



Subject Restricted Areas – Section 13, Public Lands Act		Policy PL 2.09.01	Page 1 of 6
Compiled by - Branch Lands & Waters	Section Land Management	Date Issued May 9, 2008	
Replaces Directive Title Restricted Area Orders – Section 13, PLA	Number same	Dated February 11, 1997	

## 1.0 DEFINITIONS

In this policy:

"affected agencies" includes ministries of the Ontario Government, local roads boards, local services boards or any other agency that may be impacted by a restricted area;

"improvements" mean,

- a) the alteration of buildings or structures, excluding routine maintenance or repair; or
- b) physical modifications on or to the land to make the land more useable or to increase its utility (e.g. fences, driveways, retaining walls, fill, etc.); or,
- c) other activities as specified in the development guidelines or plan for a restricted area.

"Minister" means the Minister of Natural Resources;

"unorganized territory" means territory without municipal organization; and

"restricted area" means an area which has been designated by the Minister as a restricted area under Section 13(1) of the Public Lands Act.

## 2.0 BACKGROUND

Section 13 of the Public Lands Act provides for the establishment and administration of restricted areas by the Minister, in areas without municipal organization. Within a restricted area, permits are required for the erection of buildings or structures or the making of improvements, whether such work is on public or private lands.

The Ministry of Natural Resources (MNR) has in the past established restricted area orders to address situations where:

- a) the sudden unplanned resource or industrial based development would be indiscriminately scattered or substandard;
- b) the lack of a community planning process governing subdivisions, water supply, waste management, or development may result in serious fire and health hazards;
- c) development potential exists on private lands within or adjacent to a provincial park which would be incompatible with the park and an

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- approved master plan; and/or
- d) development would threaten significant resources (natural heritage values, fisheries or wetlands) or resource management activities (i.e. mining, logging, aggregate extractions).

Refer to Appendix 'A' for a list of existing restricted areas.

## **2.0 PROGRAM DIRECTION**

### **2.1 Goal**

To efficiently manage existing restricted areas, while striving to reduce MNR involvement in controlling development of private and public land in territory without municipal organization, by reducing the number of restricted areas where appropriate.

### **2.2 Objectives and Strategies**

- A) To protect MNR resource management interests from the adverse impacts of uncontrolled development on private lands through the management of existing restricted areas.

Restricted areas were established in areas without municipal organization where a Minister's Zoning Order (Section 47, Planning Act) was not in place and therefore the comprehensive provisions of the Planning Act did not provide for effective resource protection and where uncontrolled development might result in:

- a) a significant threat to a natural resource;
- b) a significant fire or flood hazard; or
- c) incompatibility with the management of a provincial park with an approved master plan.

Restricted area designations were not to be used to:

- a) suppress property values to facilitate possible MNR property acquisition;
- b) directly control or restrict land use changes (e.g. residential to commercial conversion) – which are beyond the scope of Section 13 of the Public Lands Act; or
- c) control development the exploration or development of mines, minerals or mining rights (exempt under Subsection 13 (6), PLA).

- B) To recognize the Ministry of Municipal Affairs and Housing as the lead Ministry in providing development control for the unorganized territory.

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In accordance with Subsection 47 (1) of the Planning Act, the Minister of Municipal Affairs and Housing may by order (i.e. Minister's Zoning Order), exercise a municipality's powers with respect to zoning (i.e. prohibiting the erecting, locating or using of buildings or structures for or except for such purposes as may be set out within any defined area or areas) within the zoned area.

The Ministry of Natural Resources will no longer designate new areas in unorganized territory as restricted areas.

- C) To encourage municipal organization in unorganized territories of the province.

The control of development through a restricted area designation is a quasi-municipal function that is not part of the core responsibilities of MNR. Where opportunities present themselves, MNR will encourage increased municipal organization in unorganized areas of the Province so as to establish a more appropriate authority for planning decisions and local services.

- D) To rescind Regulations for Restricted Areas where no longer required.

Where a restricted area designation is no longer required (i.e. area is now subject to the Planning Act control or resource values are no longer deemed to be at risk) it will be rescinded.

### **2.3 Operational Direction for Existing Restricted Areas**

- Development Plan and Guidelines

A development plan and guidelines should be developed by MNR for a restricted area. This plan should provide detailed direction including:

- description of the restricted area;
- rationale and management objectives for the restricted area;
- improvements that require authorization by a Section 13 permit;
- administration of the restricted area; and
- guidelines for specific types of improvements (e.g. structures).

The development plan and guidelines will be developed in consultation with affected Aboriginal communities and organizations, government agencies and the public.

- B) Environmental Bill of Rights and Environmental Registry

A posting on the Environmental Registry is not required prior to the issuance of a permit for a purpose that is consistent with approved Development Guidelines or Lake Management Plan. All other proposals to issue a permit, including proposals for new commercial, industrial and institutional development, must be posted as per Section 10.8 (2) of Ontario Regulation 681/94 – Classification of Proposals for Instruments.

C) Permit Issuance and Refusals

The erection of buildings or structures or the making of improvements in a restricted area shall be authorized by the issuance of a permit under the authority of Section 13(1) of the Public Lands Act.

Applicants will be provided an opportunity to appeal the proposed refusal or cancellation of a permit. The development plan and guidelines for the restricted area may provide for such appeals. In lieu of such provisions the hearing and appeal provisions in Subsections 4 (3), (4), (5), (6), (7) and (8) of Regulation 975 will be followed.

D) Restricted Area Review

Restricted areas and the associated development plans and guidelines should be reviewed by MNR every five years to determine if there is a need to continue the order and if the plan is current. In consultation with the Ministry of Municipal Affairs and Housing, other options to replace restricted area orders should be explored, including:

- a) establishment of a Minister's Zoning Order;
- b) expansion of an existing municipality to include the territory covered by the restricted area;
- c) establishment of a Planning Board; and
- d) no development controls.

The Ministry will consult with Aboriginal communities and organizations, affected agencies and the public when considering changes to existing restricted areas.

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### **3.0 LEGISLATIVE REFERENCES**

- Ontario Regulation 681/94 as amended (made under the Environmental Bill of Rights), Section 10.8 (2)
- Planning Act, Section 47
- Public Lands Act, Section 13
- Regulation 975, R.R.O. 1990 (made under the Public Lands Act), Subsections 4 (3), (4), (5), (6), (7) and (8).

### Appendix 'A' – Restricted Areas

MNR District	Restricted Area Name	Regulation	Size (2007)	Rationale for Restricted Area
Kenora	Clearwater Bay	O.Reg. 224/90	10,600 ha+/-	Maintenance of quality of lake trout habitat
	Shoal Lake	Reg. 870	4,000 ha +/-	Protection of water quality
	Werner Lake	Reg. 869	24,200 ha+/-	Prevention of uncontrolled development on private land
Parry Sound	Georgian Bay	Reg. 875	105 ha +/-	Prevention of uncontrolled development on private land
Thunder Bay	Lake Shebandowan	O.Reg. 462/95	6,929 ha+/-	Maintenance of quality of lake trout habitat
<b>Provincial Park</b>				
Algonquin	Algonquin	Reg. 873; amended by O.Reg. 247/92 (French translation)	Nil	Prevention of uncontrolled development on private land that may impact on provincial park values
Quetico	Quetico	Reg. 876	120 ha+/-	Prevention of uncontrolled development on private land that may impact on provincial park values
	Quetico	O.Reg. 474/91; amended Reg. 876	Nil	Prevention of uncontrolled development on private land that may impact on provincial park values
Lake Superior	Lake Superior	O.Reg. 868	105 ha+/-	Prevention of uncontrolled development on private land that may impact on provincial park values