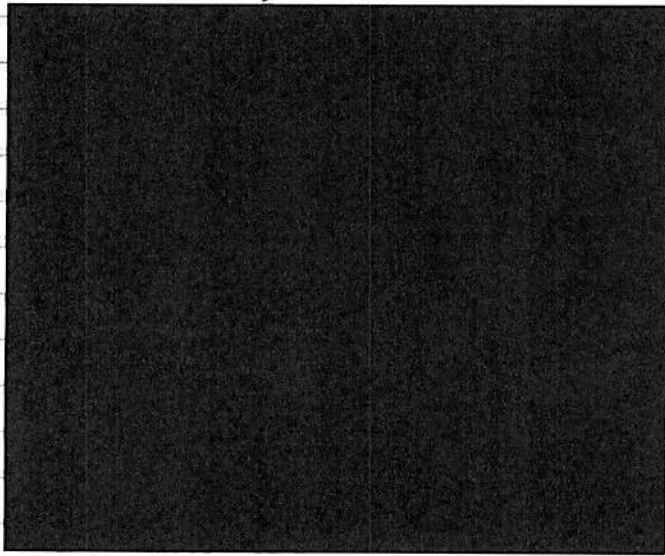
Attn: Review of Trespass Related Legislation

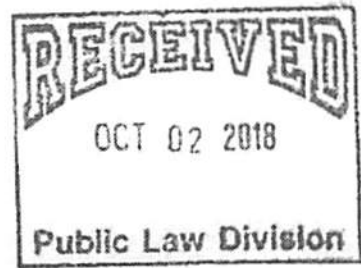
all access by members of the public to rural property should require the express advance permission of the rural land owner. Regardless of the activity. The permission should be sought with a written agreement with the land owner.

This in 2018 too many trespassers on private property which there is no need for, if the above act was in place.

This matter should have a top priority in place as soon as possible.

The following land owners are all for this Agreement.





The attached file is my answers to your questions regarding additional Trespass Legislation that you requested input on.

Nice of you to give an e-Mail
address that is flawed.

This will be late getting there as
a result but I assume it will still
be considered



The original message was received at Fri, 28 Sep 2018 12:40:17 -0400
from [REDACTED]

— The following addresses had permanent fatal errors —

<lsbquestionnaire@gov.sk.ca>

(reason: 550 5.4.1 [lsbquestionnaire@gov.sk.ca]: Recipient address rejected: Access denied
[QB1CAN01FT008.eop-CAN01.prod.protection.outlook.com])

— Transcript of session follows —

... while talking to gov-sk-ca.mail.protection.outlook.com:

>>> RCPT To:<lsbquestionnaire@gov.sk.ca>

<<< 550 5.4.1 [lsbquestionnaire@gov.sk.ca]: Recipient address rejected: Access denied
[QB1CAN01FT008.eop-CAN01.prod.protection.outlook.com]

550 5.1.1 <lsbquestionnaire@gov.sk.ca>... User unknown

Review of Trespass Related Legislation

Q. Should all access by members of the public to rural property require the express advance permission of the rural land owner regardless of the activity?

No. The guidelines as they are now are quite suitable to present day needs in Saskatchewan with it's limited population. With farmers and ranchers having larger operations these days it is difficult to determine ownership in cases due to distances and who to contact due to renting land out and municipal maps that are not always up to date.

Q. Should there be a distinction between cultivated land, fenced property and open pasture land or should all land being used for agricultural purposes be treated the same?

All land should be treated the same. Most responsible people will act appropriately according to what the land is being used for or is occupied for. Don't make the majority of people pay the price for a few indiscriminate people and dump more laws on the majority. We have the laws now but our judicial system and penalties for the law breakers is what needs to be looked at if anything. I realize incidents happen but are there enough to justify legal processes or is it just a small number of land owners "stirring the pot" for their own initiatives such as keeping hunters off the land and then they get paid by outfitters to bring paid hunters on to it.

Q. How should permission be sought and granted?

Leave it as it is under the present regulation. Don't make it any more difficult as we will lose more hunters and outdoor people than we already are. For instance if we continue to loose hunters, then game populations will increase and then farmers and ranchers will be complaining about crop damage, fence damage, etc.

Q. Would making consent an express prerequisite in all circumstances represent an unreasonable impediment to recreational activities?

Yes. For the reasons I mentioned in the first question regarding locating land owners and the great distances from where land may be located and where the actual owner resides. Also during the fall when hunting seasons are open and farmer are harvesting or work cattle do they want to be bothered by people coming on the fields and stopping there farming activities to get written permission to hunt or whatever. That can really cut into harvesting and other work.

Something else that you haven't mentioned in your request for input, is who is going to enforce any further laws/regulations regarding trespass. I know from my experience and what I see when I'm out in rural areas now that SERM Conservation Officers and RCMP members have more work than they can handle now and don't need any more enforcement workload "dumped" on them for an unjustified purpose. Before you bring on more enforcement workload you should be looking at taking on more officers to deal with it.

September 28, 2018

October 2, 2018 @11 am

Q1. Yes. All people should ask for permission.

Someone dumped old fridge and stove in gravel pit owned by caller and find this frustrating as this is not the first time this has occurred. Since RM changed rules re paying to dump at dump people are now dumping on private property.

Q2. All land should be treated the same. Concern over cutting of fences by hunters.

Q3. Find out who owns land from RM and call or attend to property.

Q3. Don't think so. Concern for safety of those accessing property without permission as land owner cannot warn of potential risks on the property. Should be asking permission to be there.

Finds that signs are not effective. Sometimes you have had no trespassing signs taken down. On occasion, kids have been found partying in gravel pit and officer brought child to door to ask if permission had been sought (as signs were posted) and permission had not been given – again concern for safety.

Biosecurity concern –transfer of clubroot/disease via vehicle tires etc.

QUESTION 1 ON PAGE 4

ANSWER - ALL MEMBERS OF THE PUBLIC MUST NOT ENTER PRIVATE LAND WITHOUT ADVANCE PERMISSION IF GRANTED

QUESTION 3 ON PAGE 5

PERMISSION CAN BE SOUGHT AND GRANTED BY PHONE

QUESTION 2 ON PAGE 5

ALL LAND OWNED BY A PRIVATE OWNER INCLUDING BUSH LAND CANNOT BE TRESPASSED WITHOUT PERMISSION OF OWNER.

QUESTION PAGE 6

NO LAND OWNED BY FARMERS SHOULD BE UNDER THEIR CONTROL REGARDLESS OF RECREATIONAL ACTIVITIES.

THE GOVT HAS ENOUGH CROWN LAND FOR ACTIVITIES MENTIONED IN THIS QUESTION.

COMMENTS - PRIVATE LAND SHOULD NOT HAVE TO BE POSTED TO KEEP TRESPASSERS OFF.

THE GOVERNMENT WILL NEED TO ADVERTISE NEW TRESPASS LEGISLATION TO MAKE THE PUBLIC WELL AWARE OF THE PENALTIES FOR VIOLATION OF THIS LAW.

REGARDING - IDENTIFICATION OF ATVs AND REC. VEHICLES
VISIBLE LETTERS OR NUMBERS MUST BE ATTACHED TO VEHICAL FOR IDENTIFICATION. BOATS AIRPLANES AND MOTOR VEHICALS HAVE THEM SO WHY ATVS AND REC VEHICALS.

WE DO GIVE PEOPLE PERMISSION TO HUNT ON OUR LAND BUT WE WANT TO KNOW WHO IT IS AND ~~WHEN~~ WHAT DAYS THEY ARE HUNTING.

- (b) that is surrounded by a fence, a natural boundary or a combination of a fence and a natural boundary, or
- (c) that is enclosed in a manner that indicates the owner's or occupier's intention to keep persons off the land or to keep animals on the land."

2) Alberta's *Wildlife Act* prohibits hunting on "occupied land" without consent:

"[O]ccupied land" means

- (a) privately owned land under cultivation or enclosed by a fence of any kind and not exceeding one section in area on which the owner or occupant actually resides, and
- (b) any other privately owned land that is within one mile of the section referred to in clause (a) and that is owned or leased by the same owner or occupant.

Please see the attached jurisdictional review chart to note the differing rules for access as well as the fines that an individual may be subject to for committing a trespass pursuant to petty trespass legislation in Canadian jurisdictions.

Advance Permission

Given the disparities in approaches within Saskatchewan legislation and the approaches taken in other provincial jurisdictions, the Government of Saskatchewan is seeking public input on the need to revise and consolidate the approach taken with respect to trespass in the various Saskatchewan Acts. This would see all of the above-noted legislation moving to requiring express consent prior to access.

In particular, we are asking:

- Q. Should all access by members of the public to rural property require the express advance permission of the rural land owner regardless of the activity?

Yes! Absolutely

Type of Rural Property

As noted above, what constitutes rural property for trespass purposes is also not uniform between provincial jurisdictions. For example, Alberta's *Petty Trespass Act* states:

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Q. Should there be a distinction between cultivated land, fenced property and open pasture land or should all land being used for agricultural purposes be treated the same? No there should be no difference between cultivated land, fenced property + open pasture. So yes, all land being used for agricultural purposes be treated the same.

Method of Permission

At the same time as we are considering a process that would require permission for access, it is appropriate to ask how such permission would best be sought.

For example, should an individual seeking access be required to first seek permission by attending at any on site inhabited residence by the most direct route from a main access point? Such an approach would seek to avoid having individuals cross the property prior to seeking permission and then indicating that they were simply looking for the homestead. Similarly, provisions regarding posting of email addresses or enhanced access to landowners through municipal offices may require consideration to avoid defeating legitimate efforts to seek consent and therefore to conduct legitimate activities.

Q. How should permission be sought and granted? Permission should be sought + granted either by written or verbal permission. By letter or phone call. Otherwise everyone should understand that they do not trespass, whether it is posted or not. We understand, that on occasion, oil + gas, telephone + power companies may need to access said land. But again they should also have to seek permission from the land owner.

Impact of Change

We are also seeking the comments of Saskatchewan citizens on how a change to require permission prior to access would impact recreational and other legitimate activities for members of the public with respect to rural land. For snowmobilers, atv-ers, hunters and other recreationalists, would this change represent an impediment to their activities that cannot be adequately managed? Keeping in mind that there is no legal entitlement to access to private property, does making consent an express prerequisite prior to access represent an unreasonable impediment?

Q. Would making consent an express prerequisite in all circumstances represent an unreasonable impediment to recreational activities?

Absolutely Not!!
I know I would not drive my ski-doo or recreational vehicle across someone's yard in town. They would have to stick to driving on government road allowances only.

As part of this initiative, a review of the penalties and enforcement options regarding trespass is also being conducted to determine whether adequate and immediate enforcement options are available to serve as a deterrent to those who fail to comply with the applicable legislation.

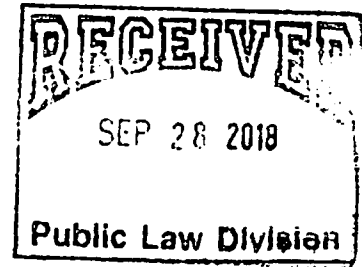
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The Government of Saskatchewan is also of the view that Metis Aboriginal hunting and fishing rights are not affected by any amendments that may be proposed to *The Trespass of Property Act*. Whether Metis people have access to any particular lands for the purpose of hunting and fishing will continue to be governed by the court decisions that have interpreted those rights.

We feel that everyone of any race, color or creed should have to seek permission of the land owner, before entering said land.



MINISTER OF JUSTICE.

Re. QUESTION AIRE REGARDING
TRESPASS LEGISLATION.

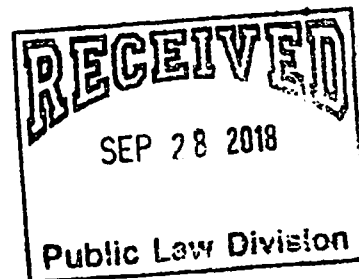
THE FOUR QUESTIONS REGARDING TRESPASS RULES,

- ① PUBLIC MUST OBTAIN PERMISSION TO ACCESS FARM OWNED LAND.
- ② NO DISTINCTION REGARDING LAND CLASSIFICATION.
- ③ PERMISSION BY PERSONAL CONTACT - PHONE - MAIL.
- ④ PREREQUISITE PERMISSION SHOULD CAUSE NO PROBLEM
AS ANY - BYKE - QUOD - SNOW - MOBILE TRAILS HAVE
RECEIVED PERMISSION PRIOR TO THEIR INSTALLATION.

MAIN CONCERN IS WITH WEED TRANSFER FROM FIELD TO FIELD

MAJOR CONCERN - CLUB ROOT IN CANOLA

FARMERS WARNED TO CLEAN MACHINERY
BEFORE MOVING TO NEXT FIELD



(b) that is surrounded by a fence, a natural boundary or a combination of a fence and a natural boundary, or

(c) that is enclosed in a manner that indicates the owner's or

occupier's intention to keep persons off the land or to keep animals on the land."

2) Alberta's *Wildlife Act* prohibits hunting on "occupied land" without consent:

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Please see the attached jurisdictional review chart to note the differing rules for access as well as the fines that an individual may be subject to for committing a trespass pursuant to petty trespass legislation in Canadian jurisdictions.

Advance Permission

Given the disparities in approaches within Saskatchewan legislation and the approaches taken in other provincial jurisdictions, the Government of Saskatchewan is seeking public input on the need to revise and consolidate the approach taken with respect to trespass in the various Saskatchewan Acts. This would see all of the above-noted legislation moving to requiring express consent prior to access.

In particular, we are asking:

Q. Should all access by members of the public to rural property require the express advance permission of the rural land owner regardless of the activity?

yes - absolutely

Type of Rural Property

As noted above, what constitutes rural property for trespass purposes is also not uniform between provincial jurisdictions. For example, Alberta's *Petty Trespass Act* states:

2.1(1) Entry on land may be prohibited by notice to that effect,
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(a) that is a lawn, garden [REDACTED],

(b) that is surrounded by a fence, a natural boundary or a combination of a fence and a natural boundary, or

(c) that is enclosed in a manner that indicates the owner's or occupier's intention to keep persons off the land [REDACTED]

Q. Should there be a distinction between cultivated land, fenced property and open pasture land or should all land being used for agricultural purposes be treated the same?

Should be treated the same - Totally

Method of Permission

At the same time as we are considering a process that would require permission for access, it is appropriate to ask how such permission would best be sought.

For example, should an individual seeking access be required to first seek permission by attending at any on site inhabited residence by the most direct route from a main access point? Such an approach would seek to avoid having individuals cross the property prior to seeking permission and then indicating that they were simply looking for the homestead. Similarly, provisions regarding posting of email addresses or enhanced access to landowners through municipal offices may require consideration to avoid defeating legitimate efforts to seek consent and therefore to conduct legitimate activities.

Q. How should permission be sought and granted?

Permission should be sought by attending at any site inhabited residence by the most direct route from a main access point.

Impact of Change

We are also seeking the comments of Saskatchewan citizens on how a change to require permission prior to access would impact recreational and other legitimate activities for members of the public with respect to rural land. For snowmobilers, atv-ers, hunters and other recreationalists, would this change represent an impediment to their activities that cannot be adequately managed? Keeping in mind that there is no legal entitlement to access to private property, does making consent an express prerequisite prior to access represent an unreasonable impediment?

Q. Would making consent an express prerequisite in all circumstances represent an unreasonable impediment to recreational activities?

Making consent an express prerequisite is not an unreasonable impediment.

Enforcement

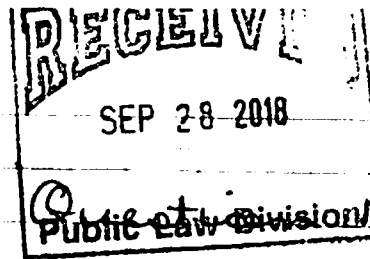
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1) Advanced Permission

A - YES.

2) Method of Permission Question Pg 5

A - So much fiddle faddle for someth that should be common sense
Do you MLA's and or MP's go from the backyards to the front or cut across fields when you campaigning?

So exactly as you said.

1- direct access

2- Rm's will have access to informat for land owners.

3) Impact of Change Question Pg 6.

A - No, do they own the land? do they pay taxes on the land? If I cant go ATV in the parks in the city or on the mayors front lawn then why should ANYONE be able to do it on private rural land?

Before I answered these question I asked my other half what he thought, he agrees with me. I told him he would have to ask permission

RECEIVED
SEP 28 2018
too, and he never asks permission.
he said that he is willing
to do that

Also years ago when I started
hunting, I made business
cards that said "I request
permission to hunt on your
land".

Name:

address:

cell:


make/model/Plate#

I drove to landowners homes
and asked permission, or I
left it on their door. If they
said yes they signed the back
of the card and I picked it up.

Easy peasy!

With all that info, the
landowners were confident
that I would respect their
land.

This is almost too simple.
I am embarrassed for the
government for wasting
money on this.



To: MINISTRY OF JUSTICE:

It recently came to my attention that the Saskatchewan Ministry of Justice is considering changes to the trespass laws within the province and is seeking feedback from residents on this. As a lifelong resident of this province I felt compelled to read over the document

(<http://publications.gov.sk.ca/documents/9/107841->

[Consultation%20Paper%20on%20Trespass%20to%20Property%20-%20August%207%202018.pdf](http://publications.gov.sk.ca/documents/9/107841-Consultation%20Paper%20on%20Trespass%20to%20Property%20-%20August%207%202018.pdf))

Review of Trespass Related Legislation and I have some comments with regard to it.

To begin, I first must question where the impetus for these changes has come from? There seems to be a misconceived notion that rural crime is somehow on the rise. The fact as far as I know, is that rural crime is not on the rise. Can you please provide me with rural crime statistics that show an increase in rural crimes? This action seems to me to be more of a 'have to be seen to be doing something' reaction to recent criminal events within the province. These rural crimes would have been perpetrated whether or not a more general 'trespass law' would have been in place. These were mostly serious criminal activities and ~~they~~^{these} individuals would not likely have been deterred by a trespass law. The idea that these changes are needed to improve "biosecurity from invasive species and diseases spread by random access." is almost laughable. Almost all of the major noxious weeds were established here and spread by agriculture and its associated activities. A few of our noxious weeds are the result of horticulture. To suggest that public access to private lands has played a role in the establishment and spread of noxious weeds and crop diseases is specious at best. Be that as it may, I encourage a review of access to private lands, however, I do have a few questions and concerns about access to both private and public land in general.

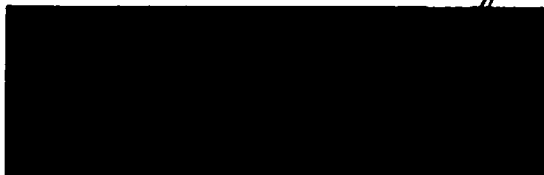
As a responsible and conscientious hunter I have always tried to gain permission from private landowners whenever possible. Some of the land I hunt and fish on is posted private land and I always have gained permission before accessing it. In some cases, however, it has been impossible to discern who owns the land I was interested in accessing. Rural Municipality maps (when available) were most often outdated and quite useless. In some RM's, maps are no longer produced and not even available. Asking local residents often was of no help since they did not know who owned the land either. This is becoming more and more common. If an all-encompassing trespass law is enacted, then I posit that there will have to be some kind of reasonable options to actually decipher who owns a particular piece of land. I would like to know how the government will ensure that I have a reasonable ability to discern who owns the land I am interested in accessing? This ability clearly does not exist at this time and I have heard of no plans to address this. In comparison, most states within the United States have strict trespass laws similar to what is being discussed here. However, land ownership there is a matter of public record within each county, and for a very small fee (\$30 US) I can purchase an application for my phone or chip for my GPS which identifies every single piece of private and public land within the state I am hunting or fishing. There are several private companies which provide this service. I can easily determine who owns the land in question that I am looking at and whether or not I can access it or who I have to contact in order to do so. Moreover, most states operate programs directed specifically at enhancing public access to private lands by licensed hunters and anglers. What programs has the government and more specifically the Ministry of Environment enacted or plans to establish in order to

maintain or enhance public access to private lands within the province? Could you please provide me with a detailed explanation of what that ministry is doing in this regard.

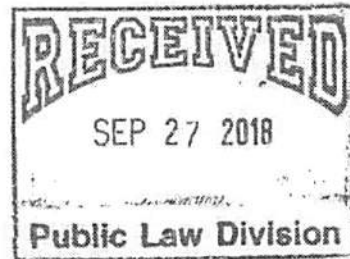
According to the Economic Evaluation of Hunting and Angling in Saskatchewan produced by the Ministry of Environment in 2006, approximately \$307M in gross expenditures were spent on these two activities combined. This is a considerable amount of money considering that virtually no inputs by government were necessary to generate this activity and certainly no subsidies were provided to hunters and anglers to pursue their interests. How does the government plan to ensure that loss of revenue and employment will not occur as a result of enacting an all-encompassing trespass law? Hunting and angling within this province have deep roots and a rich history reaching back farther than agriculture. Indeed, there are more licensed hunters and anglers within this province than there are agricultural producers. How does the government intend to maintain this rich tradition while enacting stricter trespass laws? It was interesting to read in the Justice document that First Nations hunting and fishing rights will not be affected by any amendments to the trespass law. That is a good thing. I wonder if the same can be said of licensed hunters and anglers under these new proposals? What plans does the government have to reduce the impacts to licensed hunters if there are expected impacts?

Changes to the trespass laws as proposed will likely increase the demand for access to Crown (*i.e.*, public) lands by licensed hunters and fisherman. Licensed hunters and anglers functionally enjoy the exact same rights as Indigenous peoples so long as they follow the rules, bag limits and season dates as established by the Crown. At this time, a hunting or fishing license grants individuals access to available public resources on most crown lands (*i.e.*, provincial forests, lakes, rivers, 'vacant' crown lands, etc.); crown lands leased for agriculture or grazing being the exception. As time goes on, and with the establishment of a general trespass law, one can foresee that recreational access to agriculturally leased crown lands will be in high demand. Currently agricultural lessees control access to these crown lands by licensed hunters and anglers through *The Wildlife Act, 1998*. This irregularity does not exist for any other crown land accessed by recreationists. How does the government justify that private individuals leasing crown lands for agricultural purposes can dictate access to crown resources on crown lands? For example, no private individuals can prevent anyone from fishing or simply recreating on Lake Diefenbaker assuming they have accessed it from a public boat launch. Clearly there are multiple users of this crown resource just like any other public areas listed above. Yet private interests in the form of agricultural leases are preventing public access to public lands for the legally licensed activities of hunting and fishing. A grazing lease is just that, a lease to graze livestock on crown lands. Does an agricultural lease somehow supersede one's legal license to hunt and angle for crown resources on crown lands within the province? Could you please provide me with reference to the legislation or regulations where this is found? Moreover, some of these same private interests are controlling public right of way use by fencing and farming road allowances in many parts of the province. In some places, locks have been placed on gated road allowances to prevent the public from travelling on them. It is easy to provide evidence of this illegal activity. I would like to know how the government intends to address the illegal activity of private individuals blockading road allowances around the province? What is the government's official position on individuals farming road allowances across the province? In addition, what plans does the government have to address future access to agriculturally leased crown

land by licensed hunters and anglers who have a licensed legal right to be there? Thank you for your time in considering these matters and I look forward to your response.



September 18, 2018



Ministry of Justice
Legislative Services Branch
Attn: Review of Trespass Related Legislation
800 – 1874 Scarth Street
Regina, SK S4P 4B3

Dear Sir or Madame,

Subject: **Review of Trespass Related Legislation**

I am a hunter as well as a property owner in Saskatchewan. In my 30 years of hunting I have hunted freely over Saskatchewan and during that time I have always been a respectful hunter. Speaking from personal experience, I have never posted my 700-acre property and freely let anyone on my property as long as they are not hunting next to my house. To date, I have never had a problem hunting on other people's land nor have I had any problems with people hunting on my land. If legislation is passed to restrict access to private lands it will not only hurt the hunter, but it will hurt government monetarily. Basically, it boils down to respect and Saskatchewan as well as non-resident hunters are very respectful people. Simply put, if a land owner does not want any hunting activity to take place on their property, all they have to do is post it. Further government legislation is not required.

Respectfully,

(b) that is surrounded by a fence, a natural boundary or a combination of a fence and a natural boundary, or
(c) that is enclosed in a manner that indicates the owner's or occupier's intention to keep persons off the land or to keep animals on the land."

2) Alberta's *Wildlife Act* prohibits hunting on "occupied land" without consent:

"[O]ccupied land" means

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(b) any other privately owned land that is within one mile of the section referred to in clause (a) and that is owned or leased by the same owner or occupant.

Please see the [attached jurisdictional review chart](#) to note the differing rules for access as well as the fines that an individual may be subject to for committing a trespass pursuant to petty trespass legislation in Canadian jurisdictions.

Advance Permission

Given the disparities in approaches within Saskatchewan legislation and the approaches taken in other provincial jurisdictions, the Government of Saskatchewan is seeking public input on the need to revise and consolidate the approach taken with respect to trespass in the various Saskatchewan Acts. This would see all of the above-noted legislation moving to requiring express consent prior to access.

In particular, we are asking:

Q. Should all access by members of the public to rural property require the express advance permission of the rural land owner regardless of the activity?

Yes

.. increase fines
.. make trespassing a criminal offence

Impact of Change

We are also seeking the comments of Saskatchewan citizens on how a change to require permission prior to access would impact recreational and other legitimate activities for members of the public with respect to rural land. For snowmobilers, atv-ers, hunters and other recreationalists, would this change represent an impediment to their activities that cannot be adequately managed? Keeping in mind that there is no legal entitlement to access to private property, does making consent an express prerequisite prior to access represent an unreasonable impediment?

Q. Would making consent an express prerequisite in all circumstances represent an unreasonable impediment to recreational activities?

No - it is landowners right to decide what activities take place on his/her land.

Enforcement

As part of this initiative, a review of the penalties and enforcement options regarding trespass is also being conducted to determine whether adequate and immediate enforcement options are available to serve as a deterrent to those who fail to comply with the applicable legislation.

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Have Your Say

We would invite any comments or recommendations by members of the public with respect to these questions and this issue in general by October 1, 2018.

.....

Please note: your comments are being gathered for the purpose of informing public debate on this issue and may be disclosed to third parties in support of this purpose.

Contact

Written submissions, comments, and questions can be forwarded to:

Ministry of Justice
Legislative Services Branch
Attn: Review of Trespass Related Legislation
800 - 1874 Scarth Street
Regina, SK S4P 4B3

Or by email to: LSBQuestionnaire@gov.sk.ca

.....

Abuses I have encountered under present system:

- fences cut
- gates left open - cattle got out
- animals (cattle) shot ~~down~~
- hayland rutted up
- crops driven over - loss of income
- property stolen
- my life (and family members) endangered by stray bullets. from people shooting on my land when myself/family are in close proximity. Very frightening. The people hunting were so intent on getting the moose they were after that they gave no thought to the persons (landowner) fixing the fence on the property. + family and there were several other similar incidents of stray bullets that I have encountered while working

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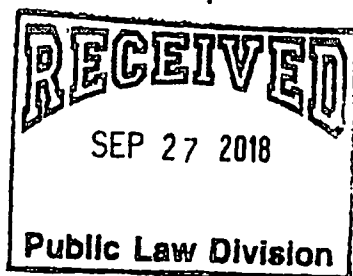
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In particular, we are asking:

Q. Should all access by members of the public to rural property require the express advance permission of the rural land owner regardless of the activity?

YES - ALL Access should
Require Permission
by expressed consent



Type of Rural Property

As noted above, what constitutes rural property for trespass purposes is also not uniform between provincial jurisdictions. For example, Alberta's *Petty Trespass Act* states:

2.1(1) Entry on land may be prohibited by notice to that effect,

and entry is prohibited without any notice on land

(a) that is a lawn, garden or land that is under cultivation,

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Q. Should there be a distinction between cultivated land, fenced property and open pasture land or should all land being used for agricultural purposes be treated the same?

ALL LAND should be treated
THE SAME.

Method of Permission

At the same time as we are considering a process that would require permission for access, it is appropriate to ask how such permission would best be sought.

For example, should an individual seeking access be required to first seek permission by attending at any on site inhabited residence by the most direct route from a main access point? Such an approach would seek to avoid having individuals cross the property prior to seeking permission and then indicating that they were simply looking for the homestead. Similarly, provisions regarding posting of email addresses or enhanced access to landowners through municipal offices may require consideration to avoid defeating legitimate efforts to seek consent and therefore to conduct legitimate activities.

Q. How should permission be sought and granted?

Permission should be sought by attending
at any on site inhabited residence
by the most direct route from a main
ACCESS point

Impact of Change

We are also seeking the comments of Saskatchewan citizens on how a change to require permission prior to access would impact recreational and other legitimate activities for members of the public with respect to rural land. For snowmobilers, atv-ers, hunters and other recreationalists, would this change represent an impediment to their activities that cannot be adequately managed? Keeping in mind that there is no legal entitlement to access to private property, does making consent an express prerequisite prior to access represent an unreasonable impediment?

Q. Would making consent an express prerequisite in all circumstances represent an unreasonable impediment to recreational activities?

MAKING CONSENT AN EXPRESS PREREQUISITE
IS NOT AN UNREASONABLE IMPEDIMENT

Enforcement

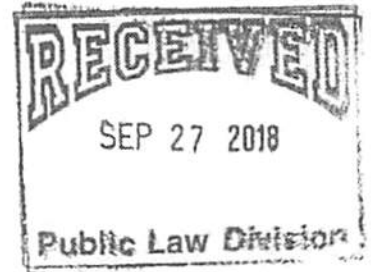
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All land should be treated the same

Method of Permission

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██████████ called in September 27, 2018 @ 10:00 am

Q 1. No it is not feasible for casual hunters. If drawn for a specific zone for hunting, you would not be able to hunt the entire zone, you would only be able to hunt on the land for which you had permission. If moose is on neighbours land it could take a long time to obtain permission.

Q2. There should not be a difference. The law should be the same for all types of land but it should be fenced or posted if you do not want people to access without permission.

Q3. The law should remain the same as it is not feasible to obtain permission from all landowners.

Q4. Yes. Changes would be detrimental to hunting.

Concerned that the proposed changes will end hunting in Saskatchewan. Finding landowner and asking permission is just not going to happen. ██████████ and everyone he knows will no longer purchase a hunting licence if the proposed changes were made.

Coyote hunting would not be possible if you had to seek permission from every landowner as this requires access to a large area of land and multiple land owners. You only spend a short amount of time on each piece of land and must move to multiple areas in a day which would make it difficult to obtain permission from all landowners.

Call on September 26, 2018 at 4:15 pm.

██████████
Concern re access to information/questionnaire – no access to internet. Would have liked to have a phone number included.

Put up signs after the initial trespass act enacted but they were pulled down. Signs are costly and take a lot of time. You do not see them as being effective.

Q.1 Yes, absolutely. Permission should be required by occupier prior to any access.

Permission should be sought in person.

Q. 2 All land should be treated the same.

Have had crop left for winter – and had it damaged over winter.

Pasture land has solar panels and over the winter has had them stolen.

Q. 3 permission should be sought in person prior to access. Permission by direct access to front door. Having a conversation with a person in person makes a big difference.

Q. 4. No. It is a reasonable expectation to have people undertaking activities to ask permission whether it is snowmobiling, hiking or hunting etc.

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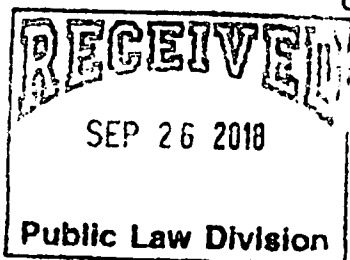
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In particular, we are asking:

Q. Should all access by members of the public to rural property require the express advance permission of the rural land owner regardless of the activity?

YES

It is private property. No one should assume they can have access



Type of Rural Property

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Q. Should there be a distinction between cultivated land, fenced property and open pasture land or should all land being used for agricultural purposes be treated the same?

YES No trespassing

Method of Permission

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Q. How should permission be sought and granted?

Written request for permission stating the purpose and time frame

Impact of Change

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NO. Its private property ask for permission

Enforcement

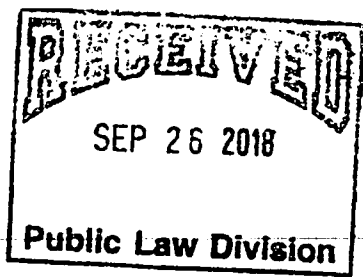
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Sept. 14 2018

Ministry of Justice Legislative
Services Branch

Attn: Review of Trespass Related Legislation

In our view point as land owners and farmers for 38 years; The no trespass sign should mean just that and be enforced by the law as such. Our experience with this is that legal hunters stop and ask to hunt on your land with no problems and in one case we had a car drive in our yard with 3 men and guns, start walking around between our house and shop. I was home alone so I locked the doors and called my brother in law to comfort them. (My husband was too far away) They were from [redacted] - hunting, how could they not know to hunt in a yard. Did they have a license (don't know). We would never walk on their property with a gun in [redacted].

Over the years us few neighbors try to keep alert to different vehicles driving on back roads (spring/fall). We've had fuel stole from our semi twice/and our combined once with the sensor broke in the fuel tank. One pure bred golden retriever pup stole (worth \$400.00). Another night, three large figures walked on our deck, as soon as I turned our bedroom light on, they took off in a truck.

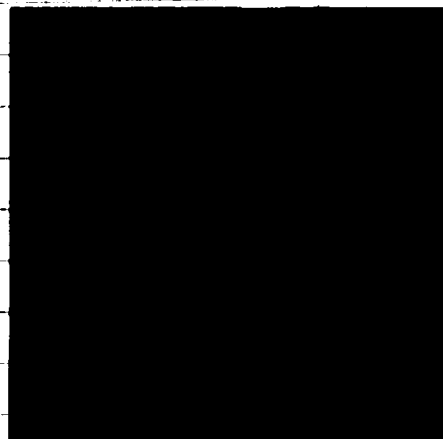
Most recently a vehicle drove in our yard (lights in our house were all off) around 11pm. as soon as we put one light on, they drove away.

We have no choice, as to put up camera's in the future.

So my solution is to collect data, give to the police, and have laws in place to protect our farm families and rural area's. Use social media (Crime Watch-with pictures, video, and post) Hopefully this will make our province safer. Our laws need to be tougher on criminals.

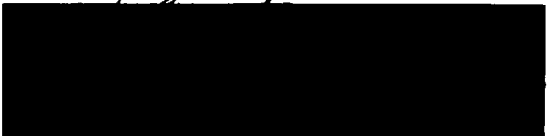
We live in [REDACTED] Saskatchewan by [REDACTED]. I am 56 years old and was raised on a farm. My dad only had to deal with people trying to steal our chickens 50 years ago. Being a peaceful man, he confronted the group, and invited them in for coffee and something to eat. They never targeted our yard again. Our times have changed.

Sincerely



- ① The landowner should be able to regulate who comes onto his property
- ② Same answer as question ①
- ③ In person, verbally.
- ④ This is private property, no permission, no access.

No one would drive across someone's lawn in the city, why should it be different in the country. Private property is private property, no exceptions. The new RCMP are not well trained anymore, verbal judo does not work. I am ex Military Police, the new RCMP are afraid of their shadows.



To: LSBQuestionnaire@gov.sk.ca
Subject: Trespass Legislation

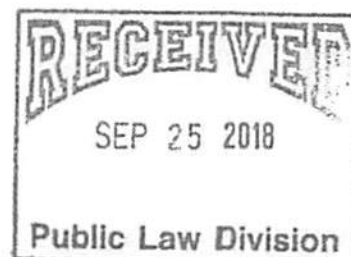
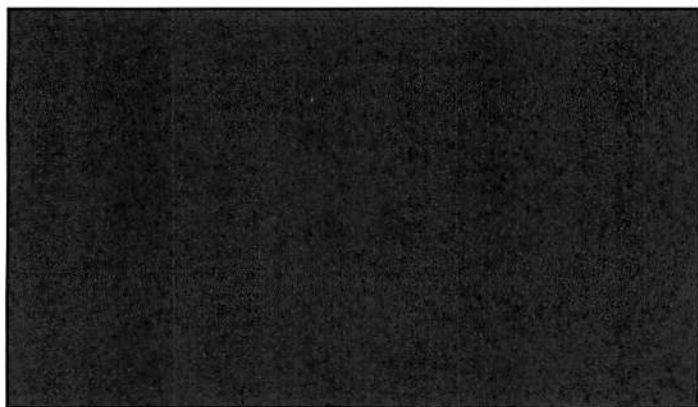
Ministry Of Justice
Legislative Service Branch

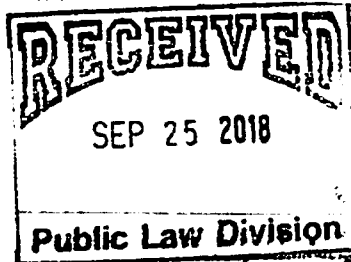
Att: Review of Trespass Related Legislation
800 1874 Scarth Street
Regina Sk. S4P 4B3

Access to private property should be by permission only on any property , cultivated or pasture.

Permission by owner or manager

It wouldn't be unreasonable to have to ask permission, It is private property and we pay the taxes and maintain it.





Sept. 20 2018


Thank you for considering these comments.

YES: Daskatchewan legislation should provide that all access by members of the public to rural property requires the prior express permission of the rural land owner or occupier regardless of the activity. Failure to seek that Consent should constitute an offence.

That permission should be sought by contacting the landowner directly and granted by the landowner if he so desires. If permission is granted it should be in writing, making it easier for law enforcement officers to know if someone should be on a certain property or not.

We have had problems with people driving through newly seeded fields making ruts and damaging the crop. Also ripping around in hay fields damaging and flattening hay so it is hard to harvest. In winter trespassers have run over hayfields with 4 wheelers packing down snow cover which is harmful to the hay.

We have land scattered in several locations which makes it basically very difficult and costly to try and post it all or to patrol it to ask people to not trespass.



Sept. 25th, 2018
[redacted] Sask.

Dear Sir, or Madame,

My Dad, [redacted] was [redacted]

[redacted] born in [redacted]
in [redacted] Dad, his Brother [redacted] & [redacted]
homesteaded on our ranch & farm in 1902. The
ranch was located on the [redacted]

[redacted] Sask. Our
ranch & farm was 100 years old in 2002. It is
still there today, but is owned & operated by
a new owner. They sold the farm, not the ranch.

From day one our family always had
"No Hunting or Fishing" without permission. Then
we changed it to, written permission only.
We had 60 miles of perimeter fence & put up
"No Hunting" signs on all gates, with road access.
We still had gates left open, fences taken
down & cattle out. It got worse when [redacted]

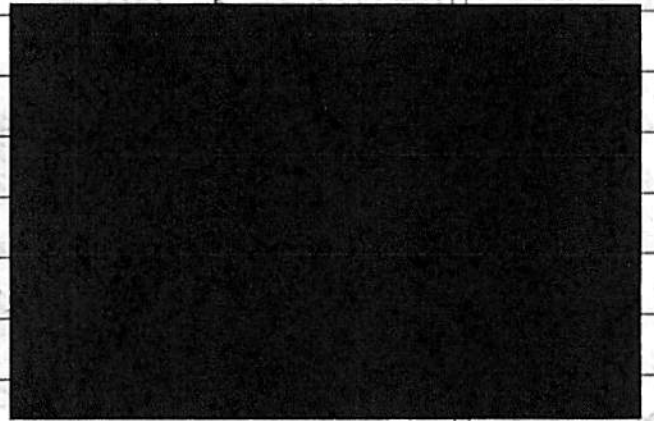
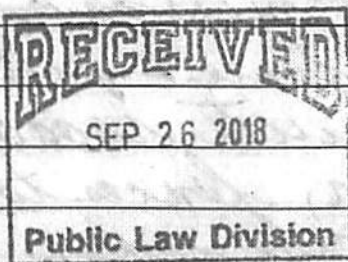
[redacted] was developed in 1966. Our
biggest problems was with quaders & dirt
bikers. It was impossible for Game Wardens
& R.C.M.P. to patrol the pastures. We sometimes
took matters into our own hands, knowing
we should not have. People have no respect.

The present ranch owners have the same
"permission" regulations we had, with verbal
permission.

I would like to see Legislated, "Mandatory
Written Permission", Dated & Signed by Land Owner,
for all members of the public, on all agricultural
property, regardless of the activity. (over)

Mandatory Written Permission would help
Game Wardens & R.C.M.P. the authority to
deal with the public trespassers who
are violating the Legislation.

I am a member of [REDACTED]
+ we were recognized by the [REDACTED]
Assn. For more information I can be
contacted by telephone at [REDACTED]
Thank you for your time & decision.



- (b) that is surrounded by a fence, a natural boundary or a combination of a fence and a natural boundary, or
- (c) that is enclosed in a manner that indicates the owner's or occupier's intention to keep persons off the land or to keep animals on the land."

2) Alberta's *Wildlife Act* prohibits hunting on "occupied land" without consent:

"[O]ccupied land" means

- (a) privately owned land under cultivation or enclosed by a fence of any kind and not exceeding one section in area on which the owner or occupant actually resides, and
- (b) any other privately owned land that is within one mile of the section referred to in clause (a) and that is owned or leased by the same owner or occupant.

Please see the attached jurisdictional review chart to note the differing rules for access as well as the fines that an individual may be subject to for committing a trespass pursuant to petty trespass legislation in Canadian jurisdictions.

Advance Permission

Given the disparities in approaches within Saskatchewan legislation and the approaches taken in other provincial jurisdictions, the Government of Saskatchewan is seeking public input on the need to revise and consolidate the approach taken with respect to trespass in the various Saskatchewan Acts. This would see all of the above-noted legislation moving to requiring express consent prior to access.

In particular, we are asking:

- Q. Should all access by members of the public to rural property require the express advance permission of the rural land owner regardless of the activity? *yes*

Type of Rural Property

As noted above, what constitutes rural property for trespass purposes is also not uniform between provincial jurisdictions. For example, Alberta's *Petty Trespass Act* states:

2.1(1) Entry on land may be prohibited by notice to that effect,
and entry is prohibited without any notice on land

- (a) that is a lawn, garden or land that is under cultivation,
- (b) that is surrounded by a fence, a natural boundary or a combination of a fence and a natural boundary, or
- (c) that is enclosed in a manner that indicates the owner's or occupier's intention to keep persons off the land or to keep animals on the land.

Q. Should there be a distinction between cultivated land, fenced property and open pasture land or should all land being used for agricultural purposes be treated the same?

Yes. All land being used for ag. purposes should be treated the same

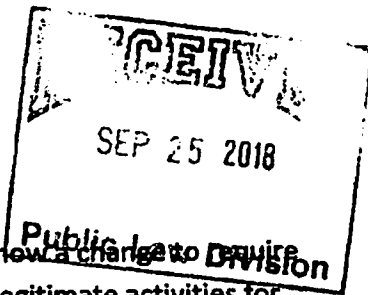
Method of Permission

At the same time as we are considering a process that would require permission for access, it is appropriate to ask how such permission would best be sought.

For example, should an individual seeking access be required to first seek permission by attending at any on site inhabited residence by the most direct route from a main access point? Such an approach would seek to avoid having individuals cross the property prior to seeking permission and then indicating that they were simply looking for the homestead. Similarly, provisions regarding posting of email addresses or enhanced access to landowners through municipal offices may require consideration to avoid defeating legitimate efforts to seek consent and therefore to conduct legitimate activities.

Q. How should permission be sought and granted?

Phone - email - Direct Contact



Impact of Change

We are also seeking the comments of Saskatchewan citizens on how a change to require permission prior to access would impact recreational and other legitimate activities for members of the public with respect to rural land. For snowmobilers, atv-ers, hunters and other recreationalists, would this change represent an impediment to their activities that cannot be adequately managed? Keeping in mind that there is no legal entitlement to access to private property, does making consent an express prerequisite prior to access represent an unreasonable impediment?

Q. Would making consent an express prerequisite in all circumstances represent an unreasonable impediment to recreational activities? *No.*

Enforcement

As part of this initiative, a review of the penalties and enforcement options regarding trespass is also being conducted to determine whether adequate and immediate enforcement options are available to serve as a deterrent to those who fail to comply with the applicable legislation.

Hunting and Fishing Rights

It should be noted that First Nations hunting and fishing rights are Constitutional rights that are set out in the Treaties and are protected by the Natural Resources Transfer Agreement of 1930. Whether First Nations people have a right of access to any particular lands will continue to be governed by the Treaties, the Natural Resources Transfer Agreement, and the court decisions that have interpreted those rights.

Government's view is that the current *Trespass to Property Act* does not affect Treaty hunting and fishing rights as it neither creates a right of access to privately owned land nor takes those rights away. This will in no way change with any of the possible amendments discussed in this paper.

The Government of Saskatchewan is also of the view that Metis Aboriginal hunting and fishing rights are not affected by any amendments that may be proposed to *The Trespass of Property Act*. Whether Metis people have access to any particular lands for the purpose of hunting and fishing will continue to be governed by the court decisions that have interpreted those rights.

In regards to trespassing of agriculture land survey:

Question #1 - Yes - All access by members of the public to rural property should require advanced permission from the rural land owner regardless of the activity.

Question 2 - There should not be a distinction between cultivated land, fenced property and open pasture land. All agricultural land should be treated the same.

Question 3 - Permission can be granted verbally - face to face or telephone.

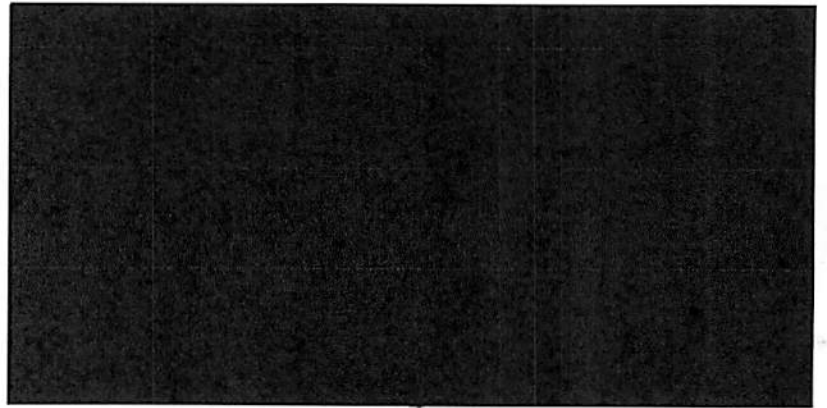
Question 4 - Consent should also be required for all recreational activities and hunting, too.

This should also apply to indigenous people as they can spread disease and weeds and endanger farm animals.

I am a retired teacher and have lived on a mixed farm the past 45 years. It is my understanding that clubroot is very easily spread and is becoming more
(over)

prevalent on fields. Therefore I firmly believe that the land owner should have to give permission for each and every person who crosses.

Thank you for
conducting this survey,



Public Law Division

In regards to trespassing of agriculture land survey:

Question #1 - Yes - All access by members of the public to rural property should require advanced permission from the rural land owner regardless of the activity.

Question 2 - There should not be a distinction between cultivated land, fenced property and open pasture land. All agricultural land should be treated the same.

Question 3 - Permission can be granted verbally - face to face or telephone.

Question 4 - Consent should also be required for all recreational activities and hunting, too.

This should also apply to indigenous people as they can spread disease and weeds and endanger farm animals.

[REDACTED]

R. M. of Emeralds # 277

[REDACTED]

[REDACTED]

(home)

(b) that is surrounded by a fence, a natural boundary or a combination of a fence and a natural boundary, or
(c) that is enclosed in a manner that indicates the owner's or occupier's intention to keep persons off the land or to keep animals on the land."

2) Alberta's *Wildlife Act* prohibits hunting on "occupied land" without consent:

"[O]ccupied land" means

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(b) any other privately owned land that is within one mile of the section referred to in clause (a) and that is owned or leased by the same owner or occupant.

Please see the attached jurisdictional review chart to note the differing rules for access as well as the fines that an individual may be subject to for committing a trespass pursuant to petty trespass legislation in Canadian jurisdictions.

Advance Permission

Given the disparities in approaches within Saskatchewan legislation and the approaches taken in other provincial jurisdictions, the Government of Saskatchewan is seeking public input on the need to revise and consolidate the approach taken with respect to trespass in the various Saskatchewan Acts. This would see all of the above-noted legislation moving to requiring express consent prior to access.

In particular, we are asking:

Q. Should all access by members of the public to rural property require the express advance permission of the rural land owner regardless of the activity?

Yes, in person, with written permission for that year!! I would like to meet the people who hunt on my land !!

Type of Rural Property

As noted above, what constitutes rural property for trespass purposes is also not uniform between provincial jurisdictions. For example, Alberta's *Petty Trespass Act* states:

2.1(1) Entry on land may be prohibited by notice to that effect,

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Q. Should there be a distinction between cultivated land, fenced property and open pasture land or should all land being used for agricultural purposes be treated the same? *All LAND should be treated the same!!*

Method of Permission

At the same time as we are considering a process that would require permission for access, it is appropriate to ask how such permission would best be sought.

For example, should an individual seeking access be required to first seek permission by attending at any on site inhabited residence by the most direct route from a main access point? Such an approach would seek to avoid having individuals cross the property prior to seeking permission and then indicating that they were simply looking for the homestead. Similarly, provisions regarding posting of email addresses or enhanced access to landowners through municipal offices may require consideration to avoid defeating legitimate efforts to seek consent and therefore to conduct legitimate activities.

Q. How should permission be sought and granted?

*They should come to the land owner in Person!!
It should be written on paper for that year only!!*

Impact of Change

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Q. Would making consent an express prerequisite in all circumstances represent an unreasonable impediment to recreational activities?

Written

Permission also for ATV, skidoo's etc for that year!!

Enforcement

In winter skidoo's run into my electric fence and maybe get hurt!! also tear up the fence.

As part of this initiative, a review of the penalties and enforcement options regarding trespass is also being conducted to determine whether adequate and immediate enforcement options are available to serve as a deterrent to those who fail to comply with the applicable legislation.

Hunting and Fishing Rights

It should be noted that First Nations hunting and fishing rights are Constitutional rights that are set out in the Treaties and are protected by the Natural Resources Transfer Agreement of 1930. Whether First Nations people have a right of access to any particular lands will continue to be governed by the Treaties, the Natural Resources Transfer Agreement, and the court decisions that have interpreted those rights.

Government's view is that the current *Trespass to Property Act* does not affect Treaty hunting and fishing rights as it neither creates a right of access to privately owned land nor takes those rights away. This will in no way change with any of the possible amendments discussed in this paper.

The Government of Saskatchewan is also of the view that Metis Aboriginal hunting and fishing rights are not affected by any amendments that may be proposed to *The Trespass of Property Act*. Whether Metis people have access to any particular lands for the purpose of hunting and fishing will continue to be governed by the court decisions that have interpreted those rights.

Modern production of hogs and poultry involves raising large numbers of animals in confined facilities. As a result of these conditions, a disease outbreak can lead to significant losses. To prevent such outbreaks, operators of these facilities have strict biosecurity controls to ensure their facilities remain disease free. People or vehicles trespassing on land where these facilities are located could increase the risk of bringing in diseases.

It has been suggested that the culture in rural Saskatchewan has become one of "access unless expressly denied" rather than "access if expressly permitted". In other western provinces, a different approach is taken to allowing access to private land. Using Alberta as an example, the following rules are set out with respect to access:

1) The Alberta *Petty Trespass Act* requires specific approval to enter land under cultivation:

Prohibition

"2(1) Every person who

(a) without the permission of the owner or occupier of land enters on land when entry is prohibited under section 2.1,

or

(b) does not leave land immediately after he or she is directed to do so by the owner or occupier of the land or a person authorized by the owner or occupier

is guilty of an offence.

(2) A person who is guilty of an offence under subsection (1), whether or not any damage is caused by the contravention, is liable

(a) for a first offence, to a fine not exceeding \$2000, and

(b) for a 2nd or subsequent offence in relation to the same land, to a fine not exceeding \$5000.

(3) It is a defence to a charge under subsection (2) for the accused to establish that the accused had a right or authority conferred by law to be on the land.

(4) There is a presumption that access for lawful purposes to the door of a building on land by a pathway apparently provided for the purpose of access is not a trespass.

2.1(1) Entry on land may be prohibited by notice to that effect, and entry is prohibited without any notice on land

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2) Alberta's *Wildlife Act* prohibits hunting on "occupied land" without consent:

"[O]ccupied land" means

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Advance Permission

Given the disparities in approaches within Saskatchewan legislation and the approaches taken in other provincial jurisdictions, the Government of Saskatchewan is seeking public input on the need to revise and consolidate the approach taken with respect to trespass in the various Saskatchewan Acts. This would see all of the above-noted legislation moving to requiring express consent prior to access.

In particular, we are asking:

- Q. Should all access by members of the public to rural property require the express advance permission of the rural land owner regardless of the activity?**

Yes, all access by members of the public to rural property should require the express advance permission of the rural land owner regardless of the activity.

Type of Rural Property

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Q. Should there be a distinction between cultivated land, fenced property and open pasture land or should all land being used for agricultural purposes be treated the same?

No, there should be no distinctions. All land being used for agricultural purposes should be treated the same.

Method of Permission

At the same time as we are considering a process that would require permission for access, it is appropriate to ask how such permission would best be sought.

For example, should an individual seeking access be required to first seek permission by attending at any on site inhabited residence by the most direct route from a main access point? Such an approach would seek to avoid having individuals cross the property prior to seeking permission and then indicating that they were simply looking for the homestead. Similarly, provisions regarding posting of email addresses or enhanced access to landowners through municipal offices may require consideration to avoid defeating legitimate efforts to seek consent and therefore to conduct legitimate activities.

Q. How should permission be sought and granted?

Permission could be sought and granted by visiting the RM office and receiving a pass similar to a provincial park pass. It could show the dates a person is planning to go off a graded road surface belonging to the public (RM road) for recreational purposes. Every land owner who is willing to allow

access could give the RM the conditions/ details of the permission given as well as contact information. If the RM feels it necessary to charge for this service, the cost should be paid for by the person(s) requesting permission.

Impact of Change

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Q. Would making consent an express prerequisite in all circumstances represent an unreasonable impediment to recreational activities?

No, I don't believe it would be an impediment. Do urban land owners allow ~~everyone~~ everyone to play a game of lawn darts on their front lawns, play hockey on their driveways, or play basketball in their backyards in the name of recreation?

Enforcement

As part of this initiative, a review of the penalties and enforcement options regarding trespass is also being conducted to determine whether adequate and immediate enforcement options are available to serve as a deterrent to those who fail to comply with the applicable legislation.

Hunting and Fishing Rights

It should be noted that First Nations hunting and fishing rights are Constitutional rights that are set out in the Treaties and are protected by the Natural Resources Transfer Agreement of 1930. Whether First Nations people have a right of access to any particular lands will continue to be governed by the Treaties, the Natural Resources Transfer Agreement, and the court decisions that have interpreted those rights.

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Have Your Say

We would invite any comments or recommendations by members of the public with respect to these questions and this issue in general **by October 1, 2018.**

.....

Please note: your comments are being gathered for the purpose of informing public debate on this issue and may be disclosed to third parties in support of this purpose.

Contact

Written submissions, comments, and questions can be forwarded to:

Ministry of Justice
Legislative Services Branch
Attn: Review of Trespass Related Legislation
800 - 1874 Scarth Street
Regina, SK S4P 4B3

Or by email to: LSBQuestionnaire@gov.sk.ca

.....

The unfortunate increase in rural crime has had a negative impact on farms and farm families. Willful damage of machinery/property, theft, and vandalism have left many of us feeling vulnerable. It affects our bottom line directly. It is unfair and unfeasible to expect the RCMP to prevent/solve the present situation. If someone is not on a public road they should need to have a pass card/→

window sticker to enable Law Enforcement to easily identify vehicles/~~vehicles~~ individuals that have or don't have permission. These stickers could also indicate date and time.

Penalties and Express Permission Requirements In Canadian Trespass Legislation

| Jurisdiction | Legislation | Fine | Express permission required |
|---------------------------|---|---|---|
| British Columbia | <i>Trespass Act</i> | \$100 ticket | No |
| Alberta | <i>Petty Trespass Act</i> | \$250 ticket | Yes for a lawn, garden or land that is under cultivation |
| | <i>Trespass to Premises Act</i> – only applies to buildings | \$2000 for first offence, \$5000 for subsequent offence | No |
| Saskatchewan | <i>The Trespass to Property Act</i> | \$2000 at trial, \$200 by ticket | No |
| Manitoba | <i>The Petty Trespasses Act</i> | \$113 ticket | No |
| Ontario | <i>Trespass to Property Act</i> | \$10,000 | Yes for a garden, field or other land that is under cultivation |
| Quebec | <i>Agricultural Abuses Act</i> | \$100 | Yes for land or beach land |
| New Brunswick | <i>Trespass Act</i> | \$10,200 | Yes for trespass by motor vehicle on land that is being cultivated for the production of food for humans or livestock |
| Nova Scotia | <i>Protection of Property Act</i> | \$500 | Yes for a lawn, garden, orchard, vineyard, golf course or acreage managed for agricultural crops |
| Prince Edward Island | <i>Trespass to Property Act</i> | \$2000 | Yes for a lawn, garden, orchard, vineyard, golf course or acreage managed for agricultural crops |
| Newfoundland and Labrador | <i>Petty Trespass Act</i> | | Applies only to industrial, commercial, business or educational premises |
| Yukon | None | | |
| Northwest Territories | None | | |
| Nunavut | None | | |

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In particular, we are asking:

Q. Should all access by members of the public to rural property require the express advance permission of the rural land owner regardless of the activity?

Yes they should get written permission for hunting or anything else

Type of Rural Property

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Q. How should permission be sought and granted?

Meet the person in person give
a written permission

Impact of Change

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Q. Would making consent an express prerequisite in all circumstances represent an unreasonable impediment to recreational activities?

permission for Atv and Snowmobiles also

Enforcement

As part of this initiative, a review of the penalties and enforcement options regarding trespass is also being conducted to determine whether adequate and immediate enforcement options are available to serve as a deterrent to those who fail to comply with the applicable legislation.

Hunting and Fishing Rights

It should be noted that First Nations hunting and fishing rights are Constitutional rights that are set out in the Treaties and are protected by the Natural Resources Transfer Agreement of 1930. Whether First Nations people have a right of access to any particular lands will continue to be governed by the Treaties, the Natural Resources Transfer Agreement, and the court decisions that have interpreted those rights.

Government's view is that the current *Trespass to Property Act* does not affect Treaty hunting and fishing rights as it neither creates a right of access to privately owned land nor takes those rights away. This will in no way change with any of the possible amendments discussed in this paper.

The Government of Saskatchewan is also of the view that Metis Aboriginal hunting and fishing rights are not affected by any amendments that may be proposed to *The Trespass of Property Act*. Whether Metis people have access to any particular lands for the purpose of hunting and fishing will continue to be governed by the court decisions that have interpreted those rights.

[REDACTED]
September 20, 2018

Dear Sir:

In regards to trespassing legislation:

① There should be advance permission of the rural land owner regardless of the activity.

② All land used for agricultural purposes should be treated the same.

The reasons for the above is also for the safety of the people who are trespassing as some of these fields may have fences that are either not easily visible which were previously used by former landowners or covered by snowbanks.

Trespassers have left gates open leading to pastures occupied by cows which has caused problems with the cows leaving their enclosed area.

Thank you for your attention to this important matter.
Yours truly,
[REDACTED]

Sept 16, 2018

Ministry of Justice

Legislative Service Branch

attn: Research of Troopass Related Legislation

800-1874 Secret 5X

Regina Sask.

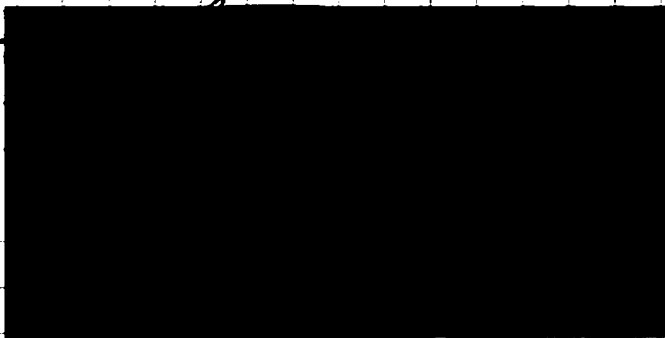
S4P4B3

Survey Feedback:

In response to your 4 questions being posed:

- ① All access by members of the public to rural property should and must have the advanced written permission of the rural land owner regardless of activity.
- ② All land being used for agricultural purposes should be treated the same. This eliminates doubt and ambiguity.
- ③ Permission to access rural property should be sought in person with written permission only being required.
- ④ Recreational activities should require written consent as well. Troopassing is trespassing without written permission.

Thank you for the opportunity to provide input.



Sept 19/2018

To Ministry of Justice

I was truly excited to read in the ~~settlemans~~ that the government of Sask is planning to review trespass legislation. (long overdue). if ever there was an overdue (Bill) this is it.

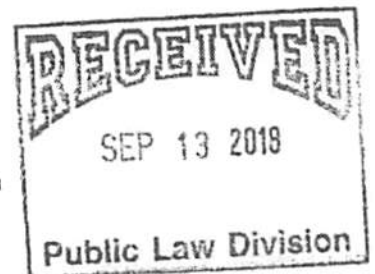
I believe that there is a direct connection between rural crime and people that enter private rural property without consent.

All rural property owners know and are aware that posting land, or fencing it is not the answer to keeping human predators off their property.

The oneness should not be on the land owner, to keep people off their private property. The oneness should be on the person who wants to enter the private property with a written consent. anything short of that should be considered a crime, and should be dealt with severely.

Legislators have a great opportunity to get ~~the~~ it right this time.

I sure hope that you have been listening



(b) that is surrounded by a fence, a natural boundary or a combination of a fence and a natural boundary, or

(c) that is enclosed in a manner that indicates the owner's or

occupier's intention to keep persons off the land or to keep animals on the land."

2) Alberta's *Wildlife Act* prohibits hunting on "occupied land" without consent:

"[O]ccupied land" means

(a) privately owned land under cultivation or enclosed by a fence of any kind and not exceeding one section in area on which the owner or occupant actually resides, and

(b) any other privately owned land that is within one mile of the section referred to in clause (a) and that is owned or leased by the same owner or occupant.

Please see the attached jurisdictional review chart to note the differing rules for access as well as the fines that an individual may be subject to for committing a trespass pursuant to petty trespass legislation in Canadian jurisdictions.

Advance Permission

Given the disparities in approaches within Saskatchewan legislation and the approaches taken in other provincial jurisdictions, the Government of Saskatchewan is seeking public input on the need to revise and consolidate the approach taken with respect to trespass in the various Saskatchewan Acts. This would see all of the above-noted legislation moving to requiring express consent prior to access.

In particular, we are asking:

Q. Should all access by members of the public to rural property require the express advance permission of the rural land owner regardless of the activity?

As the land owner I pay my taxes the land is in my name I should have the say as to why + who is entering onto my rural land. I'm pretty sure in the urban area that people would not be happy if I was to walk through back yards in the city. I should not have to incur the cost of posting land that I own.

Type of Rural Property

As noted above, what constitutes rural property for trespass purposes is also not uniform between provincial jurisdictions. For example, Alberta's *Petty Trespass Act* states:

2.1(1) Entry on land may be prohibited by notice to that effect,

and entry is prohibited without any notice on land

(a) that is a lawn, garden or land that is under cultivation,

(b) that is surrounded by a fence, a natural boundary or a combination of a fence and a natural boundary, or

(c) that is enclosed in a manner that indicates the owner's or occupier's intention to keep persons off the land or to keep animals on the land.

Q. Should there be a distinction between cultivated land, fenced property and open pasture land or should all land being used for agricultural purposes be treated the same? All land s/b treated the same. Enter with permission only.

Method of Permission

At the same time as we are considering a process that would require permission for access, it is appropriate to ask how such permission would best be sought.

For example, should an individual seeking access be required to first seek permission by attending at any on site inhabited residence by the most direct route from a main access point? Such an approach would seek to avoid having individuals cross the property prior to seeking permission and then indicating that they were simply looking for the homestead. Similarly, provisions regarding posting of email addresses or enhanced access to landowners through municipal offices may require consideration to avoid defeating legitimate efforts to seek consent and therefore to conduct legitimate activities.

Q. How should permission be sought and granted?

Any Anyone who is interested in entering onto my land can purchase at any R.M. Office a map for \$10.00 that will show and tell them where the homestead is located. There is always a way if they are willing to take the time to consider they are entering someone else's property.

Impact of Change

We are also seeking the comments of Saskatchewan citizens on how a change to require permission prior to access would impact recreational and other legitimate activities for members of the public with respect to rural land. For snowmobilers, atv-ers, hunters and other recreationalists, would this change represent an impediment to their activities that cannot be adequately managed? Keeping in mind that there is no legal entitlement to access to private property, does making consent an express prerequisite prior to access represent an unreasonable impediment?

Q. Would making consent an express prerequisite in all circumstances represent an unreasonable impediment to recreational activities?

If you have the time to go ATV, hunting etc. you must take the time to get permission from the land owner.

Enforcement

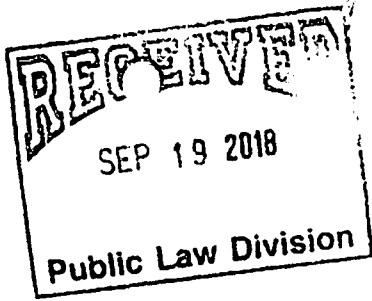
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Hunting and Fishing Rights

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[REDACTED]

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[REDACTED]

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In particular, we are asking:

Q. Should all access by members of the public to rural property require the express advance permission of the rural land owner regardless of the activity?

yes

Type of Rural Property

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Q. Should there be a distinction between cultivated land, fenced property and open pasture land or should all land being used for agricultural purposes be treated the same?

NO - property is property

Method of Permission

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For example, should an individual seeking access be required to first seek permission by attending at any on site inhabited residence by the most direct route from a main access point? Such an approach would seek to avoid having individuals cross the property prior to seeking permission and then indicating that they were simply looking for the homestead. Similarly, provisions regarding posting of email addresses or enhanced access to landowners through municipal offices may require consideration to avoid defeating legitimate efforts to seek consent and therefore to conduct legitimate activities.

Q. How should permission be sought and granted?

Text or in writing
Everyone has a cell phone

Impact of Change

We are also seeking the comments of Saskatchewan citizens on how a change to require permission prior to access would impact recreational and other legitimate activities for members of the public with respect to rural land. For snowmobilers, atv-ers, hunters and other recreationalists, would this change represent an impediment to their activities that cannot be adequately managed? Keeping in mind that there is no legal entitlement to access to private property, does making consent an express prerequisite prior to access represent an unreasonable impediment?

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Enforcement

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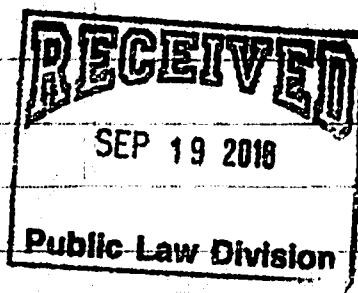
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Permission should be required
to enter any private property,
regardless of the reason.
Landowners should not be
required to post their land.



N.B.. Trespassing Related Legislation

1: All access by members of the public to rural Private Property require the express advance permission of the Rural Landowner regardless of the activity.

2. Entry on land be prohibited that is under cultivation and including all areas On that privately owned property including entryways

- that is surrounded by a fence or natural boundary or a combination of both

- that it is in a manner that indicates the owners intention to keep off their Land

- all land privately owned in the Rural area should be treated in this manner

3: permission from the land owner must be obtained.

Signed: 

Date: 14/09/2018 

Sent from my iPad

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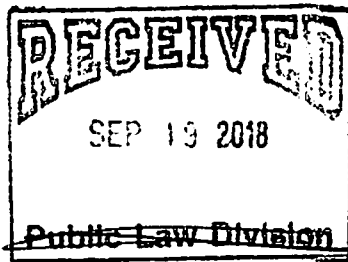
- all land privately owned in the Rural area should be treated in this manner

3: permission from the land owner must be obtained.

Signed: 

Date: 14-09-18

Sent from my iPad



September 17, 2018

Ministry of Justice
Legislative Services Branch
Attn: Review of Trespass Related Legislation
800 - 1874 Scarth Street
Regina, SK S4P 4B3

RE: In regards to your Questions pertaining to changing the Trespass Laws

Q - Should all access by members of the public to rural property require the express advance permission of the rural land owner regardless of the activity?

YES, permission should be obtained before entering the land. My neighbour, as well as [REDACTED], have been shot at while trying to work on our land. The so-called hunters entered the land not realizing we were working there, as not all land is flat. The law should also include indigenous people as well as they could also create this same unsafe work environment without obtaining permission.

We caught and recorded 3 trespassers that refused to leave our land. The trespassers had firearms, we did not bring our firearms when we confronted them. Saskatchewan Game Warden was able to put on their permanent life record that they were trespassing and refusing to leave. The police would not charge them because they removed our No Trespassing, No Hunting sign. We know it was there the day before as we were preparing the pasture for cattle. This would stop the expensive cost to purchase, post and maintain these signs. They are constantly shot at and removed by criminals.

Q - Should there be a distinction between cultivated land, fenced property and open pasture land or should all land being used for agricultural purposes be treated the same?

ALL land should be treated the same for the reasons stated above. This is our workplace, we as farmers don't seem to have any rights of safety in our workplace. It will also serve as clarity that if you don't own the property, you are trespassing. As the laws stand in the towns and cities, the laws should also stand in the rural areas. Unfortunately times have changed that is why this law is being looked at. Legitimate hunters already ask permission to hunt. There are shady people running around that these laws need changed for.

Q - How should permission be sought or granted?

We only allow word of mouth hunting on our land. We have to know you or somebody we know has to know you to vouch that you are a law-abiding citizen. We will not allow unknown individuals on our property, especially if they intend to use firearms. They should obtain verbal or written permission to ensure safety of both parties.

Prior contact should be made by phone or mail. Rural municipalities should not give out any information that is not already considered public information. E-mails should not be given out. Maps can be purchased from any municipality, which at this time indicate who the land owners are. If you are unable to reach the land owner, then you do not trespass on the land without permission. Not all land owners want to be hassled by people wanting to enter their land, we should also have a right to privacy.

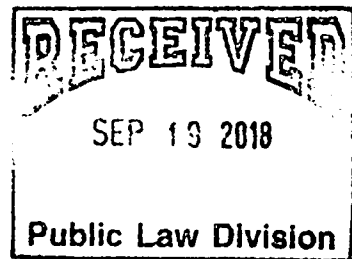
Q - Would making consent an express prerequisite in all circumstances represent an unreasonable impediment to recreational activities?

NO. Skidoos, quads and side by sides are also creating damage to lands and the noisy mufflers are running cattle through the fences. We have also caught people in acts of prostitution, drug dealing and partying, which has left behind broken glass and nails on the property from burnt pallets. I am not able to burn on my land without a burning permit. Trespassers should also be held to the same laws. They are also damaging equipment by the ruts left behind and creating a hazard to losing our crop yields through wheel damage and fires.

Yes, you bring up a very important rising issue of crop disease and contamination. This is a very forward thinking point of view as this issue is continuing to surface more and more. Somebody who feels like their right to have a little fun, should not keep us from selling our crops due to disease and contamination.

I hope this helps in your review of the current trespassing laws.





(b) that is surrounded by a fence, a natural boundary or a combination of a fence and a natural boundary, or

(c) that is enclosed in a manner that indicates the owner's or occupier's intention to keep persons off the land or to keep animals on the land."

2) Alberta's *Wildlife Act* prohibits hunting on "occupied land" without consent:

"[O]ccupied land" means

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Please see the attached jurisdictional review chart to note the differing rules for access as well as the fines that an individual may be subject to for committing a trespass pursuant to petty trespass legislation in Canadian jurisdictions.

Advance Permission

Given the disparities in approaches within Saskatchewan legislation and the approaches taken in other provincial jurisdictions, the Government of Saskatchewan is seeking public input on the need to revise and consolidate the approach taken with respect to trespass in the various Saskatchewan Acts. This would see all of the above-noted legislation moving to requiring express consent prior to access.

In particular, we are asking:

- Q. Should all access by members of the public to rural property require the express advance permission of the rural land owner regardless of the activity?

Yes they should. If I went to town or the city and drove on their property and used it as my personal playground the police would be called and I would be charged!

Type of Rural Property

As noted above, what constitutes rural property for trespass purposes is also not uniform between provincial jurisdictions. For example, Alberta's *Petty Trespass Act* states:

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Q. Should there be a distinction between cultivated land, fenced property and open pasture land or should all land being used for agricultural purposes be treated the same?

all land for ~~agricultural~~ agricultural purposes should be treated the same.

Method of Permission

At the same time as we are considering a process that would require permission for access, it is appropriate to ask how such permission would best be sought.

For example, should an individual seeking access be required to first seek permission by attending at any on site inhabited residence by the most direct route from a main access point? Such an approach would seek to avoid having individuals cross the property prior to seeking permission and then indicating that they were simply looking for the homestead. Similarly, provisions regarding posting of email addresses or enhanced access to landowners through municipal offices may require consideration to avoid defeating legitimate efforts to seek consent and therefore to conduct legitimate activities.

Q. How should permission be sought and granted?

Permission should be sought in person and granted in writing and signed by landowner or operator in charge of the land.

Impact of Change

We are also seeking the comments of Saskatchewan citizens on how a change to require permission prior to access would impact recreational and other legitimate activities for members of the public with respect to rural land. For snowmobilers, atv-ers, hunters and other recreationalists, would this change represent an impediment to their activities that cannot be adequately managed? Keeping in mind that there is no legal entitlement to access to private property, does making consent an express prerequisite prior to access represent an unreasonable impediment?

Q. Would making consent an express prerequisite in all circumstances represent an unreasonable impediment to recreational activities?

No. These people feel that once they leave town or city limits they can do whatever they want. yet Enforcement do not go on their property.

As part of this initiative, a review of the penalties and enforcement options regarding trespass is also being conducted to determine whether adequate and immediate enforcement options are available to serve as a deterrent to those who fail to comply with the applicable legislation.

Hunting and Fishing Rights

It should be noted that First Nations hunting and fishing rights are Constitutional rights that are set out in the Treaties and are protected by the Natural Resources Transfer Agreement of 1930. Whether First Nations people have a right of access to any particular lands will continue to be governed by the Treaties, the Natural Resources Transfer Agreement, and the court decisions that have interpreted those rights.

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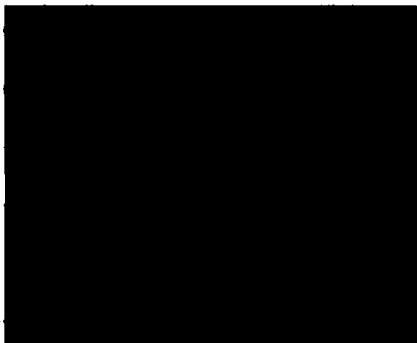
These people with their vehicles are moving fire hazards in the fall. A number of years ago bird hunters started a fire with their vehicles. They fled the scene and my neighbours and myself fought fire for half a day. One day someone will lose their entire yard and home to this stupidity and the perpetrators probably will never be caught.

Vehicles are also spreading crop diseases with their tires. The land and crops are our livelihood and yet hunters and recreational people have no respect.

Grain bags and grain piles being driven on by ATVs and snowmobiles.

Land owner buy this land, make payments on it, pay taxes on it and make their living from it. No one else has the right to use this land as their playground!

It is up to the government to make sure landowners are protected!



SEP 19 2018

Public Law Division

SEPT 15/18

DEAR MINISTRY OF JUSTICE:

REGARDING TRESPASSING: I AM A LANDOWNER, HUNTER, SNOWMOBILER AND A WILD BERRY PICKER.

I BELIEVE, IF A LANDOWNER IS STRICKEN AGAINST ALL MEANS OF TRESPASSING, THEY SHOULD POST THE PROPERTY ACCORDINGLY. IN MOST CASES FOR SAFETY REASONS PERMISSION TO HUNT ON RURAL FARM OR PASTURE LAND SHOULD BE OBTAINED.

NO ONE SHOULD TRAVEL ON SOMEONE ELSE'S PROPERTY IN A MANNER CAUSING DAMAGE OR SPREAD OF WEEDS OR DISEASES. COMMON SENSE AND CONSIDERATION MUST BE EXERCISED WHEN ENTERING ON PRIVATE LAND.

I DON'T WANT TO SEE THE TRESPASSING LAW SO STRONG THAT: IF I WAS STUCK ON A RURAL ROAD, IT WOULD BE AN OFFENCE TO WALK ACROSS A SNOW COVERED FIELD TO OBTAIN HELP. CELL PHONE COVERAGE IS NOT ALWAYS AVAILABLE.

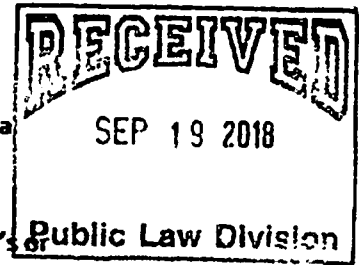
RURAL CRIME (THEFT VANDALISM) IS A ONGOING ISSUE, I THINK IS VERY ANNOYING AND FRUSTRATING. MY THOUGHTS ARE DIVIDED ON WHETHER TIGHTER TRESPASSING LAWS WOULD REDUCE THIS KIND OF ACTIVITY. THEFT/VANDALISM ALREADY ILLEGAL.

THANKS FOR THE OPPORTUNITY TO PUT FORTH MY INTERESTS.

(b) that is surrounded by a fence, a natural boundary or a combination of a fence and a natural boundary, or

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occupier's intention to keep persons off the land or to keep animals on the land."



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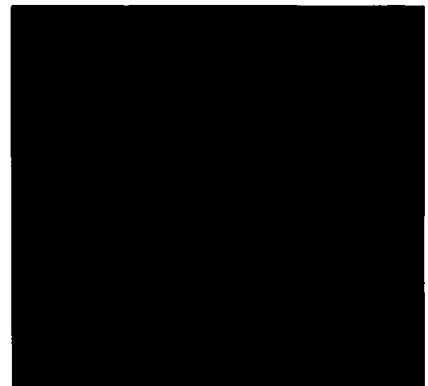
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In particular, we are asking:

Q. Should all access by members of the public to rural property require the express advance permission of the rural land owner regardless of the activity?

Yes



Type of Rural Property

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Q. Should there be a distinction between cultivated land, fenced property and open pasture land or should all land being used for agricultural purposes be treated the same?

ALL Land Treated The Same

Method of Permission

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Q. How should permission be sought and granted?

Sought

Impact of Change

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Enforcement

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Hunting and Fishing Rights

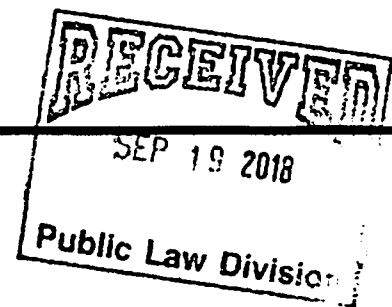
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To:
Subject:

LSBQuestionnaire@gov.sk.ca
Ministry of Justice - Trespass questionnaire



Ministry of Justice:

I have provided answers to the four questions regarding trespass and permission to enter land not in our ownership.

Q – Should all access by members of the public to rural property require the express advance permission of the rural land owner regardless of the activity?

A – YES, absolutely, anyone wanting to access another person's property for any legal activity MUST seek permission from the land owner.

Q – Should there be a distinction between cultivated land, fenced land and open pasture land or should all land being used for agriculture purposed be treated the same?

A – YES, absolutely, all land should be treated the same. The owner's land is private and no matter what it is used for, the person wanting access for any activity MUST seek permission before accessing that private property. One may think that because the land is uncultivated and only pasture that it is safe and reasonable to access it without permission, but that is not the case. Private property is PRIVATE! KEEP OUT>

Q How should permission be sought and granted?

A – First, given that we all have telephones or cell phones, call the owner of the land and request permission. A text or written document can be provided giving the location(s) that can be accessed and the duration. If someone wanting access does not know the owner, go to the community and find out as in rural SK, we all know each other. Second, with the onset of social media, contact the property owner that way. Third, drive into the owner's yard, go to the door and explain your situation. Nothing is better than a face-to-face meeting and explanation of needs. Do not expect to be given permission just because you ask. If the owner does not want people on his/her property, stay off!

Q – Would making consent an express prerequisite in all circumstances represent an unreasonable impediment to recreational activities?

A – YES, it might provide an unreasonable impediment to some group's recreational activity. SO WHAT?!?! As a land owner, I am not concerned that hunters "must" gain access to my property to support their hobby of bagging their annual white tail deer OR that the snowmobile club gets to cut across my field to host their annual charity run. I am in the business of farming and raising cattle, so my best interests are what are paramount to me. Let's face it, anyone in the city living with a fenced property does not have to put up with citizens trespassing their property for recreational needs, and neither do I.

Sincerely,



Sept 13/18

With the increase of land owned by one farmer or corporation many sections, and some owners don't live on the land or even in the province, Some land is miles apart or even in different RM's owned by some owners

As a hunter have no way to know to ask.

also this is opening a way to Paid Hunting, With no where to hunt licence sale will go down and Wildlife damage will increase In frustration there will be a increase in willfull Vandalism.

The access Road to Property should have the owners name address a phone #. If not access should be allow without permission

Yes I am
a hunter and a land owner:

(b) that is surrounded by a fence, a natural boundary or a combination of a fence and a natural boundary, or

(c) that is enclosed in a manner that indicates the owner's or occupier's intention to keep persons off the land or to keep animals on the land."

2) Alberta's *Wildlife Act* prohibits hunting on "occupied land" without consent:

"(O)ccupied land" means

(a) privately owned land under cultivation or enclosed by a fence of any kind and not exceeding one section in area on which the owner or occupant actually resides, and

(b) any other privately owned land that is within one mile of the section referred to in clause (a) and that is owned or leased by the same owner or occupant.

Please see the attached jurisdictional review chart to note the differing rules for access as well as the fines that an individual may be subject to for committing a trespass pursuant to petty trespass legislation in Canadian jurisdictions.

Advance Permission

Given the disparities in approaches within Saskatchewan legislation and the approaches taken in other provincial jurisdictions, the Government of Saskatchewan is seeking public input on the need to revise and consolidate the approach taken with respect to trespass in the various Saskatchewan Acts. This would see all of the above-noted legislation moving to requiring express consent prior to access.

In particular, we are asking:

- Q. Should all access by members of the public to rural property require the express advance permission of the rural land owner regardless of the activity?

Yes.

Type of Rural Property

As noted above, what constitutes rural property for trespass purposes is also not uniform between provincial jurisdictions. For example, Alberta's *Petty Trespass Act* states:

2.1(1) Entry on land may be prohibited by notice to that effect,

and entry is prohibited without any notice on land

(a) that is a lawn, garden or land that is under cultivation,

(b) that is surrounded by a fence, a natural boundary or a combination of a fence and a natural boundary, or

(c) that is enclosed in a manner that indicates the owner's or occupier's intention to keep persons off the land or to keep animals on the land.

Q. Should there be a distinction between cultivated land, fenced property and open pasture land or should all land being used for agricultural purposes be treated the same?

The Same.

Method of Permission

At the same time as we are considering a process that would require permission for access, it is appropriate to ask how such permission would best be sought.

For example, should an individual seeking access be required to first seek permission by attending at any on site inhabited residence by the most direct route from a main access point? Such an approach would seek to avoid having individuals cross the property prior to seeking permission and then indicating that they were simply looking for the homestead. Similarly, provisions regarding posting of email addresses or enhanced access to landowners through municipal offices may require consideration to avoid defeating legitimate efforts to seek consent and therefore to conduct legitimate activities.

Q. How should permission be sought and granted?

By direct contact if possible or by phone. Personal contact should be during daylight hours - preferably.

Impact of Change

We are also seeking the comments of Saskatchewan citizens on how a change to require permission prior to access would impact recreational and other legitimate activities for members of the public with respect to rural land. For snowmobilers, atv-ers, hunters and other recreationalists, would this change represent an impediment to their activities that cannot be adequately managed? Keeping in mind that there is no legal entitlement to access to private property, does making consent an express prerequisite prior to access represent an unreasonable impediment?

Q. Would making consent an express prerequisite in all circumstances represent an unreasonable impediment to recreational activities?

Enforcement

Not unreasonable considering weed transfer, garbage dumping and perhaps legal liability if accidents occur.

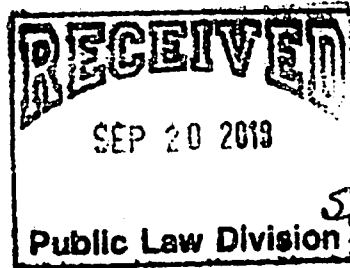
As part of this initiative, a review of the penalties and enforcement options regarding trespass is also being conducted to determine whether adequate and immediate enforcement options are available to serve as a deterrent to those who fail to comply with the applicable legislation.

Hunting and Fishing Rights

It should be noted that First Nations hunting and fishing rights are Constitutional rights that are set out in the Treaties and are protected by the Natural Resources Transfer Agreement of 1930. Whether First Nations people have a right of access to any particular lands will continue to be governed by the Treaties, the Natural Resources Transfer Agreement, and the court decisions that have interpreted those rights.

Government's view is that the current *Trespass to Property Act* does not affect Treaty hunting and fishing rights as it neither creates a right of access to privately owned land nor takes those rights away. This will in no way change with any of the possible amendments discussed in this paper.

The Government of Saskatchewan is also of the view that Metis Aboriginal hunting and fishing rights are not affected by any amendments that may be proposed to *The Trespass to Property Act*. Whether Metis people have access to any particular lands for the purpose of hunting and fishing will continue to be governed by the court decisions that have interpreted those rights.



TO: Ministry of Justice.

Yes, everyone should have to get permission to access private land. Their permission has to come from the land owner or person in charge of the land.

Cultivated land, pasture land, hay land all needs to be treated the same whether fenced or unfenced.

and lastly I'm sure it would impede some recreational activities because then people wouldn't be able to rip & tear up my farmland with their quads without my permission.

All people and all land should be treated equal. one rule should apply to everyone - not a different set of rules for this person or for this land. It just causes confusion and frustration.

My farm consists of 16 quarters of fenced hay and pasture land in St. Sak. Inside these fences is my work place. I have signs up but still they are ignored and I find people with guns in my work place. Where else are people with guns tolerated in someones work place? The land owner shouldn't have to spend hundreds of dollars ~~of~~ on signs and hours putting up signs only to have them ignored. Stricter laws - tougher penalties may help. The land ~~owners~~ owners do work with courteous

RECEIVED

hunters who come back before entering
our lands. This is all we
want - "make" permission mandatory,
we just want to know who is
on our land. After all we have
spent years paying for it and looking
after it.

Thank you.

