

## **DBA NEWS FLASH – NOVEMBER 2024**

Hello Deanlea Beach Members

The Board of Directors met on Monday, September 30<sup>th</sup>, 2024 and below are the key highlights from that meeting, along with an article taken from The Tiny Cottager regarding Tiny's Shoreline.

This will be the last News Flash before the holiday season, so from your Board members to you – have a safe and wonderful winter. Merry Christmas and Happy Holidays!

### **A MESSAGE FROM THE BOARD...**

In the spring of this year, you will recall the Board sent a letter to all property owners talking about property owner's responsibilities, respect for others, beach behaviour and beach rules and how it is everyone's responsibility to enforce. This was discussed again at the AGM and members agreed that the whole community has to be a part of the solution. However, a number of incidents occurred this past summer involving Deanlea Beach members exhibiting aggressive behaviour towards the Board and other members who had the courage to address various issues. Violence and abusive verbal behaviour is not acceptable at any time and will not be tolerated any longer. The Board is committed to ensuring the safety and well-being of its members and will be developing a 'Zero Tolerance' policy so that no one else has to endure the wrath of a few. Members of the Deanlea Beach community need to feel safe – not afraid!

### **APPLICATIONS – TINY TOWNSHIP**

The Board would like to remind members that if you are planning to do work on your property and you share a property line with DBA common owned property, it would be beneficial for all if you bring that to the Board's attention before submitting an application to the Township. This would allow the property owners and the Board to 'work together' and reach a resolution that the Board could support vs. being blind-sided with an application which leaves the Board no option but to follow due process. It is not the Board's intent to 'get in the way', but it does have a responsibility to do its due diligence to maintain the integrity of our property. Working together just seems like the right thing to do!

### **BEACH ACCESS POINTS AND DUNE RESTORATION**

This past summer saw the access points to the beach increased in height by as much as two feet with sand in some areas. Work was done to alleviate the problem, however with the soft sand and high winds, the issue returned very quickly. The board has since consulted with a 'dune specialist' from the Lake Huron Coastal Centre. It was suggested that we need to start extending the dunes out towards the water and this is accomplished by strategically putting up snow fencing at various access points; followed by the planting/transplanting of dune grass along the edge of the access point/footpath to help hold the sand.

**ACTION:** The Board has agreed to pilot this strategy at the end of Henry's Road (major access point) and potentially one other access point depending on cost and availability of people to help with this pilot project.

### **BY-LAWS – SUBMISSION TO MINISTRY UPDATE**

The task team received the legal review and met on Friday Nov 1<sup>st</sup> to review comments and revise as required. There are still a couple of issues that need clarification; however due to personal schedules

this will occur later in November, and the by-laws will be submitted to the Ministry by year's end. NB: *There is no penalty for submitting the documents to the Ministry after the October 19<sup>th</sup> deadline.*

On behalf of the Board and the By-law Review Task Team, the DBA owes Paul Ingrassia and staff a huge debt of gratitude for taking the time out of their busy schedules and providing us with a complete and thorough review of our by-law documents. THANK YOU!

## COMMUNICATION PLATFORMS

The Board uses a News Flash and/or email to communicate regular DBA business and updates; and the DBA website houses our documents, etc. We may, however, use the Facebook page to post a reminder about a community event, e.g. Fun Day or updates from Tiny Township, e.g. Water Advisory from time to time.

The Deanlea Beach Facebook page is NOT run by the DBA Board. It is a public site that was set up a number of years ago by members; and it is NOT restricted to Deanlea Beach members only. Claudio Renini (a DBA member) is the Administrator for the site and does a great job screening requests to join; however from time to time, an individual may get through the process who is 'phishing' for information about Deanlea Beach. Typically the same people post on this site so if you see something that doesn't feel quite right, use caution. ALSO, IT IS GOOD PRACTICE TO NOT ENGAGE WITH ANYONE THAT POSTS AS 'ANONYMOUS'.

## MAINTENANCE

**Mats/Benches/Boardwalk** – This year we are asking members to roll-up the mats on the footpath that you use. This can be done any time over the next few weeks, but please ensure they are rolled up BEFORE the snow flies! The benches will remain where they are for this year; and arrangements are being made to move the boardwalk sections.

**Volleyball Court** – Thanks to Dave Madill, Marc Armstrong and Barry Locke for putting away the net and posts!

**Trees** – There are a few trees that require trimming and/or removal. If you know of any, please contact [president@deanleabeach.ca](mailto:president@deanleabeach.ca) . Depending on timing, the work will be done in the Fall or early Spring.

## NEW STORAGE SHED

At the AGM, there was a brief mention about the state of the current DBA storage shed and the possibility of replacing it due to its condition. The Board investigated and AGREED that a new shed is required. Options for a different location were also considered; however it was determined to leave the shed in its current location. We hope to have the new shed in place by the Spring 2025.

## PARKING AND TRESPASSING

**Municipal Roads** – It is legal to park on the municipal roads IF you have a Tiny Township Parking Permit (not a note in the window). The permit should be clearly visible, e.g. hanging on rearview mirror. If a permit is NOT displayed, then you should call **BY-LAW at 705-526-4136**. Approaching vehicle occupants did not bold well this past summer so it is being suggested that you call BY-LAW and let them do their job.

**Private Roads** – It is illegal to park on the private roads at any time. Normally it would be suggested to call a towing company if a car is parked illegally; however the Board is in the process of confirming if this is the best course of action.

**Trespassing** – Regardless if someone is parked legally on the municipal roads or illegally on the private roads, IF they are NOT owners or renters of a Deanlea Beach property, they are TRESPASSING once they access the beach via the footpaths. This is when you would call **OPP at 1-888-310-1122**.

## **TREASURER’S REPORT**

**2024 Financials** – Currently we are up about \$3600; however this does not include any further maintenance that may be required before the end of the year.

**GIC Update** – With interest rates decreasing, the Board thought it prudent to take advantage of the higher interest rates now vs. waiting until December when our current \$30,000 GIC matures. A number of options were discussed with the bank, and a decision to purchase a new \$20,000 GIC has been secured. This GIC is based on a 5 year term with ability to draw from it annually, if required vs. locking it in. Once the GIC matures in December, the Board will discuss next steps regarding future investments.

**NEXT BOARD MEETING** – February 24, 2024

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The following article was taken from FoTTSA – The Tiny Cottager

### **Myths and Reality about Tiny’s Shoreline**

Who owns and who has access to the shoreline has long been a source of misunderstanding and confusion for some residents. The answer is not simple, and depends on which part of the shoreline. Below are five myths that have contributed to the misunderstanding and confusion. FoTTSA takes no position on beach access issues and believes that decisions about these issues are best determined by those directly involved, on an informed basis, without coercion or confrontation.

Myth #1. Tiny’s beaches belong to all of us. The legal history of beach ownership tells a different story. All land in what is now the Township of Tiny originally belonged to the federal government. Between 1823 and the late 1800s, the government issued Crown patents — legal documents transferring government land – to individuals as a means of promoting settlement.<sup>1</sup> As time passed, many farmers and woodlot owners eventually sold land for cottage development. Beach property was a part of these sales. See “Who Owns Tiny’s Georgian Bay Shoreline” for more on shoreline ownership in Tiny. Tiny does have five parks that serve as the primary locations for public waterfront use and activity on the western shoreline. These parks are located on Woodland Beach, Bluewater Beach, Jackson Park, Balm Beach and Lafontaine Beach Park.

Myth #2. The Township’s 1823 survey plan limits Crown patents to the edge of the woods, not the shoreline. This was an argument put forward in Ontario (Attorney-General) v. Rowntree Beach Association (1994), 17 O.R. (3d) 174 (Gen. Div.). Justice R. Jeffrey Flinn of the Ontario Court of Justice rejected the argument and upheld the deeds of ownership, which in this instance showed ownership to the water’s edge.<sup>2</sup> The Province never appealed the decision. If the Attorney-General’s argument had held, it would have affected all of Tiny’s 70-km shoreline, not just the beach in question.

Myth #3. The government owns shoreline up to the high water mark. The Court ruled in 1852 that “high water mark” has meaning only where there are tides. There are no tides on the Great Lakes. This ruling was reaffirmed by the Supreme Court of Canada in 1974.<sup>3</sup>

Myth #4. The government owns a 66-foot shoreline allowance around the edge of all lakes in Ontario. This is a variation on the line of the woods and high water mark arguments. There is no 66-foot shoreline allowance along the shore of Tiny Township. However, in some places in Ontario such an allowance does exist.

Myth #5. Cottagers can extend their property line to the water's edge using Ontario's Boundaries Act or Land Titles Act. Property boundaries are dictated by the original transfer from Crown land to private ownership. Neither act addresses extending the boundaries. The purpose of the Boundaries Act is to determine the actual position of one or more boundaries of a property. The purpose of the Land Titles Act is to guarantee that land ownership and purchases are valid and recognized under Ontario and federal laws. It also protects property owners from claims of adverse possession — commonly known as “squatter's rights.”

Resources:

<sup>1</sup> “Court rulings don't support claim of open beaches,” originally published in the Midland Free Press on May 19, 2000 and republished by the Centre Ipperwash Community Association; [tinyurl.com/295h2b49](https://tinyurl.com/295h2b49).

<sup>2</sup> Patricia O'Driscoll, “It's Over! Attorney General's lawsuit against Rowntree,” The Tiny Cottager, March 15, 1994; [tinyurl.com/mpiz4r6c](https://tinyurl.com/mpiz4r6c).

<sup>3</sup> Attorney-General for Ontario v. Walker et al. (1974), 42 D.L.R. (3d) 629; [tinyurl.com/yc4c4358](https://tinyurl.com/yc4c4358).