



Subject <b>Appointment of Public Lands Officers</b>		Procedure <b>PL 9.02.01</b>	
Compiled by - Branch Lands & Waters	Section Land Management	Date Issued May 14, 2007	
Replaces Directive Title Same	Number Same	Dated February 11, 1997	Page 1 of 3

## 1.0 Definitions

In this procedure,

"class appointment" means the appointment of all staff that hold that particular position or title;

"officer" means an officer appointed under subsection 5(1) of the Public Lands Act;

"PLA" means the Public Lands Act, Chapter P.43, R.S.O. 1990;

"Regulation 975" means Ontario Regulation 975, R.R.O. 1990, as amended; and

"Regulation 326/94" means Ontario Regulation 326/94, Crown Land Camping Permit pertaining to Non-Resident Crown Land Camping.

## 2.0 Purpose

In order to carry out a number of the compliance and enforcement functions of the Public Lands Act (PLA), there must be a formal appointment of public lands officers under the PLA.

Subsection 5 (1) of the PLA states, "The Minister may appoint such officers to carry out and enforce this Act and the Regulations as the Minister considers necessary".

The Minister's power to appoint under subsection 5(1) has been delegated to the District Manager level.

Subsection 5 (3) states, "An officer appointed under Section 4 of the Forest Fires Prevention Act shall be deemed to be an officer appointed under Subsection (1)" (referring to Subsection 5(1) of the PLA).

## 3.0 Appointment of Public Lands Officers

A class appointment by the Minister in 1989 ensured that all Conservation Officers and District Managers are class appointed, while all officers appointed under Section 4 of the Forest Fires Prevention Act are automatically appointed.

There is no limitation as to which staff the District Manager may appoint, however the appointment would be limited to the staff employed within that District Manager's administrative district that carry out duties associated with the PLA.

Procedure No. PL 9.02.01	Date Issued May 14, 2007	Page 2 of 3
-----------------------------	-----------------------------	----------------

It is possible for the District Manager to appoint staff from other Ministries and non-Ministry staff who may, as partners, require certain powers available to officers under the PLA, in order to carry out the functions detailed in a formal partnership agreement.

The appointment shall be done in writing, with a copy provided to the officer for their records and a copy kept on file. A sample appointment letter is provided in Appendix “A” of this procedure.

The PLA and its regulations provide specific powers for officers including authority to:

1. enter onto private land (Subsection 5 (2) of the PLA);
2. issue a stop work order (Subsections 13 (4) and 14 (5));
3. written consent to deposit a substance, material or thing on public lands (Section 27);
4. administer work permits - i.e. issue, refuse, cancel, hold hearings, etc. (Regulation 975);  
and
5. request proof of a non - resident Crown land camping permit - Regulation 326/94.

The District Manager will need to determine whether to limit the powers given (see list 1 to 5 above) as well as giving consideration to limiting the geographic area that the appointment applies to (e.g. for an area, district or province)

## **4.0 References**

### **4.1 Statutory References**

- Forest Fires Prevention Act, Chapter F24, R.S.O. 1990, - s 4.
- Public Lands Act, Chapter P.43, R.S.O. 1990 - s. 5
  - Ontario Regulation 975, R.R.O. 1990, as amended
  - Ontario Regulation 326/94

### **4.2 Directive Cross References**

- PL 3.03.04 Work Permits – Section 14 Public Lands Act Policy
- PL 3.03.07 Non-resident Crown Land Camping – Northern Ontario Policy
- PL 9.03.01 Stop Work Orders Policy and Procedure

Appendix A

**Example 1.**

**APPOINTMENT OF PUBLIC LANDS OFFICERS**

In accordance with Section 5 (1) of the Public Lands Act, Chapter P.43, R.S.O. 1990, and the authority bestowed on me by the Minister of Natural Resources pursuant to Section 7 of the Ministry of Natural Resources Act, I hereby appoint \_\_\_\_\_ as an Officer.

Dated

Signed  
(District Manager)

\_\_\_\_\_

\_\_\_\_\_

**Example 2.**

**APPOINTMENT OF PUBLIC LANDS OFFICERS**

In accordance with Section 5 (1) of the Public Lands Act, Chapter P.43, R.S.O. 1990, and the authority bestowed on me by the Minister of Natural Resources pursuant to Section 7 of the Ministry of Natural Resources Act, I hereby appoint the following staff as an Officer.

Name

John Doe

Jane Doe

Tom Smith

Dated

Signed  
(District Manager)

\_\_\_\_\_

\_\_\_\_\_