

BLA Rebuttal to Minden Hills Report #25-06

This document assesses the discussion of staff report #25-06 during The Minden Hills Council meeting on March 13, 2025. It focuses on statements made by various Council members and staff that are either misleading, misinformed, or made without **context**. Context is critical – more so than ever given today's politically charged environment that is filled with misinformation and distrust between governments and its citizens. We feel that everything about the report, and much of the debate around it, was predicated on a complete lack of context...with much of that appearing to be willful.

The motion passed to take expropriation off the table, the option to enter into a land agreement with the property owner does have potential. **The BLA is requesting an opportunity to consult with staff and provide key notes before the Township approaches the landowner.** The BLA has several ideas that could appeal to the landowner, of which the Township may be unaware.

Assessment of Report Discussion

The CAO starts by providing background on a past BLA delegation attempting to establish a boat launch off Claude Brown Road – emphasizing Council's resolution passed in the fall of 2023 to "*...not support moving forward with a public boat launch on Bob Lake at Cloud Claude Brown Road due to the location constraints...*". The CAO then explains how she met with members of the BLA last fall to explain the past resolution on Claude Brown and ask us what was different this time, then summarized our response as being unable to find another location, and that the BLA is now seeking the Township to expropriate. At that point Council members interjected to correct the CAO and clarify that the BLA is asking about the original public boat launch site off Bob Lake Road – not Claude Brown Road. It was clear from the CAO's reaction that this was not a simple misspeak on her part, but rather a misunderstanding of our request entirely. We can only assume that the Township's legal counsel had the same misunderstanding, and that the advice they provided was completely void of meaningful context. For example, was the Township's legal counsel aware of the following:

1. The land in question served as a public boat launch for over a half a century?
2. That during its half-century of serving the public, public monies were spent maintaining it, and the land was clearly considered a public (forced) road for access to the lake...rendering its closure in 2016 an illegal act? Please refer to our delegation material submitted to the Township last June for more details on this.
3. That the previous landowner had requested a severance from the Township so that the public boat launch could be located on public land? We believe this was in 2015, but we have very few details. Our Freedom of Information request to understand the Township's response to that request was denied by the Clerk under privacy constraints, concluding that any further requests on this matter would be considered "frivolous and vexatious".
4. That the small amount of land in question abuts both a public road and a dam, and by all accounts has no possible utility by the landowner.

If your legal counsel had a full understanding of the situation, would they have characterized expropriation in this case as an “*extraordinary power*” or a “*punishment to the owner*”? We don’t believe so. Reaching out to a new legal firm with “*extensive experience in expropriation and land use planning*” for a “*fresh perspective*” on this is completely understandable. However, it’s critical that this “*fresh perspective*” is also an informed perspective.

Interpreting your legal counsel’s advice that expropriation should only be used when it benefits “*the majority of public*” is misleading. The legal standard is whether the expropriation serves a legitimate public purpose, not necessarily whether *the majority of the public* benefits. How can our request be interpreted as anything other than serving a legitimate public purpose? The reports use of “*recreational boat launch*” rather than **public** boat launch distracts from the nature of our request.

The concern of costs has been a constant issue voiced by Council and staff and was raised again several times during the discussion. The BLA has provided the Township, on multiple occasions, with two viable funding options to cover all potential costs – the Shoreline Road Allowance Reserve Account (SRARA) or a Local Improvement Charge (LIC) tax levy on Bob Lake property owners. Through our tracking, your SRARA should contain nearly \$700,000, and reserved under policy #113 for the purposes of providing public access to lakes. We feel strongly that our situation meets the full intent of that policy, but that is ultimately at Council’s discretion. If you don’t feel we fully meet the requirements, then consider borrowing funds from the SRARA, and then repaying that through a LIC on Bob Lake property owners. Why does staff and Council continuously use cost as a barrier without even acknowledging these alternative funding sources recommended by the BLA?

Councillor McKelvey’s question asking if the Township has ever reached out to the property owner to discuss an arrangement or sale of the land in question was an excellent one. The Clerk’s response noted that in the past “*staff did approach and were starting negotiations...the owner decided not to pursue it*” and confirmed there you have a letter on file to that effect. The BLA believes the Clerk’s response was incorrect, and that the past staff correspondence with the landowner was in relation to a previous delegation (referred to a “Plan B”) made back in 2019 (see item 4b under Delegations on the [2019-04-25 Council Agenda](#)). That delegation was referring to a different plot of land on that property – **not** the original site of the public boat launch. That plot of land turned out to be where the property owner built his cottage, hence his objection.

Councillor Sayne commented that in hindsight the Township should have purchased that land when it was first put up for sale and potentially severing it to sell parts back at a profit. Ironically, no hindsight was required. The previous owner approached the Township asking for a severance **before** the land was put up for sale and **before** the public boat launch was closed – a fact that is generally unknown by the public. Instead, the public was told by the previous mayor that the Township was “surprised” to learn the public boat launch was on private land, and that severance was not possible because of Bob Lake’s “at capacity” designation – two things we know now are entirely false. Understanding the Township’s response to the landowner’s severance request is important as cited above with our Freedom of Information attempt. The BLA is perplexed that pertinent facts on that cannot be shared without compromising privacy concerns.

Mayor Carter commented that he has “*heard from lots of people who live on Bob Lake*” that are not concerned about public boat launch access, and that it’s only a “*subset*” of people on the lake looking for this. The BLA challenges the mayor to make an honest tally of the feedback he’s heard on this file over the years and then reflect on how accurately that statement portrays the truth. We know for a fact that the vast majority of Bob Lake property owners want the public boat launch restored, and that includes owners with private launches as their goodwill for letting other cottagers use their launches have strained – some to the point of destroyed friendships. We ask the mayor to consider how the people he knows on Lake Kashagawigamog would react if their only public launch was closed due to municipal inaction.

The mayor makes a presumptive statement that the Township would “*lose the battle*” if the expropriation was challenged because they are “*not going to be able to prove that it was fair and necessary*”. This is again not considering the context and the history of the situation: this was a public asset used by the public for over half a century; the previous owner asked for a severance; the launch was closed (an act that we strongly believe was unlawful) and the Township dropped the ball on exercising its rights to restore public access; the land in question has no material value or benefit to the owner...and yet there’s a conclusion drawn that this battle can’t be won.

The mayor states “*...one of the reasons why staff went out to a new lawyer for this latest opinion was to get somebody who was not tainted by the history and was going to be able to look at the facts of the matter*”. The history on this file contains many facts, and facts inform, they do not taint judgement. Based on the CAO’s introduction and the generic legal opinions cited in her report, the BLA does not believe your new lawyer had or considered all the facts.

The mayor concludes by once again raising the issue of costs and not wanting to take “*the people of Minden Hills along on this journey to pay*”...but again void of acknowledging the funding solutions the BLA has repeatedly provided to the Township.

Deputy Mayor Schell also expressed in hindsight that “*had we known that we actually did not own the boat launch and it was coming up for sale I think Minden Hills probably would have looked at purchasing it*”. The BLA has provided proof that the Township did know their public boat launch was on private land, and in fact was requested by the previous owner to sever the land and have the Township assume ownership in the year prior to the boat launch closing. How is it that Council, which included Deputy Mayor Schell at the time, was not informed of this request by the previous owner, and not able to comprehend that a valuable public asset was at risk of being lost?

Deputy Mayor Schell’s response to this file always includes a reference to the Township spending “*tens of thousands of dollars the first year to get Boats off the lake*” which was used to remove only a dozen boats, implying that the public boat launch was used by a minimum number of cottagers. Again, this statement is provided completely out of context. First, the total cost was only \$9281 (not “*tens of thousands*”), and one-third of that was for survey expenses that had nothing to do with removing boats. But most importantly, the window provided by the Township for boat removal that fall was so late in the season that practically everyone had already scrambled to make other arrangements. Very few were willing to risk their boats being stranded – fueled by the lack of communication and trust with the Township leading up to that point.

Deputy Mayor Schell's reference to the fact that there are many lakes in Minden Hills that do not have a public boat launch is true. However, none of those lakes had a public boat launch that was taken away, and all of those owners bought their cottage knowing there was no public boat launch. This point is supported by Councillor McKelvey who stated, "*not all lakes have public boat launches, but those that had a boat launch and the township was maintaining it should definitely never ever be stopped*".

The BLA commends Councillor Sayne during the final discussions on tabling a motion to investigate options and not "*close the door*" on expropriation, as well as citing past situations where lawyers had differing advice on expropriation. The mayor countered by saying Council has been "*making decisions*" rather than closing doors – the BLA challenges Council if these have been fully informed decisions.

On behalf of the Bob Lake Association,
Regards,

A handwritten signature in black ink, appearing to read 'Dave Roberts', with a stylized flourish at the end.

Dave Roberts
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