

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** 107841-Consultation on access to rural private property  
**Date:** Saturday, August 18, 2018 8:58:58 PM

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I appreciate the well-written document on this issue that clearly lays out many of the issues around access to private land by the public.

Question 1: 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?

Response: Yes, all access by members of the public to rural property should require the express advance permission of the land owner or the individual managing the land. If there is an absentee landowner, it would be important for that individual to defer to the person who is actually managing the land (e.g., renting, sharecropping, etc.).

Question 2: 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?

Response: No, there should not be a distinction. Any land being used for agricultural purposes should be treated the same. This raises the question about acreages--do those count, since they're not being used for agricultural purposes? I imagine acreage owners do not want random folks accessing their land, either.

Question 3: How should permission be sought and granted?

I would prefer any individuals contact us for permission by phone. Landowners could provide a phone number on posted signs. There could be an app for hunters (the most common individuals accessing our area) to look up landowner names and numbers so that they can call. There would obviously need to be strategies for protecting privacy and preventing phishing/robocalling with such an app.

Question 4: Would making consent an express prerequisite in all circumstances represent an unreasonable impediment to recreational activities?

This is a ridiculous question. These people are already breaking the law or causing harm to the landowner to conduct their recreational activities; ensuring our livelihoods are protected should be placed at a higher priority than ensuring folks can recreate. I feel lucky we don't have ATVers and snowmobilers down here, just hunters, but even the hunters are annoying because they leave gates open, cut fences, leave tracks all over our pastures, and could start fires.

Thank you for the opportunity to provide feedback.

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[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Cc:** [REDACTED]  
**Subject:** A realistic compromise  
**Date:** Thursday, September 20, 2018 11:14:43 AM

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I am an avid hunter, the new laws proposed for accessing private land will directly impact my hunting experience. Requiring hunters to receive permission on all land is just not realistic. Corporate farms, land owned by cities and municipalities, land owned by Universities, Rural Municipality maps that are not updated, as well as land owned and leased by someone else will all adversely affect my hunting.

Here is a realistic compromise: Update the law such that someone must obtain permission to access a quarter section of land that is **occupied**. This will address farmers safety concerns and all ow our hunting industry to thrive.

[REDACTED]

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[REDACTED]

[REDACTED]

Please consider the environment before printing this e-mail

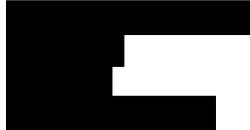
**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Access to Farmland  
**Date:** Friday, September 21, 2018 6:17:19 PM

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Why was this not set up as a proper questionnaire so that results could be compiled on the computer ei agree, strongly agree etc. My husband was not going to take time to read 5/6 pages when a 5 minute survey would have sufficed

1. No access to farmland or pasture without verbal or written permission- no exceptions.
2. Fines stay as is , but proof should be permitted via pictures on a cell phone & submitted by farmers & families being accepted. Law enforcement is already stretched thin in all rural areas. A picture of the vehicle, licence plate & land location.
3. All forms of recreational & hunting pursuits should be included to simplify the situation - verbal & or written permission only.

Thank you



Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Access to land questionnaire.  
**Date:** Monday, September 10, 2018 5:00:50 PM

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**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.

**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. Including all land for the purpose of hunting. All hunters should have permission to hunt on private land. The current Wildlife Act allows hunting without permission on land that is not posted. This will result in increased hunting accidents and increased conflict between landowners and the public as competition for hunting area increases. Example: A rural landowner grants permission to a group of hunters, and indicates that they are the only hunters on that parcel. The hunting group arrives on that parcel and discovers hunters on the land.

**Q. How should permission be sought and granted?**

In writing and including any agreed upon restrictions and permissions (dates, times, reason for access, type of access – on foot, in vehicle, on snow machine etc.) for members of the public. The landowner should have the ability to grant permission after the fact.

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

No. There is no implied consent for entry onto urban private land, and no expectation by the public that it is assumed people can park their vehicles, drive their ATV's or enter onto urban private land to pick berries, cut down a Christmas tree, or have a picnic. The difference is that there is a higher likelihood that a trespasser on urban private land is more likely to be 'caught in the act' than on remote rural land. Requiring consent allows for better enforcement, and is necessary to ensure the public understands the change in culture that is occurring in Saskatchewan. We can no longer operate with an 'open door to occupied rural land for public enjoyment' policy. Changing the current culture is central to public safety and protection of private property.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Access to land  
**Date:** Saturday, September 08, 2018 5:17:22 PM

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Hello

We think that you should have written permission each year to access land.

[REDACTED]  
Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** access to private lab questionnaire  
**Date:** Wednesday, September 19, 2018 12:24:19 PM  
**Attachments:** [REDACTED]

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Please see my attached response to your request for opinions on the proposed land access legislation.

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[REDACTED]

This email is for the intended recipient only. If you have received this email in error, please delete.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Access to private lands  
**Date:** Tuesday, September 18, 2018 11:06:26 AM

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I am a hunter, snowmobiler and land owner.

I make every effort to contact landowners and tenants prior to hunting.

It's is very difficult most times to find out who to contact.

R. M. maps are not easy to obtain and if you have one they are not up to date. Most maps show the land owner but not the tenant if the land is leased out. Phones numbers are hard to find and lots of people don't have land lines anymore and only have cell phones which makes it impossible to find a contact number.

I like how it is now as far as access to private land for hunting.

It would be totally impossible to get access for snowmobiling on all the land during a day when we ride 70-100 kilometers.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Cc:** [REDACTED]  
**Subject:** Access to private lands  
**Date:** Wednesday, September 19, 2018 10:09:42 AM

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Thank you for opportunity to comment on the Access to Private Land survey. The comments below are my own as the members of the [REDACTED] are encouraged to submit their own comments on this issue.

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. When I gun hunt for waterfowl, we make all reasonable effort to find the landowner and get permission to hunt on the land. That is not always possible. When I hunt with [REDACTED] the hunting set-up is always instantaneous when the opportunity presents itself. I do not have time to try and seek out a landowner, get permission and go back to the spot of the potential hunt. It is impractical. The problem of getting permission in both cases is complicated by the fact that a lot of land is owned by numbered companies (some from Alberta or elsewhere) or a corporation as shown on the RM maps. Often these farms are so big and there are now so few people living on the land that it is difficult to find an occupied farm within a reasonable distance and even then these people do not know who farms the land. It is next to impossible to get permission. If the farmer does not want you on their land they should post it as per the rules of posting private land. I respect those signs at all times.

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? Cultivated land with no posting or fences should be exempt from any trespass considerations, but really if someone does not want you on their land the onus should be on them to post it.

Q. How should permission be sought and granted? I often see signs on land that say Hunting with Permission only, yet there is never a phone number on the sign. Again refer to response 1 regarding the difficulty of finding the name or phone number of the land owner. However, if a name and number are available I think verbal permission is acceptable and more practical.

Q. Would making consent an express prerequisite in all circumstances represent an unreasonable impediment to recreational activities? In our sport [REDACTED] this would present an undue hardship.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Access to private rural land  
**Date:** Sunday, August 19, 2018 9:45:11 AM

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I think that it is important for rural residents to have control over land that they own or rent. I feel that permission prior to an activity is necessary for the safety of potential recreational users. For example, in the event of a snowmobiler using a piece of property, they won't know if there are hazards that could cause injury or death. Landowners should be consulted prior to any activity.

Since disease and illness to livestock can occur by transfer of dirt from shoes or tires, it is important for landowners to control access to ALL of their land. Permission should have to be obtained prior to access. For example, an off leash dog walker may not know that they are in an area where gopher control is being implemented and may put themselves and their dog at risk of injury or death.

As far as obtaining permission, the only thing that I can suggest is obtaining permission in person or maybe there can be a registry of land available for recreational use.

Even though obtaining permission from landowners may slightly impede recreational users, it may encourage the creation of more trails with the express purpose of recreation.

I don't believe that land that is used for someone's income should be open for everyone to use as they please.

Thank you, [REDACTED].

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Access to property  
**Date:** Thursday, September 13, 2018 8:07:36 PM

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All access to private land should be by written permission only  
That should also apply to Native and Metis persons.

Sent from [Mail](#) for Windows 10

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Cc:** [REDACTED]  
**Subject:** Access To Rural Lands  
**Date:** Saturday, September 15, 2018 5:03:27 PM

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Dear People,

Thank you for the information. The desire for homeowners on acreages or farms to be safe from hunters is obvious, but less obvious is damage done by hunters, recreational snowmobilers, hikers, ATV enthusiasts, etc. to the environment (sound and physical) if allowed to go anywhere not posted wheter they are hunting with firearms or not. Indeed, my wife and I have lived on our rural property since 1982 and before fencing and posting the entire 40 acres, had shelter belt seedlings damaged, dead deer shot by hunters left on our property, etc. When mining company people, for example, wanted to use the surface of our land for exploration purposes, they contacted us many weeks in advance and we were pleased to grant them responsible access (in writing) when they guaranteed to replace damaged trees and shrubs and remove all stakes, etc. Prospective hunters also have shown respect and asked if they could hunt using bow and arrow or shotgun on our land, a request we turned down due to proximity to our and other residences and potential damage to our land. Nevertheless the process showed respect for ownership and the right of individuals to maintain their lives in peace and safety without any assumption that trespassers could go wherever they wanted.

As far as the specific questions are concerned, please see my responses below:

1. I believe that all rural land owned by individuals or co-operatives or corporations whether fenced or not, whether posted or not should not be accessible to the public without advance permission in writing or email. Any requests should be very precise (i.e. four people on quads to hunt deer using rifles on specific day(s) and time(s) or an individual seeking use of specific trails on the land to snowmobile on specific day(ws) and time(s)). Similar to the current postings : "hunting with permission only" it should be implied that no one should access land without having pre-authorized permission from the owner;
2. In order to prevent damage to crop, other plantings, water sources, or personal aesthetic environment, I believe that the land not have to be cultivated (i.e. fallow fields, bush land, sloughs, etc.) in order to be considered "off limits" to individuals who do not own it;
3. The exception to the above should be spelled out in any legislation to include "except in emergency situations requiring the assistance of land owners."

Thank you for asking for input from land owners in the province.

Sincerely,

[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** ACCESS TO PRIVATE LAND  
**Date:** Tuesday, September 18, 2018 8:01:24 AM

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I own 1600 acres of land in SE Saskatchewan. Every year I have to allocate 2 days for signage protecting my land. This land is cultivated, pasture, ecology acres, rivers, streams, beaver dams, water and open pits. The public believes they have the right to access my land 365 days a year. I do not want hunters, plant crofters, snowmobilers, bikers, or dog trainers molesting precious ecology, plants and animals. History has proven excess of litter, vehicle tracks damage and constant habitat damage. My family has protected every square inch of this property with pride and responsibility.

~All members of the public must by law obtain permission to enter onto private rural property **regardless of activity.**

~Written permission to enter or verbal permission by phone to obtain entry to rural property seeking permission to do activities.

~Recreational activities of the public is not mine to be responsible for. Use city parks and government land!

~All entry to property permission must be granted or stay of the property.

Finally maybe laws will be introduced that will protect us from the public threat to our safety and security.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Advance Permission  
**Date:** Monday, October 01, 2018 12:46:40 PM

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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, I believe this is extreme and unwarranted request for several reasons
  - Contacting land owners isn't as easy as it sounds, often someone other than the land owner lives on or near the property you want access too, and someone other than the owner farms the land, so there could be 3 different entities involved
  - RM maps are not always up to date with the correct land owner information, so contacting the owner in advance is often difficult
  - RM maps are not readily available as they should be or up to date
  - Anyone who has hunted in Saskatchewan realizes that there is thousands of square kilometers out there and often you can drive for hundreds of kilometres looking for game, so often you don't know what land you need permission too ahead of time
- o I suggest
  - **All out of province hunters** that are not accompanied by a Saskatchewan guide or Saskatchewan resident should **have to have advance permission** to any land they want to access for all activities
  - **Saskatchewan residents** should have to make a **"Reasonable Effort"** to contact land owners of unposted land before access for any and all activities.
    - Reasonable effort meaning
      - o You have a RM map for the area in which you are wanting to access and have attempted to contact the land owner via phone or email from the names posted on the RM map
        - Names and numbers attempted will remain on any PC or smart phone which would show "Reasonable Effort"
      - o You have approached the nearest homesteads to the land you want access too first, via the obvious main access to the yard they would use
        - Even if it's a neighbor or a RM employee for example, you need to talk to someone, if they have no concerns the land owner cannot be contacted, the land is not posted it would be considered reasonable effort
  - **Access data base**
    - We live in a world of data and easy communication
      - o Should you make reasonable effort to gain access to unposted land and are unsuccessful, there could be an email address or smart phone number that could be used to notify the

Conservation Officers in control of that area. You could text or email them, that you are accessing un posted land that you were unable to gain permission to

- o Have all RM maps up to date available online and easy to access
- o Owners could have their land marked as posted, no trespassing or access with permission only on the RM maps

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, private land is private land whether its fenced, pasture or cultivated

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

- Yes .
  - o I feel the land owners have the right to know who is accessing their land, but as it is now it is not that easy to make contact and gain that permission.
    - There needs to be an easier way to find contact info for those who own the land you want to access
      - **A land owner has always had the right to post their land.**
  - o This will be the beginning of pay to access, which is totally unfair and there needs to be considerations on how this is mitigated.
    - **Land owners excepting money and or gifts from people to access their land, needs to be strictly prohibited**
      - **We all own the wildlife**

In short I believe most everyone who is accessing private land for any activity could make a better effort to contact land owners. As for the most part from what I have experienced is, Land owners just want to know who is out there.

-

[REDACTED]

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Answers to Review of Trespass Related Legislation  
**Date:** Friday, September 14, 2018 9:41:40 AM

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To whom it may concern:

These are my answers to your questions regarding the above.

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: No.

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?

A: The same.

Q. How should permission be sought and granted?

A: The way it is at present.

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

A: Yes.

Regards,

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Cc:** [REDACTED]  
**Subject:** Answers to Trespassing Questionnaire  
**Date:** Friday, September 28, 2018 6:09:10 PM

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Below are my responses and examples of previous encounters with people trespassing on our property. The attached game camera photo is an example of what thieves look like with some of my belongings.

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. Criminals are not all stupid. Casing out properties and seeing what motion lights come on, if any alarms go off, or how long it takes for someone to appear on the yard are old games some of us have had too many negative experiences with to be believed anymore. Looking to see where equipment is to get to in order to steal fuel, batteries, tools, parts, or just vandalize things is as easy as driving up on your yard and asking if [REDACTED] lives here. Nope - no [REDACTED]. Now what??

Drones are becoming a method of determining what is where, and how to get it. Legislation should include this type of criminal reconnaissance over my equipment and buildings.

I have granted permission to hunters to hunt geese, only to later be cultivating with my tractor and drop the front end into the pit they dug and snapped a king pin costing me \$1,100.00 for the part, never mind the labour and downtime. No permission was given to dig anything. Whom should I send the repair bill to?

I am 40 kilometers from the RCMP detachment. I have had three break ins in November of 2017 and RCMP never attended one of them. I emailed photographs, and submitted photos taken by my game camera of two fellows carrying stuff off my property with no apparent way of identifying them.

I was broken into in June of 2018 with no return phone call from RCMP.

I was broken into in Spring of 2016 and pleaded with RCMP to come and take photos of damaged doors and tire tracks. They did and connected my break ins to others in the area I never knew about.

I have had batteries stolen from my tractors left out overnight.

Over 400 gallons of fuel stolen in one heist.

Break ins into four buildings at one time whereby insurance would cover the loss of the contents, but not the damage to the doors and windows busted when they broke in. Should I lock my doors and save repair expenses?

A brand new auger motor was stolen after I chased down a fellow who told me he was "driving around looking at crops" as he stared me down. The license plate was provided to RCMP with no follow up if individual was involved with theft. We believe he would drive up to equipment and see what tools he would need to return with and would make for a quicker theft. It may have been believable except we noticed him slowly driving past our place the evening before. The crops never changed that much in one day.

**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?**

There should not be any distinction between cultivated land, fenced property and open pasture land. Land "Under Cultivation" implies that of 160 acres that may have 140 acres "under cultivation" that someone cannot trespass on the 140 cultivated acres, leaving 20 acres of bush or sloughs or natural grassland that they can trespass on. And when that area not under cultivation is where, or near my buildings and equipment are parked and stored, someone can truthfully state that they are not trespassing on 'cultivated land'.

I have some land that is fenced and have had fences cut and property driven onto. I have land posted with no trespassing or no hunting signs, only to have the posts backed into and knocked over; signs ripped from the plywood backing ( so the land is technically not posted if police catch them); I have stapled and siliconed the signs to the plywood backing only to have portions of the sign peeled off so they are not legible and have quad tracks doing doughnuts around them, as if to say catch me now. To leave a landowner as the responsible party for posting land when previous experiences are leaving us unable to point to signs we erected since they were damaged and removed, I welcome the ministry to educate us as to how to post land with signs that remain in place for people to read.

No Access Without Permission.

This really isn't hard. If someone has not made, and is not making land payments or paying the property taxes, then they must have permission to enter the property regardless of bush, water, hayland, pastureland, crops or summerfallow.

There should be legislation absolving the property owner from ANY liability for someone trespassing and being injured or damaging their vehicles, quads, snowmobiles and motorcycles. Given the few years of very wet fields, serious ruts were left to dry and later be filled in when one could get to them. I have no liability for leaving ruts open, trenches cut, trees pulled out leaving holes, pulling out stones and leaving holes on my property and someone trespassing at night, or coming on to my field racing quads or dirt bikes and hitting something I know I left out on MY field.

Of great concern is the photographing of my equipment and property from drones while remaining

in a vehicle and controlling the drones from the roadway. It is reasonable to expect that I may sit on my deck on my property without someone photographing or taking video of what and where my buildings and equipment are located. It is reasonable to expect that police would have this right to investigate properties in investigations in this manner (using drones), where theft or illegal activities are suspected to be occurring.

My yard and belongings are in MY scale of living. Urban residents may have 25' x 140' lots. I don't walk around looking at those properties.

My lot may be 3 acres in size and it is still mine. You have not been invited or implied to be invited on to my property. Just because there are no buildings on the property does not mean you are allowed on to it.

**Q. How should permission be sought and granted?** Permission should be sought and granted via RM Offices.

We are extremely vulnerable with RM maps identifying who owns what. Can you do this in an urban setting?? Drive down a street in a town or city with a map and see who lives where?

True sportsmen and hunters will be spotting and planning where to hunt, taking access to land into consideration by asking permission. I have and will continue to grant permission to those people, and in some way, advise them that they may see two more hunters I have given permission to and to be careful. I may not plan fieldwork on THAT field as I'm not looking to be hit by stray bullets.

It would be very easy to have land owners register with the RM Office that they will allow hunters with permission and it could easily be posted on websites with contact information. However, for those that don't want hunters on property, it would say so as well.

NOTHING implies a welcome to my property, on the driveway, or walkway to the door of my residence. Police aren't coming, folks. My wife and daughter refuse to stay on the yard while I do fieldwork, and choose to ride with me or sit in a vehicle on the field rather than risk someone driving onto the property and robbing, assaulting, or raping them. This never used to be the case until the lack of response and other incidents have changed how we need to safely live on our land. Is this how we've been relegated to live on property we own?

And when someone is asking directions and looking for [REDACTED] place, but in reality they are casing you out, police have advised us that if nothing was stolen, if your equipment isn't vandalized, and if you weren't harmed in any way there is nothing they can do. This time.

GPS and cell coverage and technology has surpassed legislation requirements of giving someone the benefit of the doubt being 'lost' or not knowing where they are and who owns what.

We have, not many years ago, as young adults, asked permission to dirt bike on someone's property to be told that we should "not go to that field but you can go crazy on these two over here." Some owners have asked if they can come with us as they liked to ride and we've had a ball. Snowmobiling

on these same fields happened because the owners enjoyed the company and we've established a good rapport. I myself have gone out with others on my property. It CAN happen in a good way if you ask first.

There still needs to be immunity from liability to the landowner whether permission is granted or not to trespass.

Concerns have been raised about corporations or large tracts of land being owned by corporate entities and not people. People run these corporations and have phone numbers. Registering at the RM Office would clearly spell out who was interested in hunters or recreational users or not.

When you have four men in a truck, shotgun on the front seat, severely intoxicated, pounding on the door to your house at 11:30 p.m. wanting to know if they can hunt geese on your land the next morning, what is your response?

**Q. Would making consent an express prerequisite in all circumstances represent an unreasonable impediment to recreational activities?** Not at all.

As I've pointed out and experienced, the true recreational sportsmen (sportsperson?) will seek permission and move on if not granted.

You don't know that I've got a crop underseeded and can be damaged by your "motorized whatever". You don't know that your snowmobile has compacted the snow and damaged my young alfalfa crop next spring with the winterkill. You don't know that I've rolled my field and now you've rutted it up and caused dirt or rocks to go through my combine and damaged it at harvest. Nor is it a requirement for me to post what I've done or am doing on my field.

Perhaps offering free access to the thousands of acres owned by the province, Ducks Unlimited, Reserves, or other large land holding companies would be a way of limiting the need to access land owned by many smaller land owning families.

Respecting the Treaty hunting and fishing rights is good; the greater need for safety and respected access should be paramount to avoid accidents and confrontation.

Thank you for the opportunity to contribute to this process.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Answers to your questions  
**Date:** Sunday, September 23, 2018 11:03:49 AM

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When a person is tracking a deer, and there is no cell coverage, and the deer crosses 4 different land owners land, how in the [REDACTED] is a person suppose to get permission.

Or, you are tracking a deer and you spot him, but you have to get 100 yards closer, but he just crossed the road into a field you don't have permission for yet. And by the time you track down the land owner (if you can), the deer gives you the finger and runs off.

If our gov't is thinking of going this route, the bureaucrats pushing for it have never hunted and can't wait until they retire to collect their pension. Don't let these Tree Huggers (that are poorly educated on the stand they are taking), spoil the enjoyment of hunting or other recreational activities.

Also: Over the years as I mentioned we try to get permission when we can (if there is a close yard to talk to someone, or there is a sign saying hunting with permission that has a phone number on it). I can say that over 80% of the time we do get permission. So if 80% of the land owners that don't have their land posted don't care if people hunt on their land (if they did they would of posted their land), So if the gov't put through laws that were requested by 20% of the people, we would be in a [REDACTED] of a mess, and there would be a new party elected every 4 years.

Also: I know there are hunters that make it hard for other hunters, as they leave fences open, even cut fences to get to the next field, etc. But do you really think that these few hunters aren't going to do the same thing, even if they get permission.....I don't think so!!!! Have gun registration etc., cut down on murders, crime, etc.....I don't think so. Those that are breaking the law, will just laugh in your face, as they continue to break the law.

Also: I think there is nothing wrong the way it is now. Let the land owners post their land as they see fit (No Hunting, Hunting with Permission Only, No Trespassing, etc). And respect the landowners that support hunting, and don't mind people hunting on their land,

Also: It would be much, much, much, easier for a landowner to post his land, then it would be for a hunter to try and get permission for every field he sees a deer in.

Also: The hunting guide already mentions to hunters to try and get permission even on un posted land. Please show some respect for us hunters, as the majority of us already are doing that.

Also: As a past land owner, with relatives and friends that are land owners, we have never thought about posting our land. And would not support law that you are proposing. Again are you asking land owners what they would like, or are the Tree Huggers acting on their own.

I am sure you are going to receive 1,000's of emails and I sure would like to see how you are handling them. One person (Tree Hugger), just reading them, and deleting 1/2 of them. Or is there a committee set up to truly harvest the emails and represent us hunters in a fair way. I would like to see the harvested emails points made public. In my past experience with gov't, I just don't see this happening.

I am also wondering, since you are asking for our input, how many of our emails are you going to respond to with direct feedback on our email and not the same Token email sent to everyone of us that took time to express our views, just saying.....Thank you for your email, and your comments are appreciated, but sorry to say, they don't mean [REDACTED] as we have our mind made up.

Well you might not reply with.....but sorry to say, they don't mean [REDACTED] as we have our mind made up. But again, with my past experience, that would be your responds to 99% of the emails you receive.

I hope myself and the 1,000's of others that have contacted you haven't wasted our time.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Attn; Review of Trespass Related Legislation  
**Date:** Tuesday, September 18, 2018 10:59:38 PM

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It is time to review trespass legislation for rural areas. I have lived on a farm in the [REDACTED] area for my whole life. There has been many changes in the last 35 years. It seems our societies values have slipped. I remember a time when our house doors were never locked. Vehicles were left unlocked keys in the ignition. Guns were hanging in the back window or behind the seat of most farmers trucks. Theft was not a big issue then. The local news paper now writes of our local police detachments week and our courthouse activity when court is held. Theft is rampant. Capture and conviction of the crooks seems non existent. Everything has to be locked and security cameras installed.

Over the last 35 years the farm sizes have increased. When a farmer quits and has no family to take over, his land is ether rented or sold. Buildings in these abandoned yards are used buy the new owner or tenant for storage of equipment and other valuables. The loss of that yards occupancy means less eyes in the area to see something suspicious. The increase in land base for the remaining farmers makes posting of properties expensive and near impossible..

By stats Canada the average farmer age has increased to around 54 years of age. This age puts more people from rural areas more likely to travel. Once again less eyes in the neighborhood to see something suspicious.

I think in the past more hunters were from a farm background. Now more urban hunters travel into rural areas to hunt. Trucks used in hunting have changed from two wheel drives to four wheel drives. The lack of understanding and the four wheel drive puts hunters on the land when conditions are not suitable.

As it stands now a hunter buys a hunting licence and he believes he has the right to go anywhere. One day I was working in my yard and I hear a vehicle slow and go off the road. He proceeds around my trees within 50 feet guns hanging out the window and drives off. Makes you wonder about your safety. Just because of that I would post every acre I farm if it was a simple process.

I have a piece of pasture land posted NO HUNTING. A hunter from [REDACTED] drives into the yard and asks if he can hunt on it. My answer was NO, my thinking one hunter scares the animals I like and I am trying to protect out, they are pushed into hunting area. He was expecting a yes answer when I said no he said " You do not have it posted right I can still go on it" and drove away.

Another hunter calls one night. I did not recognize the number for the area code. I had a piece of equipment stored in a shed on rented land he had went into the shed to check it out and seen it. I no for sure if I was in Saskatoon and I had a hunting licence and I was caught just going through someones shop there would be a law put me away. Once again everything would be posted.

What I would propose is electronic posting of land. When land owners go into pay taxes at the RM they could post their lands NO HUNTING, NO TRESPASSING, NO TRAPPING. Hunters would then have to buy the map.

The only other way would be to access a farmers property they must get written permission so they can show game wardens when stopped. Permission slips would need an expire date. So if the land changes hands the hunter does not think he still has hunting privileges on that land.

From: [REDACTED]  
To: [LSBQuestionnaire JU](#)  
Subject: Attn: Review of Trespass Related Legislation  
Date: Sunday, September 16, 2018 10:40:21 PM

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To whom it concerns,

**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 I believe that permission prior to access is key, unless you are attempting to access a rural residence for lawful purposes.

**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?**

A. All private land and leased crowned land should be treated the same, PERMISSION PRIOR TO ACCESS. I believe it is the responsibility of the accessing public to be aware of the purpose of the land, the owner/holder of the land, and how much of a privilege it is to have access to it.

**Q. How should permission be sought and granted?**

A. Use the same rules as hunting act. It works well and the similarities will reduce confusion.

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

A. NO it would not. In hunting they encourage you to build positive relationships with landowners. The rest of the accessing public need to follow that lead!

I grew up on a small acreage 25 miles from Lloydminster, I own no land besides a city lot with a house. As an avid dirt biker and snowmobiler, I am very aware of these issues and how frustrating it is to have negligent people screw up access for everyone. I am sad to say i have been one of those people who thought they did not need to ask permission prior to accessing land, fortunately I learned my lesson. I strongly believe that the general accessing public needs to focus first on their responsibilities before lobbying access rights. Many off road and snowmobile clubs work very hard at building and maintaining strong positive relationships with communities and land owners to ensure continued access to private and leased lands. The incident near Saskatoon a few years back involving a snowmobiler and a farmer with a gun shows the level of frustration land owners are experiencing and the lack of awareness of responsibility by land users.

Sincerely

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Attn: Review of Trespass Related Legislation  
**Date:** Saturday, September 15, 2018 12:02:25 PM

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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, this is the respectful action to take. This is also for everyone's safety. There could be old wells or hazards the land owner is aware of that would need to be passed on the the parties coming into the property. This would also allow for equipment to be moved if needed. It's also for the safety of the land owner as they will know who's on their property and what their intentions are. At the end of the day the owner of the property should be the one who allows or denied access .

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 treated the same. Permission should be requested and grated before entering upon the property.

Q How should permission be granted?

Permission should be granted through the most direct means. Drive up to the dwelling during the daylight hours of the day, if asked to leave do so. Contact the RM office for the area you are trying to access and acquire a phone number or email address. If the property owner does not wish for any access the owner can simply tell the RM office that all their land is not to be accessed and not to be contacted.

Q would making consent an expressed prerequisite in all circumstances represent an unreasonable impediment to recreational activities?

No, recreation activities are a privilege not a right. It is reasonable to think you would ask for permission to preform recreational activities on someone's land. Simply asking for permission could allow critical information to be shared such as if one was to snowmobile on land. It would be important to know where the hazards are such as fence wire, culverts old machinery that could be just under the snow or in coulees.

These questions are not just about respecting the owners land but also about using the land safely and preventing injuries and deaths.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Attn: Review of Trespass Related Legislation  
**Date:** Thursday, September 13, 2018 2:57:35 PM

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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. We don't have the rite to enter a yard in the city so why would rural make a difference.

Q. How should permission be sought and granted?

A. It should be in some form of written consent. If the owner is known to person, then text/email. If they are not known, then they can drive the most direct route to their home and ascertain written permission. A verbal agreement should not be good enough because it can be challenged.

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

A. In no ways would it be an impediment. Recreational users, especially ATV'ers and snowmobiles do actual damage to crops/lands/fences etc that the home owners have to pay to repair. You see it everywhere now where dirtbikes destroy ditches, driveways where they come out of ditches etc.

Trespassing in rural areas needs to be treated the same way as someone entering your home in the city. Rural people cannot be understood by lawmakers because few lawmakers have ever lived in a rural setting. I live 40min away from an ambulance or police and I feel I need to do what I need to do to protect my family. This current system needs to be updated to reflect this. People call us rednecks, but unless you've lived where we do and had the issues we do, no one will understand. Like they say, "Live a minute in their shoes."

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Cc:** [REDACTED]  
**Subject:** Attn: Review of Trespass Related Legislation  
**Date:** Monday, September 24, 2018 11:54:17 AM

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

- Yes, all access to rural land by the public regardless of intended activity should have written permission by the land owner and/or land occupier (i.e. renter, leaser)

2) 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 not be any distinction between types of land. Any type of distinction leaves the opportunity for confusion and some people do not know the difference in types of land (i.e. summer follow and seeded winter crops) All land access should need written consent for any type of activity.

3) How should permission be sought and granted?

- Permission should be sought by inquiring about ownership of the land at the nearest inhabited yard site and accessing that yard site by road and driveway (not crossing field to get to yard) or by inquiring at the R.M. office as to who owns the land. Permission should be granted in writing at the discretion of the owner or land occupier stating intended use and releasing owner\occupier of any liability.

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

- If it does impede on recreational activities, I do not see how a land owner should have to subsidize other people's recreational activities with crop losses due to damaged crops, infestation of invasive plant species or diseases. Also, the safety of those seeking access to the land would be increased by requesting permission. The land owner can inform them of potential risks such as poison put out for pest control (i.e. could affect pets), chemical sprayed on crop, other people on property shooting guns, cattle or other domestic animals that are not friendly. Dangerous wild animals in the area (i.e. cougars, rattle snakes), field conditions that could damage vehicles/cause bodily injury such as wash outs, rocks, badger holes etc.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Attn: Review of Trespass Related Legislation  
**Date:** Monday, September 24, 2018 3:46:03 PM  
[REDACTED]

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Begin forwarded message:

**From:** [REDACTED]  
**Subject: Attn: Review of Trespass Related Legislation**  
**Date:** September 24, 2018 at 3:05:54 PM CST

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

A: Yes. All land should be treated this way, it should not need signs posted saying so. If a person doesn't own it or have written permission to be on it then they are a trespasser.

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?

A: No. All land should be treated the same. "no permission no access"

Q: How should permission be sought and granted?

A: Land owner should be sought out first, then the farmer that is using the land for agricultural purposes.

Permission should be in a written form that both parties have a copy of, including contact information of both parties in case situations change.

No copy no access

A written copy would make it easy for law enforcement on the scene to make a judgement while the offender is present

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

A: No. Not to any respectful member of society.

Thanks for considering my voice on this matter,



**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** ATTN: Review of Trespass Related Legislation  
**Date:** Tuesday, September 11, 2018 5:24:10 PM

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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. Absolutely. Farmers must have the full support of the law behind them in order to protect the bio-security of their land and livestock. They should not have to track down trespassers after they have entered their property in order to verbally or in written form inform of violation. The law should absolutely state that all access by members of the public to rural property requires express advance permission of the rural land owner regardless of the activity.

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?

A. All land being used for agricultural purposes should be treated the same under the law. Whether cultivated, fenced, or especially in open pasture, they all risk exposure to foreign bacteria/weeds/diseases through transfer on tires and shoes. Something most urban dwellers don't realize is that their dogs also transport disease such as neosporosis through their faecal matter to cattle that graze near it. Neosporosis causes cattle to abort their pregnancy and they become infertile, costing farmers an incredible loss. When people transport these things into open pastures, they do not understand that those pastures get cut and made into winter feed. If a farmer could afford to fence off all their land, they would, but the cost in time and money is far too great for many.

Q. How should permission be sought and granted?

A. I like the consideration that by attending an on site inhabited residence by the most direct route from main access approach would avoid wandering throughout the property, however it is still too open to interpretation. Especially in the case of someone with nefarious intentions looking to avoid serving penalty under the law. I would suggest that the Rural Municipalities Offices have the question posed on their annual tax notice something to the effect of "Are you open to considering requests by individuals who seek permission to be on your land for legitimate activities such as hunting?". This way, farmers who are not open to allowing anyone can opt out and not be bothered with any contact and also afford themselves the privacy of not having their phone number or email address released to random strangers. Should a farmer choose to be open to hunters, they can release either their email address or phone

number but that form of communication should be up to them. With this method, someone seeking to access ag land for legitimate activity can go to the RM office and inquire if that particular land/land owner is open to requests.

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

A. If the question were reversed can you imagine the outcry?!?! "Would making consent to access your urban property an express prerequisite in all circumstances represent an unreasonable impediment to the activities of strangers wanting to be in your yard?" It is quite a ludicrous thought when worded this way, but effectively it is the same. A farmer's land is his/her yard. When people are driving on their seeded crops, imagine someone driving on freshly laid sod in town. Only difference is urbanites are not relying on their sod for income! If someone trespassed into an urban yard causing unnecessary stress or harm to your pet, there would likely be witnesses and the ability to prosecute. It is much more difficult is it for a farmer to watch over and protect their livestock out on pasture from harm and stresses of trespassers, whether they be seeking legitimate activities or seeking to inflict purposeful harm. In either case, a Farmer's livestock is a lifetime investment for them whereas an urban dweller is not relying on their pet to remain stress free in order for their value to allow the owner to retire-or break even as is often the case with farming!

It is in no way unreasonable for recreational individuals to be asking for express consent beforehand. And in doing this, the land owner knows exactly who is on their property. This should also allow for better tracking in the event of poaching or hunters that are not abiding by hunting/trapping laws when their identity is known to the land owner.

One more comment I wish to leave is regarding land that we own on the North Saskatchewan River. We assume, but can not confirm, that a portion of the river bank is crown land. At least this is an excuse people use in order to trespass to fish, or do whatever they please. Because of this, we experience an incredible amount of garbage left behind. Not only is it unlawful to litter, but young calves eat pretty much anything that makes them curious and we have lost a calf in the past to eating a plastic bag. There are also very limited spots that my cattle herd can access the river to drink, and when they come across a person standing there by the water it is incredibly stressful to them. When we get a couple weeks straight of 35 degree weather in summer, and the cows have trekked across many acres to get to their single source of water, it is inhumane to have a trespasser's presence preventing them from drinking.

It is our desire that these shorelines which are connected to private property be included in this new change in the law and considered as occupied by the land owner therefore making it unlawful for people to trespass.

Thank you for considering my comments.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Attn: Review of Trespass Related Legislation  
**Date:** Tuesday, September 18, 2018 12:30:30 AM

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Hello,

I have some comments I'd like to submit regarding trespass in Saskatchewan. Having grown up on a farm, and being an avid adventure motorcyclist, I believe I have some views worth sharing.

From my experience growing up on the farm, most of the farmers I know are concerned with trespass because of "the unknown". If someone is on their land they are worried about who it is and what they might be doing there. If the person is merely passing without causing damage, shooting, or camping/starting fires, most farmers don't have an issue with them being there. However, if they do not know who the person is or what they are doing there they tend to worry.

Adventure motorcyclists fit the description above of people who are passing through without damage or shooting, and can accept that camping on private land is not allowed. We are not talking about people riding dirt bikes and ripping things up, but people who are riding street-licensed motorcycles long distances via "the back way". They are usually older (often in their 50s or 60s) and are responsible individuals. I can attest to the fact that riding across kilometres of open prairie is an extremely spectacular experience, and one that is not afforded in most other parts of Canada.

Trespass laws are prohibitive for adventure riding, as the long distances ridden result in an unrealistic number of permissions required. Sadly many of the most beautiful parts and roads of Saskatchewan are effectively inaccessible for adventure riding because of the prohibitive requirements in gaining permission to enter land. One beautiful ride south of the Cypress Hills is 52 km of open prairie crossing Crown land, but would require 14 different permissions from lessees to be obtained for a ride that would take less than 1 hour. Contact information for these lessees is difficult to find, and is unclear at best. There is not accurate or complete contact information for some of them. At one point I tried to assemble the information required to gain permissions to do this ride. The time taken to compile the contact information for all lessees was roughly 3 hours, and contact information was not complete enough to be able to contact two of them at all. To then contact each of them would have taken at least another two hours (assuming they were all home when called, and could be contacted by phone). To top it all off, if one landowner doesn't grant permission then the entire ride is not possible, as you cannot get through on the route.

Snowmobiling is afforded more leeway under current legislation, likely due to the fact that it is a significant industry in Saskatchewan. However, adventure motorcycling is a rapidly expanding area that could be taken advantage of in Saskatchewan. People participating in this activity come from all over the world to ride in Canada, are typically more affluent, and spend money at Saskatchewan campgrounds, restaurants, gas stations, hotels, and other local businesses. Considering ways to encourage this activity would benefit the Saskatchewan economy.

[REDACTED]

[REDACTED]

I have received first-hand rave reviews of Saskatchewan adventure riding. People from all over the world have commented that they were surprised and impressed with the ride across our province. However, for me there was a lot of frustration in creating the TCAT in Saskatchewan due to unclearly marked private land, marked private land that cannot easily be accessed, and things like seeded road allowances that should be open for public passage but cannot be accessed without damaging someone's crop.

I would be interested in discussing any options to improve access to land, especially Crown land, for adventure riding. We have a wonderful province for people to discover, with a lot of empty space (which adventure riders love), and anything that could be implemented to improve access for adventure riding would be good for adventure riders and good for Saskatchewan businesses. Thank you for the opportunity to express my opinion.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Attn: Review of Trespass related Legislation  
**Date:** Thursday, September 13, 2018 11:23:28 AM

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1) 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.

2) There should be no distinction between cultivated land, fenced property and open pasture land. All land used for agricultural purposes should be treated the same.

3) Permission should be in written form. It should be signed by both parties and a copy kept by both parties. All individuals covered by the permission should be listed in the permission. Permission should be sought by attending any on site inhabited residence by the most direct route from a main access point only or by phone, mail or email.

4) Requiring written permission will not stop use of rural land by members of the public, but will be a major step in curtailing rural crime and land abuses.

Thank-you,

[REDACTED]  
[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Attn: Review of Trespass Related Legislation  
**Date:** Sunday, September 30, 2018 8:58:18 PM

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To: Ministry of Justice  
Legislative Services Branch

Saskatchewan 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 and the failure to secure that consent constitutes an offence.

All agricultural land should have express consent required.

Permission should be sought from owner and granted in writing.

Express consent requirement does not represent an unreasonable impediment to recreational activities.

Penalties should be increased for trespassing offences.

Regards,  
Concerned Saskatchewan Resident

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** [REDACTED] - Review of Trespass Related Legislation  
**Date:** Friday, September 28, 2018 5:36:01 PM

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[REDACTED], MLA

SASKATCHEWAN LEGISLATIVE ASSEMBLY  
CUT KNIFE – TURTLEFORD

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Good afternoon,

Re: [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

As [REDACTED] does not have email access and she would not be able to meet the deadline by mail, she has asked this office to relay her thoughts on the trespass review.

She believes that individuals should have written permission from the land owner before accessing their land. She would be open to further discussion if someone wished to call her.

Thank you and best regards,

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Change in Rural Trespassing Act  
**Date:** Wednesday, September 26, 2018 11:48:09 PM

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Gentlemen

In my opinion the Act has to be changed in light of the present public disregard to private agricultural land.

In our case we have a 1/4 section of river land cut up by the river with rather steep sidewalls to the river valley at either edge to the land. All usable land is seeded to tame hay for livestock feed in the form of bailing when it grows to the maturity. The nearest public road to the land is a 1/2 mile away and the nearest farm-site is 1-1/2 miles away, so it is quite isolated. The only access is 1/2 mile around or across a neighbor's cultivated land.

A number of years ago it was discovered that some game fish were living in the river occasionally at first only a few local neighbors would periodically go down to fish with no problem, them being farmers themselves would follow the established farm equipment trails and no damage was done. Over the years word about this potential fishing site got out with traffic going down there as many as 10 vehicles on a weekend afternoon and evening, driving anywhere they pleased along the riverbank. Some have been reported coming from as far as 70 miles away. This packs down the hay and if driven on a number of times kills the grass leaving a dust bare track, destroying the present hay crop and also in future years.

Also in recent years ATV users have discovered the steep hill sides to the river valley and have its thee place to play their games, driving up and down the hill sides killing the hay and baring the soil to erosion from rain or spring run off. I personally witnessed a group of 6 ATV-ers head down to the land on one Sunday afternoon, staying down there for about 3 hours.

We have posted the land over the years, but with disappointing results, within 6 months they have been tore down or shoot up. This spring was the last straw, we posted 7 new signs with steel pipe posts. Within 4 days 3 signs disappeared and one they couldn't get out was driven over and flattened it. We have requested the RCMP to periodically patrol the area during peak usage times with some temporary success, they can't be expected to keep that up.

At present I would say 10% of our hay land as been negatively affect for growing hay, and my be more since has been a very dry year.

I firmly believe the present system is not working for rural land owners and something has to change.

Regards

[REDACTED]



**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#); [Minister ENV](#); [Minister AG](#); [Minister JU](#)  
**Subject:** Change to Land Access/Trespassing Regulations  
**Date:** Friday, September 28, 2018 5:56:48 PM

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Hi,

The Ministry of Agriculture, the Ministry of Environment, are included in this response because of the absurdity of carrying out this survey during the MIDDLE OF HARVEST. The only responses that you will get will be from squeaky wheels, because this is an incredibly onerous process that is occurring in the MIDDLE OF HARVEST!! I know many other farmers that feel the same way I do, but no one has the time to put in this much effort to provide feedback.

None of the land that we farm is posted, and with good reason. In previous years I posted my land "Hunting with Permission Only." I wanted to know who was on the land, but I never really said no to anyone who asked because in reality, unless people are disrespectful, I have no problem with hunters. I have since stopped posting my land. The main reason is that I got bombarded by calls from people. I also ended up getting WAY more people coming into the farmyard, which is what I ABSOLUTELY do not want.

My main concern with this legislation change is that I will end up with way too many calls and way too many people wandering onto my farm property. If this legislation were to change, the result would be more people wandering onto farm properties, as they would be looking for people to ask permission for access.

The existing system we have allows people to restrict access by putting up signs. Making access for hunters more difficult would make farmer's lives more difficult as well.

I would also like to comment on the process that is being followed regarding stakeholder engagement.

Answers to survey below:

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?

Absolutely no. This will lead to more people entering farmyards under the guise, or in actuality, of looking for permission. I also hunt outside of my home area, and it is almost impossible to figure out who owns what land without going into yards. RM maps are difficult and expensive to obtain.

The system being proposed is similar to Alberta, and my contacts in rural Alberta hate the fact that people are always calling them and coming into their yard. In Saskatchewan, the mechanism to keep people off your land already exists; if I don't want people on my property, I post it. Simple as that.

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?

I don't care if people go on any land of mine aside from my farmyard, as long as they are respectful. I also do not want to deal with more people in my farmyard, which would be the result of this change.

Q. How should permission be sought and granted?

The same way it is now. If people want to keep people off their land, put up a sign.

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

Absolutely. Do I really have to plan out my snowmobile route and make phone calls days in advance? What if I make a wrong turn? I have people snowmobiling on my land, hunting on my land, etc. and I have NEVER had an issue. I know many many farmers that feel the same way.

I would appreciate an audience with some of the involved parties. I can be contacted at [REDACTED] or through this email address.

Thanks,

[REDACTED]

On behalf of:

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Changes to Hunting regulations  
**Date:** Wednesday, September 19, 2018 11:05:45 AM

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Good morning

I know that myself as a law abiding hunter over the past 15 years have asked permission to hunt on land prior to entering the land. I believe that if the land is not posted that I require to gain permission. Sometime the biggest challenge I have encountered is that some of the land is owned by people outside of the province and area. Getting their contact information has been very difficult. I have landed on whoever is farming the land is who I ask permission from. If they are ok with it I have hunted. There needs to be clarity on if that is acceptable. The more and more it gets difficult to obtain permission less and less people will be hunting. I hunt North west of Saskatoon and I know most of the land owners or farmers but that land is transferring to different people on a regular basis. So trying to consistently figure who's land I am on is going to deter me from hunting.

Last year we were drawn for mule deer in the Leader and to get information on who owns what and farms what was a nightmare. There was no system in place for us to figure it out. We just ended up going into the sand hills where we knew what was approved. We drove by lots of land that was not posted and saw lots of deer but not knowing we just continued driving.

I know animal population control is important and the harder it is to get permission it will be harder to control the population.

I know this doesn't have a solution but in some ways these things need to be addressed.

Thank you.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Changes to provincial trespass laws  
**Date:** Sunday, September 23, 2018 8:34:38 PM

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#### Question 1

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 however snowmobiles are less damaging and not as big of a deal. No changes to the current laws need to be made.

With the increase in rural crime and such issues as clubroot the farms and public property is at risk from uninvited visitors

#### Question 2

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?

It should all be treated the same as someones private property.

#### Question 3

How should permission be sought and granted?

Making landowners email addresses public information may be a bit much. Traditional phone calls and visits to the farm headquarters may be adequate. No permission granted no access regardless of landowners availability.

#### Question 4

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

No. First and foremost private farms are places of commerce and people's livelihoods not a

public playground.

Thank you for considering the proposed changes. At the moment the laws do not protect the property owners rights adequately and the laws of Alberta should be considered.



**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Changes to trespass to Property Act  
**Date:** Saturday, September 15, 2018 2:23:07 PM  
**Attachments:** [REDACTED]

---

I don't believe it should be the landowners responsibility to post on their private land "No Trespassing" or "No Hunting" as the onus should be on the hunters to "get approval" for accessing ANY private land.

I don't actually see the difference in people just being able to walk into your backyard as farmland?

I'm a grain farmer and with Clubroot starting to be found in our province this becomes even more important to make these changes immediately!

Default shouldn't be "accessible unless denied" but rather "no access unless given permission"!

Thanks,

[REDACTED]

---

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Comment  
**Date:** Wednesday, September 05, 2018 7:44:36 PM

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As an avid life long hunter/outdoors/farmer of Saskatchewan. I believe changing the laws to having permission on every peice of land to legally hunt would be a huge mistake. I understand the thought of the farmers against trespassers but the true sportsmen/hunters are not the ones causing issues to these land owners. I do believe penalties should be major for the ones that think they can hunt on any land not in any hunting season but that shouldn't wreck it for the rest of us.

Thanks for your time

**From:** RM of Hazel Dell No. 335  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Comments for the proposed Trespass Legislation  
**Date:** Wednesday, September 19, 2018 11:41:46 AM

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Good morning;

At our last Council meeting the proposed Trespass Legislation was discussed and the following are comments and suggestions from our Council on this item:

- There should be written permission only (no exceptions)
- Permission letter must have the dates you are allowed access (does not apply to previous years)
- The landowner may post hunting with permission only signs.

Thanks,

[Redacted signature block]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Comments for Trespassing  
**Date:** Monday, October 01, 2018 2:57:32 PM

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These are some brief comments from a councillor [REDACTED]:

- permission from lessee land holder, not only the province
- people with permission on the land should hold their own liability and responsibility, none on the land owner
- legislation maybe the same for urban and rural but not treated or respected the same way

Thank you,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

*This message, and the documents attached hereto, are intended only for the addressee and may contain privileged or confidential information. Any unauthorized disclosure is strictly prohibited. If you have received this message in error, please notify us immediately so that we may correct our internal records. Please then delete the original message. Thank you.*

From: [REDACTED]  
To: [LSBQuestionnaire JU](#)  
Subject: Comments on questionnaire  
Date: Sunday, September 23, 2018 2:06:43 PM

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***Q1) 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** without a doubt and under any/all circumstances with the exception being law enforcement, medical, fire & rescue personnel.

***Q2) 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?***

There should be no distinction, **ALL** land being used for agricultural purposes should be treated the same, as some people don't know the difference nor do they care and fences mean nothing to someone who wants to go where they want regardless of permission.

***Q3) How should permission be sought and granted?***

By person -to-person contact

***Q4) Would making consent an express prerequisite in all circumstances represent an unreasonable impediment to recreational activities?***

**NO** , but if the law is more concerned with impeding the activities of the recreationalists and not being able to adequately manage those activities, as opposed to adequately managing the clandestine/ unlawful actions of those who choose to partake in various activities upon someone else's land  
then I am at best gravely concerned.

**It should always be at the discretion of the landowner as to who, what activity, and where he/she grants access to his land, within and abiding with the laws of this country.**

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Comments on right of access to private lands  
**Date:** Saturday, September 15, 2018 7:57:27 AM

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1) Should express permission be required.

Definitely not

2) How should permission be granted.

By not posting land

3) Would a requirement to have express permission be an unreasonable impediment

Absolutely, it would all but kill the snowmobile industry, which is an industry the makes a considerable contribution to the Saskatchewan economy, especially in rural Saskatchewan.

Sent from my iPad

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Comments on trespass laws in Saskatchewan  
**Date:** Thursday, September 13, 2018 12:47:50 PM

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I feel very strongly that express permission needs to be granted to a person before they are legally allowed on private land for any activity.

Having said this, I don't believe for a minute that if laws are changed to enforce this that it will do any good. I am a hunter, but every year I post my land because people do not respect my property. Even with the signs up they just ignore and drive thru the fields and shoot at deer that run out of the bush in front of them. I have stopped people on my land and asked them if they have permission and they say yes and then play stupid when I confront them on the lie. Without people out there to enforce these laws nothing will change.

People need to be forced to actually hunt, rather than just drive around in there trucks and shoot from the road. The rule that says they just have to be one step off the road to shoot is ludicrous. You should have to be 100 yds off the road to shoot and then that would lessen the temptation to shoot something quick on land they don't have access to and get out of there before anyone sees them.

Not sure my comments will make a difference, but hopefully some day.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Comments  
**Date:** Thursday, September 13, 2018 7:40:19 PM

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As land owners in Saskatchewan our position on this subject is:

-That all people regardless of previous rights should have to ask for permission to go on to our land no matter the reason ie hunting, sask power,quadders etc whoever it is.

We are very concerned about the devastating impact that clubroot disease could potentially have on our land if this starts to spread.

We need to know who is on our land and what vehicles are on our land and where they have come from and if things are clean. Our future livelihood depends on being able to grow canola disease free and also prevent noxious weeds from spreading.

-We have always appreciated when hunters ask for permission to hunt on our land, it is safer for everyone knowing who is hunting and where they are hunting.

Asking for permission doesn't mean the owner will say no but it gives the option.

The laws need to be the same for everyone, no exceptions so there is a clear understanding on both sides.

We feel that the laws need to change and agree with the proposals.

Sent from my iPad

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#); [REDACTED]  
**Subject:** Concerned Urban-Dwelling Hunter/Snowmobiler's Response to Review of Trespass Regulations Questionnaire  
**Date:** Wednesday, September 05, 2018 10:29:03 AM

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Hello,

I was looking through the Saskatchewan Conservation Officer's page on Facebook and saw a link to a provincial review of the Saskatchewan *Trespass to Property Act*. I appreciate the Saskatchewan Government reaching out for public comment as I'm very passionate about this issue. Below I've introduced myself and listed my concerns with the changes.

Hon. [REDACTED], I've included you in this message as I'm one of your constituents from the [REDACTED] and I wanted to make sure my views were heard by my provincial representative. Please contact me if you would like to discuss these issues further.

Intro:

My name is [REDACTED] and I'm a [REDACTED] resident. My family originally homesteaded outside of [REDACTED] in the 1890's, and my father still owns the remainder of my great-grandfather's farm outside of [REDACTED]. I grew up in [REDACTED] and moved back in 2016; the family acreage has instilled a strong connection with rural life, mainly around hunting and snowmobiling. I've been engaging in these activities for 15 years or so. I believe hunting and snowmobiling are a part of my family's culture and heritage, and that the proposed changes may erode these activities. Further, the *1998 Wildlife Act 23* (1) lists wildlife as the property of the crown. As such I believe all Saskatchewan citizens have the right to access wildlife equally and that this is best achieved by the current version of the *Trespass to Property Act*.

As a hunter, I always get permission when hunting larger species (moose and elk) as they usually require vehicle access. If I access lands, I always close gates. I don't ever hunt big game in land with standing crop for fear of damaging it. Outside of the larger species, I don't ever drive my vehicle onto privately owned land without permission for fear of the issues raised by SARM. I don't always get permission when hunting upland game or deer/antelope on foot as these activities should not impact a landowner's livelihood. If hunting on ranch land with animals present, I always get permission. I haven't ever gained landowner permission to snowmobile as I don't believe my snowmobiling is harmful.

Issues with proposed changes and responses to Questions:

#### **Alberta's Example – Is it a fair representation?**

- I'm not totally familiar with hunting in Alberta, but I've heard that crown land is more abundant, and closer to larger centers as compared to Saskatchewan. This logic should be included in the province's decision.
- When was Alberta's *Petty Trespass Act* updated to reflect the need for permission? This will be a big cultural shift for hunters in Saskatchewan as many landowners do not live adjacent to their lands anymore.
- I'm under the impression that Alberta has much more Ranch land vs Grain/Mixed Farm land. Ranchers typically live on their land, where grain farmers are trending away from it.

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

- I don't believe it should.
- If it was a requirement it would greatly impede many hunters enjoyment of the outdoors and would be a huge change for the hunting community.
- I'm not convinced landowners would see a decrease in the activities they are concerned about; most likely the net result will be the same issues for landowners and extreme inconvenience for hunters.

### **How should permission be sought and granted?**

- I can't comment of this directly, some of the points below address aspects of the question.

### **Access to Landowner Information**

- The biggest issue I see in the potential change is the access to landowner information.
- Our current system is outdated and ineffective. RM offices do not hold consistent hours; I can think of a specific office that's hours are dependent on the timing of doctors appointments and grand-kids school schedules. The hours for most RM's are only available in person. This is a big problem for me as some of the areas I enjoy hunting are >300km from my residence.
- Most RM's will only issue paper maps. About 1 in 5 paper maps that I've purchased are outdated. When I've questioned the RMs about it, I've been told that "we're using up the old stock before printing more".
- Most RM maps do not list contact information for each quarter, simply names or companies.
- When searching the companies many are not effectively traceable (numbered companies or names like XYZ Farms).
- If the province is moving ahead with the proposed updates, the province should be responsible for keeping a database of updated RM maps, listed online, free of charge.
- For hunters to properly engage landowners the information would need to include up to date phone numbers, email addresses and physical addresses for each quarter.

### **Clarity of Who the Permission Granting Authority Is**

- To further the access to land information, if the trespassing rules are updated hunters will need greater clarity as to who the permission granting authority is. This should be kept up to date with the online RM maps.
- Years ago I tried to access a specific quarter as it looked really promising for wildlife and was close to home. It took me three months to track down the appropriate authority. Today's land agreements are very complex, with Owners, Landlords, Land Rental/Leasing companies and Renters. Those that enjoy the outdoors would need clarity as to who to contact.
- Availability of contacts is also a big concern. I've talked to Saskatchewan Landowners that live in BC, Alberta and Manitoba. Many landowners do not live near their land; this trend is increasing greatly with land investments. Further, some landowners are snowbirds and leave the country for months at a time once crops are off. They are usually unreachable for this time period.
- The proposed database should include secondary contacts that are available year round, if changes to the trespass regulations are implemented.

### **Discrimination in Access/Permission**

- I've seen a fair amount of discrimination as a hunter that lives in an urban setting.

Landowners always ask where you're from while granting permission. If I say I'm from [REDACTED], I have about a 70% chance of getting permission. If I say I'm from an acreage near [REDACTED] it's about 90%.

- I'm not a visible minority or a new Canadian. I feel like these groups would see greater discrimination than I have when trying to access lands for hunting.
- Discrimination is not acceptable in any other part of Canadian Society, I don't believe it should be acceptable when discussing access to crown owned animals. If the province enacts changes to the trespassing act I would like to see a plan that includes discrimination prevention.

### **Onus for Response to Hunting Access Requests/Troubling Landowners**

- I have issue with contacting the landowner of every quarter of land I hunt as I don't believe many of them would be concerned with my presence. As such, I feel like many phone calls would go unanswered and messages/emails unreturned.

### **Informal Paid Hunting Rights/Cost of Hunting**

- In many other jurisdictions hunting is a privilege for only the rich (many US states, the UK, Europe, Africa, etc). Our current system prevents this for the most part. The updated system would increase the chance of it.
- I understand that the *1998 Wildlife Act* strives to preclude this, however tracing cash exchanges for land access would be nearly impossible. If changes were to occur, policing this should be a substantial component of the Saskatchewan Conservation Officers mandate.
- I've experience this in open season elk areas, where landowners are renting "campsites", posting all land and only granting permission to "campers".
- I believe that if the proposed updates are enacted many hunters will use payment/exchange of goods to gain a positive response to the request for access.
- Further, these changes would create greater incentive for the wealthy to purchase hunting lands so that permission is not required, creating further inequality in accessing crown-owned wildlife.

### **Land Boundary Issues/Bird Hunting**

- Another downfall of a 100% requirement for permission would be wildlife movement and mobile style hunts.
- Wounded animals moving from legal hunting areas to posted hunting areas is a problem with the current system. This would increase ten-fold with the proposed changes. Even with the proposed updates to access to landowner information I don't think it's reasonable to assume that a hunter would be able to contact a landowner to retrieve wounded game in many circumstances. We're told to contact Conservation Officers in these circumstances. If this were to be properly supported we would need significantly more conservation officers available, especially during twilight hours.
- Certain hunts require a fair amount of mobility, including upland game hunting and antelope hunting. These types of hunts would be severely impacted by the proposed regulations. Event's like Goodwater's Bird Doggin Classic would be in jeopardy.

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

- If changes must be enacted a distinction should definitely be made, stressing potential for damage to a landowners livelihood. I understand the impacts of hunting big game in lands with standing crops and/or discharging weapons in the vicinity of livestock; activities where these are not a potential should be exempt from any potential changes (land where there is not standing crop, and where livestock is not within a certain distance). The livestock

setback could mimic the current 500m rule from dwellings.

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

- Unless landowner information systems are greatly improved I believe it would present an unreasonably impediment to recreational activities.

### **Hunter/Snowmobiler Time**

- The proposed trespassing amendments would greatly impact the time available for recreation activities.
- Many outdoor enthusiasts have significant time commitments outside of their hobbies and we're seeing more and more encroachment on recreation time in recent years. These amendments may effectively prevent a citizen's from enjoying a significant portion of their previously available recreational hours.
- Nearly all of the landowners that are represented by SARM own land to conduct business. There are many other circumstances where business owners support the public in our collective enjoyment of our province.
- While bird hunting in the south east I typically access 5-10 abandoned farm yards, hedge rows or creek/slough beds in a day. It would take me a day to gain permission from 5-10 different landowners at a minimum.
- While snowmobiling I can cross 40 miles in a day, and the route isn't always planned. Gaining landowner permission for this activity is near impossible.

### **Impact to Saskatchewan Economy**

- If the trespassing amendments are enacted to the full degree I can see a distinct impact on the Saskatchewan Economy.
- I currently spend ~ \$5,000 per year hunting and snowmobiling. If landowner permission was required for 100% of these activities, I would hunt significantly less and give up snowmobiling entirely. I can see myself spending less than \$1,500 if the full extent of the changes are enacted. It should also be noted that the majority of this spending is in rural areas that wouldn't get my business otherwise and if I give up these activities these funds would most likely be spend on out of province vacations.

### **SARM Resolution 13-17A – Stricter Regulations for Damages/Vehicle Access Permission**

- I've read through SARM's 13-17A resolution that started the provincial review. I don't believe amending the trespassing regulations to ensure 100% permission will alleviate their concerns around damage to property, livestock and crops.
- In general, the type of people that disregard a landowners livelihood are not the type of people that will respect trespassing laws or be precluded from trespassing based on any of the current land trespassing fines in the Western Provinces.
- If an amendment must be made, all of SARM's concerns would be addressed by requiring 100% permission for **VECHILE Access**, enacting very strict rules for damaging standing crop and for discharging firearms within a reasonable distance of livestock.

### **Crown Land Access**

- If changes must be made to the trespassing regulations, specific rules should be listed for Leased Crown Land, as it is the property of all Saskatchewan Residents.
- Most landowners that lease property retain the right to access it, as long as it doesn't impede the lessee's ability to generate revenue. This logic should apply to crown land as well.

- If the same rules are to apply to leased crown land as privately owned land, hunters should be given the ability to lease crown land for hunting purposes as it would be a relatively in-expensive way to ensure access.

### **Representation of Hunters and Snowmobilers**

- I have mixed feelings about the provinces public consultation methods on this issue. I stumbled across the information on Facebook. I've searched for public notification of the request for comment in other locations and have not found it. I couldn't see it in any newspapers and without the Facebook link I wasn't able to find it on Saskatchewan.ca.
- Further, the public consultation period is quite short. The Saskatchewan Conservation Officer's Facebook listing was posted at the beginning of September, and the Saskatchewan.ca public consultation request lists a deadline of October 1<sup>st</sup>. This is a very short window compared to other public consultations.
- To properly represent hunters and snowmobilers, questions should be added to this fall's hunter survey and to the SGI process while registering snowmobiles for the upcoming season.

### **Others Sharing My Views**

- I'm one concerned outdoors-person that came across this questionnaire. For each person that is aware of the provinces request, and has the time/communication skills to properly convey his or her views there is probably 100 that do not. Please include this in the analysis.

Thanks again for the opportunity to provide input. I care very deeply about the Saskatchewan outdoors and sincerely hope the province will not prevent my enjoyment of these activities, provided I'm conducting them in a manner that does not financially impact landowners.

Sincerely,

[REDACTED]

[REDACTED]

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Consultation paper on trespass to property  
**Date:** Monday, September 24, 2018 10:44:40 AM  
**Attachments:** [REDACTED]

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Please see attached PDF for answers.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Copy of the questionnaire  
**Date:** Tuesday, September 25, 2018 10:40:51 PM

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At this time, we still have not seen a "Questionnaire" to complete. People are talking about the issues; where do we actually see the survey questions . We are land owners and feel strongly that we should have a say in what happens on our land.

Please respond to our request at your earliest convenience.



Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Current Review of Saskatchewan Trespass Legislation  
**Date:** Tuesday, September 11, 2018 2:19:26 PM

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**FROM:** [REDACTED]  
**TO:** Saskatchewan Justice re. Review of Trespass Legislation

My perspective is with respect to hunting / fishing and access to Crown resources pursuant to potential changes to trespass legislation.

To me, the question appears to be rooted in whether landowners should have enhanced rights to control and protect access to their property. Of course a land / property owner should have the right to control access. Although I am an urban property owner, I can absolutely understand the concerns of rural property owners. When a stranger intrudes on my urban property I can only assume, until proven otherwise, that the intent is criminal in nature.

From my perspective, there are 3 issues to be resolved: (1) What is the actual intent of a given landowner with respect to access? (2) What is appropriate right of access to provincial Crown resources on private property? (3) What is the constitutional right to control property? My positions follow.

(1) If a landowner has clear title to property he/she can and should clearly communicate their concerns regarding unauthorised access by posting signs at regular intervals, such as "access with permission only" or "no hunting or trespassing allowed". If no signs are posted, it would be a clear indication that the landowner has no concerns for access. I believe provisions such as these would facilitate equal sharing of responsibility between landowners and those desiring access.

(2) An individual landowner with clear title to the land should not have the right to prohibit access to Crown resources on their land. However, this is a complex issue insofar as landowners have legitimate cause for concern regarding crop and property damage, unsafe hunting (including night hunting) and criminal activity. Clearly, a great deal more effort needs to be directed at balancing the concerns of all parties.

A distinction needs to be made between clear title to land, and land that is leased from the Crown by an individual. In my opinion, there should be no access restrictions whatsoever to Crown wildlife and other natural resources on leased Crown land, respecting of course existing hunting and conservation legislation. For a lessee to prohibit / restrict access to Crown resources essentially transfers control of that resource from the Crown to the lessee. Nonetheless, the lessee has an absolute right to protection of crops, equipment etc. that may be on their leased land.

(3) I respectfully suggest that Sask. Justice review the Canadian Constitution with respect to property rights. The Canadian Constitution has no provisions whatsoever for individual property rights. Property rights are not enshrined in the Constitution. Accordingly, how can the Province enact legislation regarding access to "property", in this case land, when there are no constitutional property rights for Canadians?

Finally, I must disagree with the assertions of some First Nation and Metis that they have unlimited access to private property and leased Crown land. No, their Treaty access rights are to resources on un-occupied and non-leased Crown land, and to private property pursuant to permission from the landowner. However, there remains ambiguity as to their access to leased Crown land. The onus is on the federal Crown (with whom treaties were signed) to resolve

this issue.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Emailing 107841-Consultation Paper on Trespass to Property - August 7 2018-1.pdf  
**Date:** Saturday, September 15, 2018 10:21:41 AM  
**Attachments:** [REDACTED]

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Please find attached one file

**From:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** Emailing CCF\_000011.pdf  
**Date:** Wednesday, September 05, 2018 2:52:47 PM  
**Attachments:** [REDACTED]

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Your message is ready to be sent with the following file or link attachments:

CCF\_000011.pdf

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<https://m01.safelinks.protection.outlook.com?>

<url=https%3A%2F%2Fwww.avast.com%2Fantivirus&mpdata=02%7C01%7CCLSBQuestionnaire%40gov.sk.ca%7C50a7d389b284697481e08d6137160c7%7Cf4e8a24641b40d2905e9a3288644fab%7C0%7C0%7C636717775667189960&mpdata=7Fp%2Fzo%2F1JkGopeYd2YShf%2FqlyBAR%2BNS9Mlg9BA%3D&reserved-0>

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Entering landowner land only with prior permission  
**Date:** Thursday, September 20, 2018 10:45:32 PM

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As a hunter for over the past 60 years I have always tried to obtain the landowners permission before entering a parcel of land but sometimes it is impossible.

With farms becoming larger in many cases the owner does not live in the immediate area sometimes not even in our province. How can you obtain permission from an absentee landlord?

I welcome signs that say "Hunting With Permission Only" but the sign should include a phone number or email address to enable a person to contact the landowner.

Thank you.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Feedback  
**Date:** Friday, September 14, 2018 9:20:45 AM

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Hello,

I just want to provide some feedback in regards to the access of rural property.

- Should Saskatchewan legislation 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 and failure to secure that consent constitutes an offence? *I would like to say that I have always respected any land owner in rural areas that had their land posted for no trespassing or no hunting. There are less farmers living in these rural areas. The farmers or land owners may not have land lines in order to contact them for permission. If land is posted and someone is trespassing, ask them to leave or call the RCMP, if they don't comply to the land owners request or RCMP then they should be charged or given a summary offence ticket. Rural areas are being targeted by crime right now but I don't see how any changes in Legislation would make any affect in the crime rate. A criminal won't ask for permission to access your property or comply with a no trespass sign! If changes are made to the Legislation, it will just penalize law abiding citizens.*
- If so, how should such permission be sought and granted? *I believe no changes to the legislation are needed. I believe by posting rural land is the easiest way to "not" to give permission to members of the public. It's too hard to contact or find out who owns rural land or who rents the rural land. This will also be a burden on rural RCMP members if they have to investigate every member of the public that didn't get permission to enter private rural property. Best solution to the problem is to post signage for rural property if you don't want members of the public on private rural property.*

Regards,

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Feedback on Trespass related legislation  
**Date:** Tuesday, September 18, 2018 6:38:31 AM

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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, if landowners do not have the land posted as NO HUNTING or NO TRESPASSING express advance permission should not be required.**

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 distinction. Any lands that require restricted access should be posted NO TRESPASSING and require permission.**

Q. How should permission be sought and granted?

**Access to posted land could be done in many ways, including posted contact information on NO TRESPASS signs that might include e-mail, phone or text.**

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

**Yes, this could severely harm hunting activities in Saskatchewan. I believe many landowners who allow hunting and would rather not be contacted would likely be annoyed with new activity.**

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Fw: Fwd: Questionnaire  
**Date:** Wednesday, September 26, 2018 7:21:33 AM

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**Subject: Fwd: Questionnaire**

### 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.

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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 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?

in writing

#### 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 because a designated trail would have general consent when trail

was made.

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

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** FW: Input on Saskatchewan Justice Ministry Review of Trespass Related Legislation (AutoRecovered).docx  
**Date:** Thursday, September 27, 2018 9:58:01 AM  
**Attachments:** [REDACTED]

---

Please include this response in your review of Trespass Legislation.

Thanks,

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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---

**From:** [REDACTED]  
**Sent:** Thursday, September 27, 2018 9:54 AM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** FW: Input on Saskatchewan Justice Ministry Review of Trespass Related Legislation (AutoRecovered).docx

[REDACTED]

Please ensure and confirm that this feedback makes it to the Ministry for the upcoming review.

Thanks,

[REDACTED]  
[REDACTED]  
[REDACTED]

---

**From:** [REDACTED]  
**Sent:** September 25, 2018 2:30 PM  
**To:** [REDACTED]  
**Subject:** Input on Saskatchewan Justice Ministry Review of Trespass Related Legislation

(AutoRecovered).docx

For your information

Sent from [Mail](#) for Windows 10

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** FW: Land Questionnaire attached Thursday,  
**Date:** September 27, 2018 12:10:49 PM  
**Attachments:** [REDACTED]

---

Please let me know if you are unable to open the attached pdf.  
Thanks for the opportunity to weigh in on this important issue.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

From: [REDACTED]  
To: [LSBQuestionnaire JU](#)  
Subject: Fw: LSB questionnaire email with LINKS  
Date: Wednesday, September 26, 2018 4:08:59 PM

---

**Subject:** LSB questionnaire email with links

Good morning [REDACTED] here. I have been shown an email with an attachment outlining proposed changes to our rural landscape. I am a snowmobiler and I have been doing snowmobile tours for many years, to many to count! Of course I am interested in knowing what is going to happen with our provinces changing legislation.

As it stands we do tours in and around the Nisbet Forest that runs roughly from Duck Lake across the North Sask River to Shellbrook/Holbein then east past Prince Albert and a portion east of the number 11 highway around Adamson Lake. This area is not all Provincial forest.

***A good portion of it is private land, bottlenecking natural barriers such as the rivers and heavy stands of bush.***

[REDACTED]

Any one can say they went riding in the forest but ultimately they come to one of the bottlenecked borders and have to cross an open pasture or field, then find a road allowance before they can continue on with their journey to a...

[REDACTED]

***...small community for gas or lunch***

[REDACTED]

***and/or reconnect with more of the forest.***

[REDACTED]

There is no way you could travel the extent of the Forest without missing the hourglass bottlenecks impeding any or all traffic. This is just snowmobiling as we know it. No official snowmobile trails for the masses like you find 3 hours east of Saskatoon or 3 hours north of Saskatoon in the Lakeland region. The Nisbet is used a lot because it is a most reasonable 1 hour tow out of the city for a days

snowmobiling. There is a official groomed trail that lies in the ditch from Saskatoon to Duck Lake that is open periodically depending on snow conditions. We do not use it because we offer a backcountry Nisbet tour not a ride along a groomed trail in the highway ditch. Any one can ride the groomed trail with the appropriate plate/permit. Other than the experience such as orientation on a snowmobile, I would compare this to ...

### **"would you pay someone to guide you in your car from Saskatoon to Prince Albert?"**

I think not and see these services offered thru snowmobile associations but I couldn't imagine what it entails for traffic.

## Ok why the Nisbet Forest, and why is it one of the places we ride? [REDACTED]

The Nisbet Forest is based on rolling sand dunes created by the receding shores of an ancient ocean. Because of its nature there is virtually no rock that would inflict thousands of dollars damage to the snowmachines. This is also why a lot of the immediate country side adjacent has a low productivity and is often pasture land...a lot of crown pasture land. These areas are utilized as well when we snowmobile as livestock in the middle of winter is not allowed under pasture co-operative rules similar to grazing within the Nisbet forest. It is a very specified seasonal affair. Not to say I haven't heard of the authorities doing an audit finding "overgrazing by number of animals" and "early or late livestock application", you see whether it is right or wrong everyone takes a little bit when mother isn't looking.

More than just the Nisbet Forest, we also ride in and around the **Fort a la Corne Forest** to the east of the forks. We have utilized the Fort a la Corne Forest for close to the last 10 years.

[REDACTED]

And this is because it makes up a fantastic remote and very secluded portion of our province that at the same time is surrounded by our rural landscape and has cell phone coverage incase of an medical emergency. The Fort a la Corne Forest is remote and we certainly bill it as such but the truth is in any direction you are really only maybe an hours ride out maximum, if you choose the right direction, this is very important! We have rode from the small community of Macdowall Sask which closely borders the Nisbet Forest (\*2 -3 miles) cross-country thru or along the roads and fields cross-country over the rivers to the Fort a la Corne Forest thru to another small community that welcomes tourism and the trip every year. We have had German citizens on this trip a few times and likely will again this year. When you ride cross-country like this we are talking a trip that has been in the planning for awhile to arrange time off work and flights into the country for others. We are not in the position to "change the dates" just because the selected date is a little nippy out. This of course boils down to my personally choosing gear and snowmobiles that are function

able in all weather. I often go early in the year with my car, and scout out variations in the trail so that new country is seen and rode along, especially in years of poor snow conditions. We have found our selves riding in a bit of a blizzard simply because we cannot change the date or the weather. Under these conditions or any deep snow winter conditions it is guaranteed that you will eventually wonder off course and end up exiting a field or the forest on private land. In all these years we have only seen a couple No Trespassing signs and in one case only discovered it on the way back because it was only posted on the more typical vehicle traffic side of the property. We would call that a One Way and respect it on the way back.

***It is interesting to note that in the fall during hunting season we have noticed a large number of no trespassing signs on the land bordering the Fort a la Corne forest.***

This would certainly impeded access to the forest if you did not specifically study and know where the road allowances corridors were located. It is interesting to note that these same signs are not there when it is snowmobile season. Of course this is just an observation and not a detailed photographic or documented study just the landscape observation.

I understand that there are a lot of issues that may be responsible for the proposed legislation.

I personally think that the ATVs running wild everywhere in the livestock and cultivation time of year is may be the motorized downfall for everyone. Sadly their foot print is not light and this is a fact.

The other problem is crime. Unfortunately the saying that locks ***"only keep honest people out"*** probably applies to, but will likely have very little effect on victims of crime who have private property whether there is a change in legislation or otherwise.

I couldn't imagine the number of people that would be effected in snowmobile season by this. There was a John Gormely call in talk show 10 or so years ago. The talk show was Gormely elaborating on the destructive quality's of the snowmobile and all the problems with private property and crime around the city of Saskatoon. The call was with the then Corman Park Chief of police McGillivray .

This was interesting, there was a number of callers who were clearly farmers and they objected to the proposed restrictions because they snowmobiled and rode on their neighbour's land and were fine with the same treatment the other way. Out of all the call ins who were against the restrictions their was 2 who were for the restrictions proposed by the sensationalized Gormely, one I don't even remember, think it was a cross country skier who objected to snowmobiles riding at night in the ditch because it nauseated him seeing the lights bob up and down on the bumps.....I was on the Nisbet Forest Authority board for 15 years studying various impacts and forest public access, and I am sure it was the same guy who wanted all the berry trees pulled out

of the forest and re-transplanted along the Carlton Grid road or other nearby roads so that berry pickers did not have to enter the forest any longer potentially using a trail potentially changing the forest appearance. He was from Holland and did not understand that we like to go into the forest on its trails! The second was a woman who had a farm near the Hiway and she was all for the restrictions because on one occasion she said that "her 3 year old thought that daddy was on his way home on his snowmobile and that when the 3 year old ran out to the Hiway to greet daddy, instead a stranger on a snowmobile ditched past their driveway nearly hitting the child." Her other comment was that they grew berries (berries again!! surely just a coincidence) and she "thought that this snowmobile restriction would stop people from climbing or going thru their fence and taking their produce!" **TAKE IT FROM THERE.**

At the end of this radio sensation the Chief of police McGillivray said to Gormely, before Gormely cut off the program, and said friend to friend **"John you know we haven't had a snowmobile complaint in Corman park for years and years."**

I am sure Gormely could supply you with the tape.

Of course that all probably changed after a couple city dudes rode up past and likely thru an acreage a few years ago and were stopped in another persons yard with a rifle! Maybe the dudes should of been charged I don't know.

For people who just exit the city and unload anywhere this is probably going to be start of either snowmobiles running "illegally" everywhere with no one enforcing or worried about enforcing new legislation, the same old story it is easy to do nothing and leave lying dogs lie.

But what about us? Well it will take a lot more planning, with all the rural county watch I really do not want to be caught dead driving into farm yard, after farm yard, trying to approach the owners. In this day and age even in the city when some stranger shows up on your doorstep or suddenly finds him/her self behind your home, off your driveway, you are first more likely to angrily show them the way they came right on the spot. It is the way it is these days you protect your valuables and vulnerability's with privacy and invitation.

So how do we approach land crossings and easements?

The RM office could have a comprehensive list of phone numbers and email addresses, a land location of their residence is not required unless they have no other form of communication. This would give them privacy regarding their home. We could reach out to the land owner for the proper permissions. What is tough is who do you reach out to?

What if there is no response to emails or your calls. Perhaps some one who did not have this information registered with the RM office (appropriately) and or neither responded with in a week of your email or phone call would have to be deemed as not concerned with the land situation one way or the other. In other words they are choosing as simple as it is to do nothing.

Another concern I do have and I have discussed it with the DNR a couple times over the years is rural folks whether on an acreage or farm who live adjacent to crown land, or road allowances of one sort or another. They go ahead and get feeling possessive about the land just because they live next to it or maybe because they graze cattle on it. These folks probably have their hands full with cattle getting out and gates being left open, I would have to sympathize with them but these folks go ahead and POST forest entrances and road allowance easements. Many times experience tells you the signs are bogus but this is hard to explain away to a group of people who are with you on a snowmobile tour . Folks at the DNR have said just tear the signs down, but I don't want to do that either.

***Maybe the legislation should be critical of these false postings.***

[REDACTED]

A good example is we have used the back road corridors for 30 years to access the Nisbet forest off of Callahan Lake near Shellbrook and inquiring a few years ago because of a rash of NO TRESPASSING POSTS, authorities there suggested we not use the back roads to get to the forest ????? REALLY ????? because there have been gun shots fired in defiance. Perhaps some guns have been shot off near by when quadders have been around, don't know, but clearly even our motorized traffic in the winter was deemed risky by the town administrator. I have noticed that the locals next to the forest there refer to it as a pasture co-operative not by the name of Nisbet forest and there are or have been signs posted.

***I will send a second copy of this email with links in it.*** These links take you to years and years of these snowmobile trips complete with videos. You can see that in winter the specific direction on the ground we take is based on visibility, snow depth, snow hardness, and correspondingly the direction that the snow has firmed up in and also how much gas is still left in the tank! IE: one side of a tree line will be soft while the opposite side will be rock hard because of the wind.

Hopefully this long winded email makes some sense to you folks.

We are one of the last frontiers. One of the last stands in the wild west. We have more land per capita than most places in the world and really we have no one to blame but the forefathers who invited us as immigrants over the last 200 years to become a part of Saskatchewan.

Best regards

[REDACTED]

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** FW: Response to changes of trespass legislation  
**Date:** Monday, October 01, 2018 8:16:55 AM

---

If possible, please add the following feedback to the Trespass Legislation review.

Thanks,

[REDACTED]

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-----Original Message-----

**From:** [REDACTED]  
**Sent:** Friday, September 28, 2018 1:39 PM  
**To:** [REDACTED]  
**Subject:** FW: Response to changes of trespass legislation

[REDACTED]

I received this yesterday.

[REDACTED]

-----Original Message-----

**From:** [REDACTED]  
**Sent:** Friday, September 28, 2018 11:56 AM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Response to changes of trespass legislation

Dear [REDACTED]

I have been thinking hard about the possibility of major changes to the Trespass Act. I am a landowner and do not post my land. I am also a hunter. [REDACTED]  
[REDACTED] Weather determines how the real activity is determined. I live along the hills west of [REDACTED] but hunt the area from there primarily west and south to as far as Chaplin Lake. Also travel a bit to other areas. I usually hunt in areas that are very unpopulated. Landowners with occupied home sites are often few and far between. In the home area I know a lot of the landowners and have never had a negative experience with anyone. I should mention that I am in my [REDACTED] year and have been [REDACTED] Access to wide open space that contains opportunities to hunt [REDACTED] I also occasionally hunt with firearms, in the past much more, and I taught the Hunter Education and Firearms Safety courses for 20 years. [REDACTED].

I have always felt blessed by the opportunities to practise my passion in this province. I can only ever remember one landowner negative interaction, one that had nothing to do with being on his land, but rather he did not approve of my hunting method. It is a known fact, [REDACTED] that killing large amounts of quarry is not a part of the intent of this activity.

So with this introduction I go to my real intent. As a member of "Farmers Against Rural Crime" I share concerns of increasing disrespect for and criminal activity against rural people. In all aspects none of it results in good outcomes. Rural people are getting increasingly frustrated with the apparent lack of protection from criminal activity and the increasing lack of justice as an outcome from illegal acts perpetrated by people who disregard the law and the rights of others. Seldom, if ever, are these perpetrators concerned about trespassing. It is also discouraging for rural landowners to feel they are almost powerless to protect themselves, either physically, or through the justice system.

So how will changing the current Trespass Act, which is pretty clear, to broad basing ALL acts of setting foot on someone else's land into a criminal activity? The law abiding citizen's use of rural land that is usually conducted in totally respectful ways could easily result in increasing "criminalization" of usually safe and respectful activities. This would do nothing to decrease or prevent real crime. But, as an example of where this could lead, someone out bird watching could walk onto private, unposted land to take pictures and be "caught" without permission and charged. Most would pay the fine. But with the future coming from Bill C-71 that person's crime could be picked up by the daily vetting of all legal firearms owners by the RCMP, and lead to that person's investigation. Quite simply it would be legal for the police to confiscate that person's firearms, probably permanently, and perhaps declare that person un fit to ever own a firearm again, particularly if that person had any history of anything suspicious in their entire life. Such as being treated for depression as a teenager. Is this what redoing the Trespass Act could lead to? Of course, the Federal govt. would also be able to use such a case as so many more firearms taken "off the streets", which is untrue.

I realize landowners need to be respected. But the reality of this is the likelihood that their would be increasing numbers of people deciding its not worth enjoying the countryside. It would do almost nothing, or less, to slow down real rural crime. Treating criminal activity with real justice is what is needed.

Respectively yours,

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** FW: Response to questions from Consultation Paper on Trespass to Property  
**Date:** Monday, September 24, 2018 1:59:07 PM

---

I had forgotten one point in my email to you:

**Enforcement:** There are laws, currently, that do provide some protection for me as the land owner, and we have called law enforcement officers with regard to these law, however, nothing was done by the law enforcement officer. He investigated and acknowledged that the hunters were breaking the law, however, he said that the hunters left after he spoke to the. This is not good enough. If the law exists, it needs to be enforced, and there must be enough of a penalty or consequence for breaking the law to act as a deterrent. These laws need to be in place and enforced because this is not just an inconvenience – this is a safety issue and needs to be dealt with.

[REDACTED]

**Conversation:** Response to questions from Consultation Paper on Trespass to Property

**Subject:** Response to questions from Consultation Paper on Trespass to Property

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. Just as access to property owned in a town or city would require permission by the land owner, so should access, for whatever reason, to land in rural areas that is privately or corporately owned.

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 distinction should be made. If the land is not crown land – therefore privately owned, it does not matter what the land is used for. Some of the land we own is used for agricultural purposes, but we also have some land that has never been broken and one of the government departments has asked us to leave this land as it is – unbroken prairie and poplar bluffs. This unbroken land is owned privately by us, and we do not want anyone accessing this land, and we should have the legal right to expect that our wishes be followed.

Q. How should permission be sought and granted?

All land owner can easily be found by reading an RM map. Permission should be sought face to face or by telephone and be given through a letter or a note attached to the hunting licence. This way, hunters, snowmobilers, etc can readily prove to a law enforcement officer that they have permission to be on the land.

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

It would make no unreasonable impediment to recreational activities. Planning and preparation are essential to ensure safety for recreational activities in remote areas, so this is just one more step that should be taken to ensure safety for the hunter/snowmobiler and for the land owner and his/her property and animals.

Also, in light of this question, I have no sympathy for persons who wish to engage in recreational activities if they feel this is a problem for them. The problems that certain hunters and persons who ride ATV's have cause us over the years far surpass any "impediment" that gaining permission may cause.

We have incurred large vet bills, several times, due to hunters and ATVers shooting or running down

our purebred dogs while on our land. Cost incurred after our beautiful labrador retriever was stolen from our yard during hunting season. We have incurred the costs to purchase “No Hunting” signs and taken the time to put them up according to Saskatchewan legislation, only to have them shot, stolen or knocked down by hunters, which then requires that I purchase more and take the time to put them up again, only to have the same thing happen. We have incurred replacement costs to agricultural equipment due to hunters using our leafcutter bee huts as blinds – cutting openings in the sides, even though there is a door on the hut, and knocking over our honeybee hives. We have incurred damage to our shelterbelt due to hunters and ATVers running over our trees. I have been in my garden and had to take cover as I could hear the rifle bullets whiz overhead, or chatted from my bedroom with the hunter who decided that he could hunt beside my house -some hunters disregard the law- hunting within 500 meters of a dwelling. I strongly feel that these “impediments” to my life far outweigh any “impediments” to those wishing to engage in recreational activities.

We have nothing against hunting, snowmobiling and riding ATVs. These are activities in which we have engaged and enjoyed. We have wonderful neighbours and employees who engage in these activities while respecting that if they wish to use our land, they ask permission. We have family members who engage in these activities. However, anyone who wishes to engage in these activities should be required by law to gain permission from the land owner. In doing so, we, the landowners will be prepared and know that someone will be on our land. The hunter, can have a conversation with me and will then know that I have dogs and these dogs may run out to protect our property if strangers are on the land. We can take precautions to keep our family members and our dogs safe while the hunters are on our land. All of these things are safety precautions and courtesies and demonstrate a respect for the land, the land owner, and the property of the landowner – just the way I respect the land owned privately by someone in the city. I would never walk across someone’s land in a city, break down their trees, shoot or steal their dogs, etc. The same right to privacy and land ownership should be given to those of us who are stewards of the land in the rural areas.

Other provinces require permission to be granted by the land owner. Saskatchewan is the only province where I, the land owner, must take time, money and effort to keep people off of the land that I have paid for and the land that I take care of. It should be the reverse.

Thank you for your time,

██████████

----- End of Forwarded Message

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** FW: Response to trespass legislation review  
**Date:** Wednesday, September 26, 2018 8:21:17 AM

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**From:** [REDACTED]  
**Sent:** Tuesday, September 25, 2018 5:57 PM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Response to trespass legislation review

We would like to respond to questions as set out in the questionnaire. We are rural residents who actively work, live and own farm land; and rent other land for which we are responsible.

Recent criminal intrusions and our changing world require adaptations to those changes. New legislation reflecting a landowner's protection would provide a necessary legal option. These laws should not segregate rural rights from urban rights, trespassing is trespassing. Parks and other government properties could be exempt from this legislation.

Our response to Questions:

1. All access by all members of the public, (including indigenous peoples) to rural property should require the advance permission of the rural property owner. This would also include no access for members of the public to land designated as First Nation reserves without permission.
2. We believe there should not be any exceptions or distinction between how the rural property is used; cultivated, fenced, treed or other: Permission is still warranted.
3. The permission should be sought by going to the owner's residence, during daylight hours. Then permission will or will not be given and the landowner may set parameters such as length of time or restricted areas. Written forms may be used for permission.
4. Recreational activities require preplanning for accommodations, etc. so, advance land access permission is not unreasonable to expect. If permission is granted, the person receiving permission must do so at their own risk.

Farming is our livelihood, but we are also stewards of our land. Only landowners would know where the rare plants or animals live, the location of washouts, new plantings or nervous mother cows. Permission to access private property is necessary.

Thank you for your assistance in this matter.

[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** FW: Review of Trespass Related Legislation - Re: Hunting and Fishing Rights  
**Date:** Wednesday, October 10, 2018 9:26:58 AM

---

One that came from MO.

---

**From:** [REDACTED]  
**Sent:** Wednesday, October 10, 2018 9:22 AM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** FW: Review of Trespass Related Legislation - Re: Hunting and Fishing Rights

Please see below email as received by MLA [REDACTED] and forwarded to the MO.

Thanks,

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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---

**From:** [REDACTED]  
**Sent:** Wednesday, October 10, 2018 8:43 AM  
**To:** [REDACTED]  
**Subject:** RE: Review of Trespass Related Legislation - Re: Hunting and Fishing Rights

So I just talked to [REDACTED] again, and he said just to send it to you for your information and it doesn't need a referral considering it just said for the Minister's consideration.

---

**From:** [REDACTED]  
**Sent:** Wednesday, October 10, 2018 8:40 AM  
**To:** [REDACTED]  
**Subject:** RE: Review of Trespass Related Legislation - Re: Hunting and Fishing Rights

If it is a Ministry to Handle referral we will need a referral put in please.

[Redacted]

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---

**From:** [Redacted]  
**Sent:** Wednesday, October 10, 2018 8:32 AM  
**To:** [Redacted]  
**Subject:** FW: Review of Trespass Related Legislation - Re: Hunting and Fishing Rights

This got flagged in the reading book as send to ministry to handle

---

**From:** [Redacted]  
**Sent:** Tuesday, October 02, 2018 11:23 AM  
**To:** [Redacted]  
**Subject:** FW: Review of Trespass Related Legislation - Re: Hunting and Fishing Rights

[Redacted]

Please put this in the reading book. He has already submitted his response to the Legislative Services Branch.

[Redacted]

---

**From:** [Redacted]  
**Sent:** Tuesday, October 02, 2018 11:10 AM  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** FW: Review of Trespass Related Legislation - Re: Hunting and Fishing Rights

For the Minister's consideration.

[Redacted]

---

**From:** [REDACTED]  
**Sent:** September 30, 2018 9:05 AM  
**To:** [REDACTED]  
**Subject:** Fwd: Review of Trespass Related Legislation - Re: Hunting and Fishing Rights

[REDACTED] my name is [REDACTED] and I live at [REDACTED] area of your riding. The following is a copy of my families response to the Saskatchewan Government's Review of Trespass Related Legislation. As hunters we are extremely concerned about changes that could occur that would directly affect our active participation in any further hunting activities as we have done for many generations. I would ask that you consider expressing these concerns to the powers that be on our behalf?

Thank you for your consideration.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Begin forwarded message:

**From:** [REDACTED]  
**Subject: Review of Trespass Related Legislation - Re: Hunting and Fishing Rights**  
**Date:** September 30, 2018 at 8:49:45 AM CST  
**To:** [REDACTED]  
**Cc:** [REDACTED]

Please accept these comments and recommendations in regard to the review of the Trespass Related Legislation.

Thank you,

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Fw: Review of Trespass Related Legislation  
**Date:** Thursday, September 20, 2018 8:28:49 PM

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*Sent from my LG Mobile*

----- Original message-----

**From:** [REDACTED]  
**Date:** Thu, Sep 20, 2018 3:47 PM  
**To:** [REDACTED]  
**Cc:**  
**Subject:** Fwd: Review of Trespass Related Legislation

----- Original Message -----

**Subject:** Review of Trespass Related Legislation  
**Date:** Thu, 20 Sep 2018 17:39:31 -0400  
**From:** [REDACTED]  
**To:** [REDACTED]

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

A. No. 99.9% of the public are law abiding citizens (the .1% has no regard for any past or future laws)

With or without a NO TRESPASSING sign will make little or no difference. There must be exemptions. You do not want to punish a law abiding citizen because of a handful of others.

Q. Should there be a distinction between lands?

A. No. All lands should be treated equally.

Q. How should permission be sought and granted?

A. An internet data page created with all the information tools needed for a law abiding citizen to contact land owner for permission. Included, should be current updated maps of

municipality with legal land descriptions, owner/person in charge email address, phone number, cell number, mailing address, a generic fill in the blanks "requesting permission" form. Along with any thing else that would make the request accurate and flawless. If I receive permission, what about the people that are joining me in the recreational activity?

Q. Would making consent be an unreasonable impediment?

A. Yes. To enjoy recreational activities it would be impossible to contact all involved to secure a path of any length from A to B.

If land owner has a concern and you do not want any one on land, post it as such.

If you want to know who is on land, post with "Hunting with Permission Only" along with phone number. because of size of farms, it is near impossible to track down owner/person in charge.

At home I have a security camera to record unwanted intruders. At cabin I have trail cams recording activities on and around cabin. This method of security is available to land owners also.

It can be so easy to say NO and refuse permission for no apparent reason, many times it is just saving wildlife for only family and friends.

I might not be hunting, I may be taking photographs of the wildlife this great province has to offer.

Recreational activities injects a huge amount of dollars into the economy, especially in rural Saskatchewan. Do not make it more difficult than it already is.

I am one of those law abiding citizen, just out with my dog enjoying the day while legally participating in recreational hunting.

This is just one more of many obstacles facing the next generations

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** FW: Trespass legislation  
**Date:** Tuesday, September 25, 2018 11:14:44 AM

---

Please add this incomplete information to your collection of feedback regarding Trespass Legislation.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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---

**From:** [REDACTED]  
**Sent:** Tuesday, September 25, 2018 9:59 AM  
**To:** [REDACTED]  
**Subject:** Trespass legislation

[REDACTED] [REDACTED] called our office and wanted me to notify your office that he is in agreement with new legislation regarding trespassing. He does not have a computer.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** FW: Trespass legislation  
**Date:** Monday, September 24, 2018 11:22:47 AM

---

This person said his email bounced back to him.

---

**From:** [REDACTED]  
**Sent:** Monday, September 24, 2018 11:01 AM  
**To:** [REDACTED]  
**Subject:** Fwd: Trespass legislation

----- Original Message -----  
**Subject:** Trespass legislation  
**Date:** Fri, 21 Sep 2018 22:51:13 -0400  
**From:** [REDACTED]  
**To:**

Ministry of Justice:

Answers to survey questions---

#1. Yes , written permission. Verbal is all he said /she said

#2 All land treated the same

3# Advance written. Forms could be made available.

#4 no .What is unreasonable?? We've had hunters shoot right beside our house on farm, drive through crop,, shoot at livestock thinking they were wildlife ,make ruts and trails all over land, and the list can go on and on. Any time we complained to wildlife officers or RCMP, the main question was "Is your Land Posted"?? And our reply was always NO because a NO HUNTING or NO TRESPASSING sign was an open invitation or challenge for the trespasser to see what we were hiding or didn't want them to see. We have always been told that if the land isn't POSTED we can't stop anything. We have tried posting land , and the traffic substantially increased, and this is true for all areas.

The trespassers and troublemakers are not all hunters.

We have told CITY people to get off our land and were told to "go to [REDACTED] -- there's no law to make them", and even with the current laws no officer of any department will tackle that unless some other more serious offence has also occurred. It is time to make things equal and right. I hope and pray that you do.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** FW: Trespass to Property Legislation Review  
**Date:** Wednesday, October 03, 2018 12:07:35 PM  
**Attachments:** [REDACTED]

---

I apologize for being a couple of days late on this submission, but please find SATVA's position on changes to trespass legislation. We welcome any opportunity to consult further on this issue as ATV riders have the most restrictions placed on them in legislation when it comes to trespassing.

[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[www.satva.ca](http://www.satva.ca)



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Virus-free. [www.avast.com](http://www.avast.com)

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Fwd: Input on Saskatchewan Justice Ministry Review of Trespass Related Legislation (AutoRecovered).docx  
**Date:** Tuesday, September 25, 2018 2:43:39 PM  
**Attachments:** [REDACTED]

---

I just now sent this document to you from my computer but have experienced some computer problems. Can you please confirm that you have received the document. Thank you. [REDACTED]

[REDACTED] iPhone

Begin forwarded message:

**From:** [REDACTED]  
**Date:** September 25, 2018 at 2:35:56 PM CST  
**To:** [REDACTED]  
**Subject:** Input on Saskatchewan Justice Ministry Review of Trespass Related Legislation (AutoRecovered).docx

Sent from [Mail](#) for Windows 10

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Fwd: Public access to private land  
**Date:** Thursday, September 27, 2018 11:06:53 PM

---

Sent from my iPhone

Begin forwarded message:

**From:** [REDACTED]  
**Date:** September 26, 2018 at 3:26:08 PM CST  
**To:** [REDACTED]  
**Subject:** Re: Public access to private land

Send it for sure. Its a very good article/comment.

Sent from my Samsung Galaxy smartphone.

----- Original

Subject: Public access to private land

I strongly believe that hunters, hikers, dirt bikers and those people who drive gators, quads, snowmobiles etc., Should not be allowed access without written permission. It is too easy for them to say yes we got verbal permission and they didn't. We have always posted our property as private property and hunting with permission only.

We had land by A local lake and have had the following problems:

- people on quads, snowmobiles, dirt bikes etc riding and tearing up crops, grass, sand dunes as well as tearing back and forth thru a drainage ditch that runs into the lake that fish use to go up in the spring to spawn as well as a nesting site for local waterfowl.
- When we would approach some of these people we were told things like "we have a cabin at the lake and the association told them" they could quad, bike etc on the dunes or any of the land surrounding the lake.
- they would leave garbage behind on the beach and dunes. It was a frequent problem with cabin owners, before they put in the garbage dump but still occurs on a less frequent basis, that Sunday afternoons you would see people drive past our farm and go to the end of the road that was a dead end road and dump their garbage on our property or our neighbours. The dump at that time was only 2 miles farther. On occasion this still occurs.
- we had one group of quaders who identified that they were from

Regina but would not give their names, threaten to beat my husband up when he asked them to leave. They were tearing up a freshly seeded crop that had been seeded into stubble. My husband had to start calling 911 before they would leave. He never completed the call but should have.

- we have sold most of our land now but still have problems with trespassers. I'm not sure why but a lot of people think it's okay to ignore our private property, camera in use and no trespassing signs. They come onto our property when we aren't there but we catch pictures of them on the numerous cameras we have placed throughout our property. Not once did they ask permission. This summer I had parked my truck on the garden while I was weeding it and I heard a vehicle drive into the driveway. I came up behind a shed only to hear two couples who had just gotten out of their yellow Dodge Charger say that this was the perfect place to camp for the weekend. I couldn't believe my ears. I mean there are flowers planted everywhere and the grass was freshly cut and the buildings all maintained. Wouldn't that have given them a clue that this was not an abandoned property especially since they were parked right beside a no trespassing sign? I jumped in my truck and started cautiously driving towards them. When they saw me they started loading their stuff back into the trunk of their car and quickly left.

- hunting is another problem in the fall. I'm scared to be at the farm during hunting season because I have been there when hunters were after some deer by the lake and they were shooting towards our yard. Those bullets can travel a long distance. Most local hunters are great as they wouldn't think of coming onto your land without permission and they are all very cautious. It is people from other areas who don't know the area that cause problems.

- there have also been cases of hunters spooking and firing towards livestock in the area.

I think it is extremely important for safety's sake that anybody for any reason should respect the landowner's wishes by seeking permission and respecting posted signs as well as laws.



Sent from my iPad

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Fwd: Questionnaire  
**Date:** Wednesday, September 26, 2018 6:02:40 PM

---

### 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?

All land should be treated the same. Different rules for different land just causes confusion. Trespassing on private land is trespassing .

#### 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?

Talk to the land owner in person .

#### 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?

I did not buy my land for other people to perform recreational activities on it . If they follow the rules and get permission they will be allowed some places..they can go to parks where they are allowed and by doing this it will not impede their activities.

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

---

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Fwd: Questionnaire  
**Date:** Saturday, September 22, 2018 7:35:41 PM

---

Sent from my iPad

Begin forwarded message:

#### 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?

It definitely should require permission, I certainly don't want people on my property in town and this is their property and it takes a lot of hard work to keep the land in good condition. Too many people cut fences, rut up fields and hay land, leave gates open, spook the livestock, etc.

#### 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 farm land should be treated the same, only the land owner knows what is planted where and what could damage it.

#### 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?

Most people who are accessing land know the owner or at least someone in the area, it shouldn't be too hard to contact a landowner if a person really wants to. Most people aren't making plans to hunt or do recreational outings in the country at the last minute.

#### 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?

There are recreational facilities in all areas of our province, groomed trails, federal and provincial parks.

No body should think it's their right to be on someone else's private property.

I saw some where that this survey was supposed to be sent out to all landowners. We have several friends in the rural municipalities around [REDACTED] and none of them received this survey in the mail

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

---

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Fwd: Trespass law. As a rural tax paying citizen I urge the government change laws to protect the rural citizens of Saskatchewan. Urban citizens would be outraged if I drove over their property and/ or dumped my garbage on the land they pay tax on. I...  
**Date:** Thursday, September 13, 2018 4:40:08 PM

---

Sent from my iPhone

Begin forwarded message:

**From:** [REDACTED]  
**Date:** September 11, 2018 at 1:44:07 PM CST  
**To:**  
**Subject:** **Trespass law. As a rural tax paying citizen urge the government change laws ho protect the rural citizens. Urban citizens would be outraged if I drove over their property or dumped my garbage on the land they pay tax on. I should not have to post no trespassing signs or fence my property to prevent entry. Neither should my neighbours. We should be respected and asked for permission by others if they can enter our property. This should apply to anyone except emergency personal. Sask tel or Sask power should notify land owner prior to entry to determine if there are any circumstances they should be aware of. I have had cars, drive through crops also atv in all seasons and snow mobiles in winter/ spring/fall that cause winter kill or other damage to crops. My [REDACTED] year old mother had gas stolen on two occasions (padlock cut off) and her yard light shot out. While these crooks were never caught by the local RCMP there need to be stricter laws in place protect rural residents. Looking forward to a quick and positive response.** [REDACTED]  
[REDACTED]

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Fwd: Trespassing laws  
**Date:** Sunday, September 23, 2018 1:52:28 PM

---

We live in the [REDACTED] [REDACTED]. We feel that all people should ask permission to be on our land not just/Especially hunters

[REDACTED]

Begin forwarded message:

**From:** [REDACTED]  
**Date:** September 23, 2018 at 1:45:31 PM CST  
**To:**  
**Subject:** Trespassing laws

I would never trespass on an urban persons property without their consent and I expect the same respect. We belong to the nature conservatory and highly value our wild birds. I do not want them hunted on our land. Ever by anyone.  
I think that the RM offices would be an excellent place for hunters to go to and find out from them which landowners allow hunting and which do not. Contacts could be given to the RM with consent to pass on to hunters to allow the hunters to obtain permission from landowners that allow hunting. They would also be able to get a map with the sections marked out that do or do not allow hunting. I could not find your questionnaire on my phone. Was in not available to mobile devices?

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Have Your Say - Land access  
**Date:** Wednesday, September 19, 2018 12:52:55 PM

---

Below is my response questions posed regarding the review of trespass related legislation. I would note that I am a landowner.

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. Absolutely. No one should be allowed on my land without my consent no matter what they are doing.

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?

A. No. They should all be treated the same. Differentiating would only allow trespassers more ability to create excuses when trespassing.

Q. How should permission be sought and granted?

Public seeking access should call using an RM map to find out who owns what land and use yellow pages to contact the owners via telephone to have permission before entering any private property. I've done this always when seeking permission and found that most owners will comply with the request.

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

No. It should be part of the recreational activity. It is not hard to call a landowner prior to gain permission.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Hunter  
**Date:** Sunday, September 30, 2018 10:46:28 PM

---

Farmers should not have to post their land. Hunters tear the signs down. The hunters figure because they have a big game licence they have all the rights to do what they want  
The laws should be you need written consent of the farmer to hunt. And much stronger fines. The conservation officers say the signs aren't in proper view  
The hunters just tear them down. And do what they want too  
We need much stronger laws

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Hunting access laws.  
**Date:** Wednesday, September 05, 2018 1:01:34 PM

---

My 2 cents on the matter. Laws on the books now are sufficient. I have farm land I post and some I don't. If I don't want hunting or other activities on certain quarters I post it. Other wise I'm ok with hunting. Or I may decide to post it ( hunting with permission only). [REDACTED]

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Hunting and land rights  
**Date:** Sunday, September 30, 2018 6:09:44 AM

---

Hello,

I would just like to briefly comment on the trespassing laws being considered.

Note: I am a deer hunter, so are my friends, relatives and now my kids are learning to hunt. I grew up in small town Saskatchewan and have a few cousins who are farmers and ranchers. Now I live in a city and travel back home to hunt as I know the areas and get to visit.

- Farmer/Ranchers who do not want people on their land post a sign.
- That sign is respected and the land is avoided.
- If the land does not have a roadway or worn vehicle path that land is avoided. Except for bad hunters I have never seen anyone driving around another persons land and not on a road.
- If a house is seen you take the main road to the house and speak with the residents if they are home. No normal person would drive across fields/pasture, etc., to a house unless they are on a roadway of some sort.

When we hunt we usually only have a few days to do so as we have to take time off of work. The first place we try to hunt is our relatives lands, some years we are lucky some years we are not. As game will not stay in one place a hunter being limited to one area (one farmers land area for example) we would not ever see an animal during our hunting trip most of the time. So hunting involves driving hundreds of miles in a day usually over the entire hunting zone to attempt to see an animal that you can hunt. It would be impossible to then get permission from every single farmer/rancher in those hundreds of miles. It would also be next to impossible to see an animal on some land, then attempt to find out who owns the land, then get permission, then get back to see if the animal waited hours/days for you to find the landowner so you could then hunt the animal. Note: do not expect everyone to own a cell phone either.

Growing up we were taught that the rules of hunting are:

- Any land that is posted is always respected and is avoided
- Any land that does not have a roadway is respected and avoided
- Any land that is not posted and has a roadway we may drive along and look for game animals but must keep to the roadway
- Often these back 40 roadways have so much snow even they are avoided
- A number of times I have gotten game on unposted land and had the farmer pop by to see what we got, gab a bit and invite us for coffee. The farmer is also driving all over the hunting zone to try to find game by the way.
- Except for travel to pick up a killed animal that we could not drag we would never drive on land without a road
- Driving on land in the winter does not hurt the land, [REDACTED] with 4x4's spinning their tires and chewing up everything can

If permission especially written permission from every single land owner within hundreds of miles is required to avoid heavy fines then hunting would become unreasonable and would steadily decline. So much for wildlife population control.

Trying to get in contact with the landowner is usually a very painful, tedious and sometimes impossible task. Furthermore hunting on a land area around a farmers home is easy to understand and all the land usually connected but a landowner will often own sections of unconnected land all over the local area and sometimes in other areas many miles away.

A hunter would almost have to have a divine guidance, a compass, numerous municipal maps for hundreds of miles in various directions and be able to sort out townships and range locations at a moments notice.

Here is an example of getting permission one year – the farmer explained “Go down the road 5 or 6 miles, turn east until you come to a couple oaks then head north a few more miles I have a half section on the left with one big bluff that has a slough in the middle, I seen a couple big horned bucks there the other day.”

Good luck to anyone getting the exact half section, and exact bluff every time.

Please do not further restrict our hunting.

Thank you for your review of this letter.

[REDACTED]  
[REDACTED]

Sent from [Mail](#) for Windows 10

**From:** [REDACTED] i  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Hunting in farm land.  
**Date:** Saturday, September 01, 2018 6:20:52 PM

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In the opinion of myself and 95% of the people I know that own land. It would be ridiculous to make permissions mandatory. Especially in the farm land. Where there is literally miles upon miles of open land. The system in place right now works perfectly. And anybody that doesn't want people on there land or bothering them already have it posted. A good example is the east side of zone 21 (east side of last mountain lake) is posted because they want it posted. And most dont give permissions unless your kin. I would love to hear some correspondence back.

Thanks.

[REDACTED]

Sent from my Samsung Galaxy smartphone.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Hunting Laws  
**Date:** Friday, September 21, 2018 10:11:27 AM

---

To the Government of Saskatchewan: It is my view that permission should be requested to enter on to private land. If the land is already posted, than that should be self-explanatory, and in that case you just stay off the property. It is becoming a big problem in my area to see all kinds of strange vehicles driving around as they please on my property. I am also concerned about vehicles carrying soil born diseases such as clubroot onto my property. It is my hope that the proper attention will be given to my concerns and that of many other land owners.  
Thank You for giving me a chance to voice my opinion.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Hunting on PRIVATE LAND  
**Date:** Saturday, September 22, 2018 5:56:40 PM

---

Sent from my iPhone. THE LAND OUR BLOOD & SWEAT HAS PAID FOR IS OURS !!! & MAY I SUGGEST LIKE HOMEOWNER S YARDS IN THE CITY !!! I LL REPEAT OURS BOUGHT & PAID FOR, WE DECIDE WHAT TAKES PLACE WITH & ON IT, WE SHOULDN T HAVE TO TAKE PUR VALUABLE TIME @ A BUSY TIME OF YEAR & THE EXPENSE OF DOING IT. KEEP OFF OUR LAND !!!!!PLAIN & BLOODY SIMPLE !!!! IT S COMMON SENSE SOMETHING LACKING IN TODAY S SOCIETY !!! ALSO RESPECT FOR OUR FELLOW MAN !!!! AGAIN STAY OFF OUR LAND !!!!!!! Government stand up like a MAN !!! [REDACTED]. Land owner & tax payer

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Hunting Permission  
**Date:** Thursday, September 20, 2018 11:19:50 AM

---

I am an avid hunter, the new laws proposed for accessing private land will directly impact my hunting experience. Requiring hunters to receive permission on all land is just not realistic. Corporate farms, land owned by cities and municipalities, land owned by Universities, Rural Municipality maps that are not updated, as well as land owned and leased by someone else will all adversely affect my hunting.

Here is a realistic compromise: Update the law such that someone must obtain permission to access a quarter section of land that is **occupied**. This will address farmers safety concerns and allow our hunting industry to thrive. Furthermore hunting generates huge dollars for the province. This I believe would end up costing our province millions of dollars.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

---

[REDACTED]

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Please consider the environment before printing this e-mail

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Hunting rights  
**Date:** Sunday, September 16, 2018 6:22:57 PM

---

I agree too that everyone including hunters require permission to access land owners property.

Would they like it if I entered there property unannounced without there permission. If they can not find the land owner stay out to bad.

[REDACTED]  
[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** I am a land owner and I think that it be common courtesy that all peoples ask permission to access any posted or not that the land owners know who is accessing there property. I'm in agreement with charges be issued with individuals that are not author...  
**Date:** Friday, September 14, 2018 1:16:33 PM

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Sent from my iPad

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** I think things should be left as are . If you don't want hunt on your land post it . Lots of us older guys like to just go out for a drive fir big game . An animal is not going to stand there fir 2 hours while you try to locate a land owner and get per...  
**Date:** Saturday, September 01, 2018 10:50:12 PM

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Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** I would like to comment on your questions about hunt or trespassing on private property I think that people should get permission to onto private lands  
**Date:** Friday, September 21, 2018 10:46:08 AM

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Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** I would like to have anyone entering farmland to obtain written permission from the farmer  
**Date:** Tuesday, September 11, 2018 10:46:48 AM

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Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Input on Saskatchewan Justice Ministry Review of Trespass Related Legislation  
**Date:** Monday, October 01, 2018 4:57:14 PM

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October 1, 2018

**Input on Saskatchewan Justice Ministry Review of Trespass Related Legislation**

Ministry of Justice  
Legislative Services Branch  
Attn: Review of Trespass Related Legislation  
800 – 1874 Scarth Street  
Regina, SK S4P 4B3  
Email: [LSBQuestionnaire@gov.sk.ca](mailto:LSBQuestionnaire@gov.sk.ca)

To whom it may concern:

I would like provide my feedback on this very important legislation that I believe could be severely detrimental to the people of Saskatchewan accessing the crown wildlife resources in a variety of ways. Being the born in the end Generation X and beginning of Generation Y, coming from an Information Technology background and working in the IT field for 15 years, I believe this proposed legislation has a large gap in supporting infrastructure.

Please let me elaborate.

Currently between my outdoor recreation activities of hunting, wildlife filming, and photography, I frequent over 130 of the 296 rural municipalities in the province of Saskatchewan. Under this proposal, I would need to obtain RM maps from each RM to start the process of contacting land owners. At \$25/each map and 130 RM's, that's an individual cost of minimum \$3250 annually.

If an individual did decide to spend this money, the next step is obtaining these maps. Currently RM maps in Saskatchewan are ONLY available via the local RM office. (Please see the "Note" in the middle of this ISC link: (<https://www.isc.ca/MapsandPhotos/Maps/Pages/RuralMunicipalityBoundaryMap.aspx>)). Many of these offices are listed as PO boxes and their hours of operations vary from a few days a week to stating they are AM-PM Monday-Friday but have no specific hours. This information makes just paying those fees and obtaining the maps so difficult logistically. My personal experience, I recall taking time off work during the week, after making arrangements the previous week with the RM office in question just to get there during their business hours. Upon arrival I was greeted to a sign on the door stating the RM office would be closed the remainder of the week and "hope" to be open the following Monday. When I did return back to purchase and obtain the map, I was told that it's already out of date and they did not expect any new prints to arrive for a few months. So already I had an out of date map and the onus was on me to track down the correct owners.

So you have the map, now what? The individual investigates which land they want to obtain access then start googling for the person(s) or more likely the corporation that is the land owner? This organization may not be searchable, or could be an organization in Alberta, Ontario, and the searcher gets sent on a wild goose chase to locate an absentee land owner that could be potentially half way around the world. More than likely, this individual will not find out this information in the next 15-30 minutes from spotting a wild animal you would like to pursue or photograph making it virtually impossible to perform your task.

Lastly, the individual goes through this entire process and manages to secure permission. What if you return back to that same parcel of land 1 month later under the assumption you have been given permission to enter the previous month. However, during that time period the land has sold to another owner or leased to another entity. That individual would have no idea that a transaction has occurred and basically now is in violation of trespassing and subject to prosecution. How do you propose an individual becomes informed that their permission for access has been revoked or is no longer valid? Even after going through all the proper channels that individual could still be unknowingly subject to being charged and

prosecuted.

To conclude, looking at just this one aspect. The physical and technology infrastructure in place today to implement this legislation is inadequate and incapable of properly supporting it. I have heard the comparison to Alberta on 980 CJME News Talk regarding this issue, from my research between the two provinces, the underlining infrastructure is not anywhere close to the same. To my understanding Saskatchewan has 296 RMs, where Alberta has 74 RMs. Alberta has an online system to purchase and support ongoing changes/updates of their maps. It has a member portal login, where all information and updates can be accessed and notifications can be setup. Two very different approaches to the supporting infrastructure.

My father passed on to me a passion and appreciation for the outdoors. This turned into a lifelong love for conservation, hunting, and wildlife. It's a large part of the reason I chose to stay in our province and raise my family here. My fear is I have a young son, who is eager to learn about and experience the wildlife resource. If this legislation was in place, I would be breaking the law letting him follow a sharp-skinned hawk or a horned owl into an abandoned yard for a picture. He would never experience, what I have, my father and his father before him has when it comes to this great resource of Saskatchewan.

Thank you for the opportunity to comment and please take this information into consideration in further discussions.

Regards,

[REDACTED]  
[REDACTED]  
[REDACTED]

Cc: [REDACTED], MLA

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Input on Saskatchewan Justice Ministry Review of Trespass Related Legislation  
**Date:** Tuesday, September 25, 2018 2:33:39 PM  
**Attachments:** [REDACTED]

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For your consideration

Sent from [Mail](#) for Windows 10

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Input on Trespass Regulation  
**Date:** Saturday, September 22, 2018 1:25:35 PM

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Attn. Review of Trespass Related Legislation

First of all, I would like to say that I am a rural landowner, we own 20 quarter sections within 6 miles of our home which is on the SE

[REDACTED]. Much of our land borders on the river breaks on the south side of the [REDACTED]. Most of the land is cultivated, but because of being so close to the river hills, we have numerous areas that are either fenced pasture land or unfenced native grass, which are mainly coulees.

I would like to give my feedback on the proposed changes to the Trespass legislation. First on the question of whether "Should

all access by members of the public to rural property, require the express advance permission of the rural land owner, regardless of activity, and whether failure to secure consent, constitutes an offense"

My opinion on this, is yes the public should secure permission before entering any rural land, whether it is cultivated land or otherwise. This type of legislation is long overdue. Our main problems in my area are with hunters, during hunting season, mainly deer/moose season and upland game bird season. Every year we have problems with hunters driving on cultivated fields and grassland, to the point of having well worn trails across our land in many locations, and this is despite posting the land. We have also had fences cut in the past. It is my opinion that it should not be the landowner's responsibility to post his land to let the public know that they are not to trespass or that they require permission to enter it, the responsibility should be on the people that are wanting to access it. There is no reason why it should cost the landowner great expense and time every year to post his land, to try and keep it from being damaged by trespassers. While my main issues are with hunters, the same should be true for other reasons of access, whether its recreation or whatever other reason. There are many reasons that rural landowners don't want trespassers, some of which are: spread of soil borne disease and noxious weeds, compaction from vehicles on the land, disturbing applied fertilizers and granular chemicals in the fall with vehicle traffic, the threat of fires in dry conditions, and traffic can lead to soil erosion as well, and lastly, the rural landowners are the ones paying the taxes on this land, so I strongly believe that we should be the ones protected by trespass regulations and the onus on access should be on the people wishing to enter not on the landowner. It should definitely be an offense to enter without permission. The present penalties for trespass are much too lenient in my opinion, a fine of \$5000 for trespassing without permission, should be minimum.

The second question was "If permission is required, How should permission be sought and granted ?" I think this part

is very simple, anyone wanting access for hunting or recreation or other reasons, should be willing to do a bit of planning to gain this privilege. Municipal maps are readily available for every municipality in the province, so the interested party can easily determine the landowner or the operator of the land in question. It would be up to the interested party to contact the landowner and get written permission from the landowner to access that land. The landowner would keep a record of who had received written permission to be on that land and for what reason. The legislation could require the interested parties to carry the written permission on their person, so law enforcement could quickly determine if permission was granted.

That concludes my input on the proposed changes.

Thank You

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Land access  
**Date:** Saturday, September 15, 2018 9:25:08 AM

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I am a land owner in [REDACTED]. In my 45 years I have never had an issue with hunters or Motorsports on our lands. We do not post, nor feel a need to. Most are respectful and often ask for permission.

I do not think we need messy legislative changes. If you feel you must post your land... post it. As far as making it an offence, I think that is going too far.

The highly vocal minority.... please ignore them.

[REDACTED]

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Land access  
**Date:** Thursday, September 20, 2018 7:28:21 AM

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I believe that land access should stay as it is. No trespassing and access with permission only signs is all it would take to resolve this issue for the land owners who have don't want people accessing their property. It's unfortunate that it has come to this. Growing up on a grain farm as a kid I could go anywhere with my snowmobile or atv. It was a freedom that might be lost. As for hunting, back then , the land owners that didn't want you there would post their land.

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Land Access by the public  
**Date:** Thursday, September 13, 2018 3:08:45 PM

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My name is [REDACTED], I farm in the [REDACTED] [REDACTED]. This farmland is in the proximity of [REDACTED] which brings many hunters from the city. As well as others that feel that because there is a road that they have access. I have my land well posted with signs that say " Hunting with written permission only" Never had a single person phone or ask yet still find people trespassing. I must buy rural fire and liability insurance to cover events such as this. The onus is put on the land owner to cover all aspects of liability and the trespasser takes none. I very much believe that people should ask for permission to enter private land. If you have any other questions about my views on this topic please call [REDACTED] or email [REDACTED]

Regards [REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Land access changes  
**Date:** Sunday, September 30, 2018 11:02:13 PM

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- Should Saskatchewan legislation 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 and failure to secure that consent constitutes an offence?
- If so, how should such permission be sought and granted?

In regards to the trespass act and above questions, I believe the rules are good how they are. I don't agree with their new proposals for a couple of reasons.

If land owners don't want people on their land they can post it. There is a lot of open land in Saskatchewan and sometimes finding the owner of a given parcel is not very easy. As time goes on and less people have landlines, less phone numbers are listed in the phonebook or online directories. Also, some land is owned by numbered corporations, some even from out of province. If they do change it, on rm maps should be mandatory to have contact information for the owner.

There are lots of landowners that don't care if people are on their land, and as such have never posted. If they now have to give permission to everyone, they could see hundreds of calls and visitors around the hunting seasons when they are already busy enough with other operations. Some landowners may just find it easier to go off the radar rather than field calls which could put access to currently accessible land in jeopardy.

We as hunters and outdoor enthusiasts have to be very careful as our rights are constantly being eroded. Between potential changes to gun laws, less rural land available for hunting we have to stand up to protect our right to hunt. If rules are changed little by little, I fear that one day hunting may not exist. I hope that never happens as I look forward to one day passing on the tradition of ethical hunting to my future children.

I take pride in ethical, legal hunting and obtain permission for almost all land I access prior, regardless of posting. By doing this, I know sometimes how difficult it can be to reach people. Some landowners may argue that posting doesn't work, signs are ignored or damaged etc, but I don't believe adding more rules will prevent incidents like this. If people are already ignoring signs how will a rule change stop them from doing that in the future. Rather than creating more rules to follow, possibly increase penalties for violations to existing rules. Or small revisions, such as hunting on foot only without permission, etc. I do agree that people shouldn't be tearing up other people's land in vehicles but it goes back to respect and leaving the land the way you found it. Take only memories, leave only footprints.

I am also an avid snowmobiler, and take advantage of the many trails we have as well as some open country riding. That is another sport I fear will suffer if permission is expected to cross any land. Yes, people have crops and livestock, but make stiff penalties for destroying ones livelihood. No one should ever be on someone's unharvested crop land for hunting, snowmobiling, or any other reason without express permission from the person who is responsible for that crop. Snowmobiles are a great pastime when enjoyed responsibly and bring great revenue to the small town economies throughout the winter months, from the sale

of the snow machines to fuel to restaurants and hotels & accommodations.

Thank you for taking the time to read my views and please help protect the hobbies that I so thoroughly enjoy.



**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Land Access Questionnaire  
**Date:** Monday, September 10, 2018 10:21:04 PM

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I would first like to express appreciation for the opportunity to provide feedback on this matter. It has become an increasing area of concern for myself as a landowner and land user for the purpose of hunting and hiking.

1. The four questions you are asking largely get to the heart of the matter. In response to all of them collectively I would say that landowners at this time have in their power the ability to post their land with no trespassing or no hunting signs as they feel necessary. This though can be a difficult task given the nature of some recreational activities such as ATV and snowmobiling, and the concern for land protection from the spread of disease compounds this challenge. So yes, requiring permission to access land for any recreational purposes is a way to protect land owners and producers' livelihood. Those who live in town or the city shouldn't have a privilege to put at risk a landowner's right to healthy land. We in the country can't walk into town or city and freely use someone's yard without their permission.
2. In regards to ATV access to land my position is simple. I have no time or concern for those who drive all over landowner fields for the purpose of recreational enjoyment. It is unfortunate that many, largely those from urban areas, think that they can drive anywhere without regard for the private property of landowners. Snowmobiling is a little different than ATV use in my opinion as the land is not being chewed up, and the risk of spreading disease does not exist.
3. In response to the question about the distinction of land (type of rural property) I believe that all land should be categorized under one category. I can see that there may be an argument for separate distinctions of land that may address some concerns, but if we're going to be making permission a requirement for access it will simplify things by making all land one category.
4. Now for the question about the method for receiving permission, and in the case that it is decided that permission must be obtained first, I will respond as a landowner. I believe that individuals should be required to access permission by phone call or email, or by stopping at the residence (or farm office). If I am willing to have people use my land for hunting purposes I can leave my contact information on the list at the R.M. office. If I don't want individuals accessing my land I may also choose not to leave my contact information for this purpose at the office. Maybe a record can be made by the R.M. offices submitted through tax records/payments on a yearly basis to expedite this process. Maybe there is a better solution to this challenge.
5. Should all access by members of the public to rural property require the express advanced permission of the rural land owner regardless of the activity? and Would making consent an express prerequisite in all circumstances represent an unreasonable impediment to recreational activities? In response to these two questions I am responding from the perspective of an avid hunter.

I have been thinking about this matter for a while now, and I thought my response to the question would be a simple yes. As a landowner it would simplify things for me by not having to worry about putting out no hunting signs. Hunters who would be interested would have to ask for permission without question, simplifying the process. However, as an avid hunter, and one who has largely relied on open access to land without receiving permission to hunt my answer to this question is no. For the purposes of hunting, and to allow people to be able to hunt and enjoy the activity it would be difficult in many situations and areas to require permission for access on land that at this time does not require expressed permission.

I know the feeling that many have. It is not easy to always identify a landowner to request permission to hunt, and this is compounded if hunting across many miles of land, which I know is popular especially in areas where cover for species like deer is spread out (Southern portions of the province). With busy work and life schedules and only a short season to hunt, to expect hunters to gain required permissions prior to hunting may be difficult for those who

do not have easy access to land. I don't know if I would be hunting today if I had to receive permission from every landowner in the Kindersley area to hunt on their land while in my early years of hunting. Accessing permission on land would've still been hard enough as an adult upon moving to a new community. To scout a new area, track down maps at R.M. offices, knock on farm house doors, and make phone calls would be quite the process. If I was completely selfish and did not concern myself with the interest of fellow hunters I would say yes, make all hunters require permission before they hunt. But for the reasons stated above I think it would be unfortunate for hunters to have to go through those steps.

I say this even in light of what seems to be increased numbers of hunters since the introduction of box stores like Cabelas where it now seems that everyone is a hunter. Honestly, I would like nothing more than fewer hunters afield, putting less pressure on the animals and bigger and more mature deer, moose, and elk to be harvested for myself, not to mention not having to wait additional years to be drawn for species in the big game draw. For these selfish reasons please make permission a must as I now have access to my own land and I have easy access to my neighbours' to receive permission from them. This though would be a disfavour to law abiding hunters who are like me who widely respect and appreciate what we are blessed with in Saskatchewan.

Land owners can post signs as they currently do to restrict access. Those hunters who do put in that extra time, effort, money, and work to access some of these special areas will get their reward. For areas that are not posted continuing to educate proper and ethical hunting practices, enforcing wildlife laws, and other strategies can be used to help keep wildlife safe and protect these valuable resources.

On another matter since I am here and writing, I should ask when the questionnaire for land degradation (removal of trees and other habitat, and the draining and ditching of wetlands) will be sent out?

Again, thank-you for this opportunity.

██████████

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Cc:** [REDACTED]  
**Subject:** Land access questions answered  
**Date:** Friday, September 21, 2018 11:43:51 AM

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Hello,

Thanks for the opportunity to give input into the land ownership issues in Saskatchewan.

I will answer the questionnaire below. First a few comments

As landowners my wife and I have some concerns because we have a lot of people going “through” and sometimes onto our land without permission.

Several “club managed and owned” recreation trails (old rail bed and other trail) go directly through our land. We also have a Sask highway go through it, plus RM roads. Not only that but the [REDACTED] upon which people travel for recreation. All these “access” points go through our land in one place or another.

Some have done poaching or unauthorized hunting, fishing and trapping on our land through these access avenues. Others have viewed what we have from their vantage on the ATV trails and try to get on the land to take things. Others, after ATV-ing or snowmobiling on the trails in the nearby northern forest, see our open land and decide to go for a spin or do donuts, or try and “get air” on the hills. They have also run over our equipment. When confronted they can get upset and argumentative, believing it is their right. There are hidden dangers as with any land, and we should not have to build a fortress to keep people off. We also have a variety of animals that can be in danger.

There needs to be built in legislation that people will recognize in advance, that serious consequences could ensue for them if they are “caught” on private land. As it now stands they do it because really, what could happen to them in a legal way (unless they are actually caught red handed in the very act of stealing?) Most of the stealing may not occur if the people sneaking on to steal “or to snoop to later steal” may realize it’s a punishable crime to be on the land to begin with.

**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?**

Definitely Yes prior permission must be granted.

**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 distinction should be made, it is all private property.

**Q. How should permission be sought and granted?**

People could go to ISC website and figure out who owns the land, if it’s not obvious. The RM office is also a good place. The idea of posting email addresses is a possibility but tough to maintain all the

signs for the landowners.

What about the practice of driving in driveways of homeowners or neighbours, to ask permission? This is a tough one because we all want to be neighbourly, but most of the “theft scoping” today occurs on this pretence. As rural land owners, we should be legally supported if we choose to sign our driveways, “access by prior permission only”.

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

Not at all. Keeping in mind that recreational vehicle use, is also done by thieves and other trespassers. Recreational activities are a lesser “right” or priority than land ownership. There could easily be posted “permission granted” to ATV-ers or hunters rather than the present prerequisite of “no trespassing”. We actually do have this type of signage “positive access (vs. negative keeping out)” on our land in cooperation with the ATV and Snowmobile club. But it is a fine line to tread. These clubs can’t monitor who uses the trails.

Any more questions please contact us. Thank you!

[Redacted signature block]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Land Access rights.  
**Date:** Sunday, September 16, 2018 2:46:46 PM

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Let me start by saying that myself and family own and operate approx 3000 acres of grain agricultural land in S.E. Sask. We also own ATV's and snowmobiles. I personally believe as both a land owner and a operator of recreational vehicles that the present rules are fair to all parties involved. ATV's can be a greater problem to land owners because certain operators may choose to access lands when ground conditions may cause them to leave an unacceptable foot print. We very seldom ride our ATV's on land that we don't own but never would if they were going to be disturbing the ground in a manner that would impede the land owner from growing their crops or grazing their land. I do recognize that many urban owners of these vehicles may not realize that they are potentially damaging the productivity of the land they are crossing.

I view snowmobiles a little differently. Their operation traditionally takes place when ground's are frozen and snow covered. The chances of leaving damage are greatly reduced. We have training required for snowmobiles and boats but am not aware of training for ATV's. We need a made in Saskatchewan training plan that creates an awareness of land owner concerns and comprehensive lists of do's and don't's that respect the rights of the land owner but still allow access to unfenced un posted areas of rural Saskatchewan. If this licensing was Mandatory for all operators and owners of ATV's to access private land I truly believe it would greatly reduce conflictual incidents with land owners and operators.

Hunting I believe that it is common courtesy to seek permission from land owners before hunting their lands. This includes all unposted lands. The issue I see is that they will be discharging firearms on the land and the owner/operators have a right to know that will be taking place. They have a right to know that for their own protection that someone may be hunting at the same time they are needing or wanting to perform work in the fields. Walking in the field is likely not the greatest issue but access with a vehicle or ATV will likely be required if the hunt is successful. Depending on weather conditions at the time this could leave a damaging foot print.

I know many hunters that are very respectful of land owners and purchase R.M. maps that confirm who the owners are and seek out permission. For them it is frustrating to find out that others just take the liberty to access the land with no permission. It should be the land owners right to refuse permission for access for multiple reasons. Already gave multiple hunters access, current ground conditions, don't get a good vibe from the person requesting when you lay out your rules for access. I believe that these access rules should also apply to both the Indigenous and Metis as well. We have had crop damage at least three times when they illegally shoot Moose out of season in the middle of crop land and taken the liberty to drive in and retrieve.

Bio security should only be an issue when ground is not frozen or snow covered.

In summation I don't see the present snowmobile rules as an issue. Permission should not be required to access un posted, unfenced areas of land. ATV operators should be required to complete training that focuses on respecting property owners land rights. Showing them unacceptable damage and foot print, creating an awareness. Hunting with permission only.

I'm not in favour of a broad sweeping plan that covers off all access in the same manner.

It may be costly but a provincial registry for landowners to supply contact information so recreational vehicle owners and hunters can more easily access the owners & operators of the land. This would eliminate the excuse that I couldn't find the owner. It may also allow land owners to give blanket permission if they choose.



**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Land access survey  
**Date:** Monday, September 17, 2018 8:17:14 PM

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I was brought to this link by a Saskatchewan wildlife federation Facebook page and would like to state that I stand behind there proposal for the trespass law to change I regard to hunting. And that is to have mandatory consent to take a vehicle onto the property but you would not need it if you are just walking on none posted land.

Thanks for your time

[REDACTED]

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Land Access survey  
**Date:** Monday, September 17, 2018 1:53:31 PM

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1. No, I don't want advance permission to be required regardless of the activity. However, should the current rules change, I believe there should be 3 separate categories of users considered and that they be treated separately. Hunting, Atv (quads, dirtbikes etc), Snowmobiles. In addition, Occupied land (that which actually has a house on it, not exceeding one quarter section, ) should be treated separately from unoccupied land. (the multiple sections of unfenced land with not buildings all over this province.)
2. If permission is to be required prior to access, then maps of rural areas must be available free of charge on a centralized website, with email address and phone numbers published. Currently some are available, and some must be bought at an RM office (paper copy only.)
3. I think making consent an express prerequisite with not affect Hunting much, as hunters generally do not traverse more than a few parcels in a given outing. As well, this is usually planned. However this will affect ATVs and especially snowmobiles. Snowmobiles cross as much as 160 kms per day over hill and vale, with no planned route. Gaining permission is not feasible. Snowmobilers under current law, depend on posting to tell them when they are not welcome on frozen, unoccupied pieces of land. As for ATVs, they do not cross as much land, but the potential for damage is greater because the land is not frozen in the summer and crops are growing. I think requiring consent as an express prerequisite for ATVs and hunting would not provide an unreasonable impediment, but for Snowmobilers, it would.

In general, I believe there is no problem that needs addressing in current law. Landowners are able to bar access to land by posting it, or by telling specific people to leave. In addition, there is much more unoccupied land in Saskatchewan than there is occupied land. Making trespassing assumed would severely change the dynamic.

Should hunting and atv use be a specific source of concern, I think Snowmobiling should be treated separately. During winter months, the risk of damage to crops is significantly less and many many miles are covered by snowmobiles, making permission difficult to arrange. Should landowners want no trespassing, they can simply post, as they have done forever.

By making permission mandatory for Snowmobiles, you will remove harmless access to unoccupied fields that the owner may or may not care about, thus drastically changing a heritage sport in Saskatchewan.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** land access  
**Date:** Friday, September 14, 2018 1:50:47 PM

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Hello there,

As a farmer and landowner in Saskatchewan, I do not feel that anyone should have the right to come onto my land without my permission for ANY reason.

Any and all trespassers should be required to ask for permission.

I am a reasonable person and reasonable access will be granted to individuals that inquire.

As a grain producers, the threat of disease infestation, particularly clubroot has become very real and can render land nearly worthless if infested. Also, the spread of noxious weeds is concerning. We work very hard to keep our land clean and many things can spread this.

We have electric fences that are not easily visible and we have had this fence broken by ATV's, snowmobiles, hunters that cannot see it and did not know it is there. The animals have gotten out causing issues of safety to human life and the animals themselves.

These are just a couple of reasons.

Kind regards,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Land access.  
**Date:** Tuesday, September 18, 2018 12:36:00 PM

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I strongly feel that permission must be granted before access to any private property.

It is a time consuming, costly job to make sure all of our “no hunting no trespassing” signs are up and legible. I don’t feel that the onus should be on the land owner for that cost & time. If someone wants on our land, they are responsible to do the leg work. I have no problem putting our names & phone numbers on a list with our local RM so anyone would easily be able to contact us. (We are one of those who no longer have a land line). The hunters that we do allow on our land, call and ask permission anyway, so nothing will change regarding those relationships. We do have problems with others who do not ask or ignore repeated requests to stay off our land. The change in law would then have the law behind us.

I sure hope things will be changed.

[REDACTED]

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Land access  
**Date:** Friday, September 14, 2018 10:17:13 AM  
**Attachments:** [REDACTED]

---

**I have attached a response to your questions about land access. I hope it is ok in the format that I have done it .**

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** land access  
**Date:** Monday, September 17, 2018 1:49:23 PM

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LSBQuestionnaire

have no problem asking for permission to access private land. There are questions that need to be asked and answered.

I have been chatting with land owners and individuals to see their views.

One very disturbing comment by a an individual; when asked are the producer willing to make themselves available for permission, there could be 1000 plus calls. "The producer does not have to answer any calls or contact from an individual who wishes to enter their land"

So now if they are not willing to be available for permission how is one to enter the land for various reasons?

Who is going to enforce the new legislation if and when implemented? We know the conservation officers are responsible for this at present, there at present are not enough officers for this, will more officers be hired?

I hear producers are worried about disease, invasive species and such. It's caused by vehicle traffic, field to field. Do producers leave their fields, travel to other areas, but before they do, are their vehicles de-contaminated?

I have made this comment to several people, back some time there were problems with access and hunters damaging crops as it was a late harvest due to weather. One thing that worked then was to have access controlled by hunting on foot only.

When I hear all of this issue from the media and those speaking for change; it is always HUNTING as the main reason for the access change.

As a responsible hunter this is not a fair statement, why are not those who quad, sled, hike, berry pick and the first nations not included in the statement?

If it is hunters as the root problem how about, all management zones become access for hunting on foot only. If there are specific reasons permission to drive would be written from the land owner. This would include retrieving a harvested animal.

1. This would make it easier for our conservation officers, people driving around would need written permission.
2. This would reduce calls to land owners who are not wanting all the calls.
3. Land owners who wish will still post their land as they wish so they have that contact and control who and when people are on the land. (There are comments about from land owners as it is inconvenient to post their land, as they have to post every ¼ mile. Proper information should be given out to land owners as what is legal the requirement for posting land.)
4. The worries of spreading disease and invasive species would be greatly reduced. (We must remember that animals can also transport these as they don't just walk on roads and highways, feet fur can transport contaminated mud/dirt, birds can also carry seeds in their beaks.)

Mitigation by all parties is required, lets fix the problem and not blame one specific activity.

[REDACTED]

[REDACTED] <LSBQuestionnaire@gov.sk.ca>;

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Land owner permission  
**Date:** Monday, September 24, 2018 3:17:50 PM

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Something needs to be change between Farmers and Hunters. However written permission is not the answer. I believe Hunting should have no negative effect on farmers, at the same time a land owner title does include the wildlife that lives there. The people of the province should have the right to free access to game animals. One possible change that could create a happy medium and ensure that private land hunting exists in the future is to treat private land like Wildlife Lands. For example all private land that is not posted would be available to the public under the conditions of Foot access only. This would cause a drop in the amount of "truck hunting" which is generally the largest complaint of farmers and respectful hunters, not to mention a potentially dangerous behaviour. Written permission would be an inconvenience to everybody and possibly lead to "pay per field" hunting. Make hunting a safe and friendly experience for all.

Thank You

[REDACTED]

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Land owners  
**Date:** Thursday, September 13, 2018 6:02:18 PM

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I would say anybody should have permission to go on any private land out in the country or on your private home lot by the owner or the occupants of that property  
Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Land permission questionnaire  
**Date:** Thursday, September 13, 2018 7:28:11 PM

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To whom it my concern,

I think it is unreasonable to gain access ahead of time for activities like snowmobiling.

Many land owners now are hard to contact based off of an RM map as land can be owned by company names, numbered companies etc. I believe if the land is properly posted then the signs should be followed.

Personally if my friends and I have to ride the trail system we would likely quit snowmobiling. The economic spin off caused by snowmobiling such as gas stations, lodging, recreation businesses and restaurants would all be effected.

As far as hunting goes I think it is good the way it is. I ask for permission to hunt and usually don't have trouble getting it. The people that cause issues will still cause issues regardless of any new legislation. They will disregard the land owners wishes and do what they want.

[REDACTED]

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Land Permission Questionnaire  
**Date:** Saturday, September 22, 2018 9:49:07 AM

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Thank you for the opportunity to comment on this issue. Living in rural Saskatchewan I hear issues and complaints from my friends and they are getting frustrated, with fences being cut and their live stock getting out and at times getting hit by vehicles.

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 should! The property owner should not have to go around and spend money and post every single entrance to their property. If you are not the owner or the renter of said land then stay out! They should also get permission in **writing** from the land owner or renter of said 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 should be treated the same, not just agriculture. If it is not your land and you do not have the express written consent of the land owner/renter of the land then stay out!

Q. How should permission be sought and granted?

Permission should be in writing by either a hard paper copy or an email that the person on the land can show the authorities. The land owner and renter should also communicate with each other so that they both know that someone has permission to be on the land.

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

No it would not. I owned a snowmobile in the past and if I wanted permission to go onto someone's land I would contact them. With today's technology it is not difficult to find the land owner of farm land, there are apps out there or if you're old school you can contact the R.M. offices and ask for a map of the area. There are also many many many kms of groomed snowmobile trails that people can ride on. The snowmobile clubs get the permission from the land owners and all of the back work is done for you.

If you want to hunt on someone's land then you should get permission in writing as explained above.

Regards,

A large black rectangular redaction box covering the signature area of the email.

*If you receive this email in error, please do not review, distribute or copy the information.  
Please contact the sender and delete the message and any attachments*

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** land permission  
**Date:** Thursday, September 20, 2018 11:05:17 PM

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No permission should be required for entering unposted land in Saskatchewan  
Saskatchewan should NEVER follow anything that Albertans do ever!!!  
Farmers should not be allowed any wildlife compensation if land is posted  
Hunters should NEVER be mentioned in the same sentence as poachers and thieves  
Hunters support small towns and businesses while out in the field  
The more stupid / unrequired regulations that are implemented the less people will  
become involved in hunting  
government should be more concerned about illegal drainage and total elimination of wildlife  
habitat in Saskatchewan, instead of harassing hunters and sportsmen

thank you

Sent from [Mail](#) for Windows 10

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Land trespass changes  
**Date:** Monday, September 10, 2018 7:29:29 PM

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I agree 100% on changing the law to needing permission to come on private property

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Land trespass questionnaire  
**Date:** Monday, September 10, 2018 6:29:56 PM

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Yes, it should change to give us farmers the tool to charge those who trespass without permission. No signs needed. Maybe the local RM offices could be involved as a way to further document permission through the farmer.

[REDACTED]

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Land Trespass  
**Date:** Monday, September 03, 2018 5:12:08 PM

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I am writing to share my opinion on the land trespass and the change being looked at by the government. I believe that the current set up in Saskatchewan is perfect. If somebody is putting out bait or using a tree stand then they need to get permission from the landowner. I think verbal permission is fine and don't need written. Situations where the land is not posted, and a hunter enters that land to go for a walk or because he sees wildlife on it, then no permission should be required.

If the law is changed so that hunters will need permission on all land and all the time that is just going to create all kinds of headaches. It will also be extremely difficult to prosecute this in court as none of these landowners are going to want to come and testify if they don't have their land posted.

These potential changes could also affect other recreational user group such as cross country skiers and snowmobilers. If the law was changed then these types of groups would also need to get permission all the time to go across private land. Again this does not make sense and is not a solution to any problem.

So to summarize my opinion, the way land access is set up right now in Saskatchewan is perfect and there is no need to change it.

Sincerely,

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Land trespassing when hunting  
**Date:** Wednesday, September 05, 2018 4:09:48 PM

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I believe everyone should get permission regardless if the land is posted. Effectively make all land the same as current posted land. I think verbal agreement is required but written agreement should be encouraged

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Land use  
**Date:** Saturday, September 15, 2018 6:59:13 PM

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I am a farmer and land owner in [REDACTED]. After having to deal with hunters driving over and through standing drop and swaths and now with club root in the area I would be 100% in favour of the land access rules changing to permission or you are trespassing. To post our land properly it would take over 200 signs at a list of about \$2000 just for the signs not including posts or the time and at the end of the day virtually no 1 follows them anyways. So here is my voice and feelings. [REDACTED]. Phone#on request. Thank you.  
Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Land use questionnaire  
**Date:** Friday, September 21, 2018 2:06:42 PM

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To whom it may concern,

I am an avid hunter and also a landowner, the new laws proposed for accessing private land will directly impact my hunting experience. Requiring hunters to receive permission on all land is just not realistic. Corporate farms, land owned by cities and municipalities, land owned by Universities, Rural Municipality maps that are not updated, as well as land owned and leased by someone else will all adversely affect my hunting.

Here is a realistic compromise: Update the law such that someone must obtain permission to access a quarter section of land that is **occupied**. This will address farmers safety concerns and allow our hunting industry to thrive.

Sincerely,

[REDACTED]  
[REDACTED]  
[REDACTED]

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[REDACTED]

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Please consider the environment before printing this e-mail

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** land  
**Date:** Saturday, September 01, 2018 12:58:00 PM

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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!!!!

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 distinction owned land is owned land.....simple measure question "are you the owner or lessee of this piece of property"?

the moment you leave public right of way you are trespassing

Q. How should permission be sought and granted? verbal for the week...written permission for more than a week

6

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

no exceptions land owner needs to know what your doing  
utility companies have "right of access"

7

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Landowner Response  
**Date:** Wednesday, September 19, 2018 11:28:20 AM

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I am a land owner.

Access to privately owned land must have the consent of the owner or his appointed delegate.

There should be no differentiation made between type of land fenced, posted or otherwise as it is private property.

Permission should be gained by meeting in person, if you are not familiar with the individual . Granting permission to a individual you know could be granted by telephone.

Recreational vehicles and hunters digging pits require an explanation of there intention before permission is granted.

A concern I have is allowing hunting on road allowances. Road allowances are 66 feet wide and owned by the crown. Hunters that do not have permission from adjasent land owners will hunt in these narrow coradors. This is a very dangerous practise as these are intended for vehicles including school buses.

If hunting in this narrow area the targeted game usually ends up on private property and some times just left there.

Sent from Samsung tablet.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** landowner response  
**Date:** Thursday, September 13, 2018 4:40:14 PM

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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 privately owned property. Anything other than that is insulting.

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. Privately owned property is privately owned property, period.

Q. How should permission be sought and granted?

Every yard has a road to it. No reason to leave the road to ask permission. Buy an rm map and do some research or stay in the city. If that's too much effort I don't want you on my land.

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

Can't believe anyone would think having to ask permission to enter PRIVATE property is an, "unreasonable impediment".

Very simply, I worked my entire life to build a farm, if you don't have my permission to be on MY land, stay the [REDACTED] off of it.

comment: We're posting our land this fall. Just too much damage, garbage and a complete lack of respect. We've had it. Ours was about the only land Not posted for about 20 mi. in any direction.

Thanks. Hopefully the act will be amended/changed to ensure respect for taxpayers private property.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Landowner rights  
**Date:** Monday, September 17, 2018 7:10:24 AM

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Written permission only by the landowner or renter. Thanks [REDACTED]

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#); [REDACTED]  
**Subject:** Legislation for rural access  
**Date:** Sunday, September 16, 2018 12:21:44 PM

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Legislation is needed to restrict access to private property.  
Access should only occur with the permission of the land owner.  
With enforcement of legislation all people will recognize entry requires prior permission .  
Information regarding ownership is found at Rural Municipal offices.

[REDACTED]

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Legislation  
**Date:** Friday, September 14, 2018 8:36:37 AM

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Yes Saskatchewan legislation should provide that all access by members of the public to rural property require the prior express permission of the landowner or occupier. Permission can be obtained by any means of communication. [REDACTED]

Sent from my Samsung Galaxy smartphone.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** LSB  
**Date:** Wednesday, September 12, 2018 9:44:08 AM

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First let me say that I am a father of three, live in a small village close to the forest fringe [REDACTED] [REDACTED]. My family of 5 hunts, snowmobiles, ATV, dirt bike, etc. We are respectful of land owners and do not go on posted land, crop land, close to farm yards or livestock. My wife and I are both from farming family's and know right from wrong when it comes to land access. So do my children. Our family farm lands are not posted by the way.

There is more and more posted land all the time. To be honest and in my opinion some of this is to keep unwanted first nation hunters and local poachers at bay. I see more and more hunting outfitters on private land that then becomes posted land. When I talk to the land owner to gain access they inform me that they did not post it and assume it was the local outfitter, neighbor or hunter. I see and know of signs that read no hunting for the next "8 miles" Yet when I look at the RM map I see multiple owners. When I talk to the local farmers they inform me it was "old so and so and do pay attention to it ---I quote ---- "if he comes and bothers you about being on my land tell him when he pays taxes on it he can say who can be on it".

Access to local forest trails have be cut off as farmers plow and fences the back roads to gain extra field space. These fields are usually then posted keeping hunters from accessing the forest. You cannot find a way into the trails that were once open to the public for chicken hunting, atving and snowmobiles etc. If you can find access to local bush trials they are usually posted by outfitters.

Farms are becoming large enterprises with thousands of acres. Homes are miles and miles apart. Most land owners do not mind or even know if kids snowmobile across a distant field or chicken hunt a vacant bushed pasture etc.

So.....

Uncropped fields should not be need express advanced permission. Making consent an express prerequisite in all circumstances does represent an unreasonable impediment. It also sets up the province for pay for access hunting for one thing. Snowmobiling in the country is common place and does no damage after the crops are off. Unposted vacant pastures are not harmed by gopher hunting etc. I have shot deer and have had them run across to the next fence line and perish on the neighbors field etc., etc.

*As a side bar in Scotland it is legal to hunt on any farmland but on foot only. The farmers do not own the game or access to that game.*

If land owners do not want any traffic on their land then please post it. This will in 99.9% of the time be respected. We could provide land owners a tax rebate for no trespassing signs if this would help.

Thank you for the opportunity to provide input on this topic.

[REDACTED]  
[REDACTED]

From: [REDACTED]  
To: [LSBQuestionnaire JU](#)  
Subject: LSB questionnaire email revised slightly  
Date: Thursday, September 27, 2018 10:38:38 AM

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Short of a couple clarifications this is is the letter I sent in besides filling out the questionnaire online.

**Subject:** LSB questionnaire email

Good morning [REDACTED] here. I have been shown an email with an attachment outlining proposed changes to our rural landscape. I am a snowmobiler and I have been doing snowmobile tours for many years, to many to count! Of course I am interested in knowing what is going to happen with our provinces changing legislation.

As it stands we do tours in and around the Nisbet Forest that runs roughly from Duck Lake across the North Sask River to Shellbrook/Holbein then east past Prince Albert and a portion east of the number 11 highway around Adamson Lake. This area is not all Provincial forest.

***A good portion of it is private land, bottlenecking natural barriers such as the rivers and heavy stands of bush.***

Any one can say they went riding in the forest but ultimately they come to one of the bottlenecked borders and have to cross an open pasture or field, then find a road allowance before they can continue on with their journey to a...

***...small community for gas or lunch and/or reconnect with more of the forest.***

There is no way you could travel the extent of the Forest without missing the hourglass bottlenecks impeding any or all traffic. This is just snowmobiling as we know it. No official snowmobile trails for the masses like you find 3 hours east of Saskatoon or 3 hours north of Saskatoon in the Lakeland region. The Nisbet is used a lot because it is a most reasonable 1 hour tow out of the city for a days snowmobiling. There is a official groomed trail that lies in the ditch from Saskatoon to Duck

Lake that is open periodically depending on snow conditions. We do not use it because we offer a backcountry Nisbet tour not a ride along a groomed trail in the highway ditch. Any one can ride the groomed trail with the appropriate plate/permit. Other than the experience such as orientation on a snowmobile, I would compare this to ...

***"would you pay someone to guide you in your car from Saskatoon to Prince Albert?"***

I think not and see these services offered thru snowmobile associations but I couldn't imagine what it entails for traffic.

## Ok why the Nisbet Forest, and why is it one of the places we ride?

The Nisbet Forest is based on rolling sand dunes created by the receding shores of an ancient ocean. Because of its nature there is virtually no rock that would inflict thousands of dollars damage to the snowmachines. This is also why a lot of the immediate country side adjacent has a low productivity and is often pasture land...a lot of crown pasture land. These areas are utilized as well when we snowmobile as livestock in the middle of winter is not allowed under pasture co-operative rules similar to grazing within the Nisbet forest. It is a very specified seasonal affair. Not to say I haven't heard of the authorities doing an audit finding "overgrazing by number of animals" and "early or late livestock application", you see whether it is right or wrong everyone takes a little bit when mother isn't looking.

More than just the Nisbet Forest, we also ride in and around the **Fort a la Corne Forest** to the east of the forks. We have utilized the Fort a la Corne Forest for close to the last 10 years. And this is because it makes up a fantastic remote and very secluded portion of our province that at the same time is surrounded by our rural landscape and has cell phone coverage incase of an medical emergency. The Fort a la Corne Forest is remote and we certainly bill it as such but the truth is in any direction you are really only maybe an hours ride out maximum, if you choose the right direction, this is very important! We have rode from the small community of Macdowall Sask which closely borders the Nisbet Forest (\*2 -3 miles) cross-county thru or along the roads and fields cross-country over the rivers to the Fort a la Corne Forest thru to another small community that welcomes tourism and the trip every year. We have had German citizens on this trip a few times and likely will again this year. When you ride cross-country like this we are talking a trip that has been in the planning for awhile to arrange time off work and flights into the country for others. We are not in the position to "change the dates" just because the selected date is a little nippy out. This of course boils down to my personally

choosing gear and snowmobiles that are function able in all weather. I often go early in the year with my car, and scout out variations in the trail so that new country is seen and rode along, especially in years of poor snow conditions. We have found our selves riding in a bit of a blizzard simply because we cannot change the date or the weather. Under these conditions or any deep snow winter conditions it is guaranteed that you will eventually wonder off course and end up exiting a field or the forest on private land. In all these years we have only seen a couple No Trespassing signs and in one case only discovered it on the way back because it was only posted on the more typical vehicle traffic side of the property. We would call that a One Way and respect it on the way back.

***It is interesting to note that in the fall during hunting season we have noticed a large number of no trespassing signs on the land bordering the Fort a la Corne forest.***

This would certainly impeded access to the forest if you did not specifically study and know where the road allowances corridors were located. It is interesting to note that these same signs are not there when it is snowmobile season. Of course this is just an observation and not a detailed photographic or documented study just the landscape observation.

I understand that there are a lot of issues that may be responsible for the proposed legislation.

I personally think that the ATVs running wild everywhere in the livestock and cultivation time of year is may be the motorized downfall for everyone. Sadly their foot print is not light and this is a fact.

The other problem is crime. Unfortunately the saying that locks ***"only keep honest people out"*** probably applies to, but will likely have very little effect on victims of crime who have private property whether there is a change in legislation or otherwise.

I couldn't imagine the number of people that would be effected in snowmobile season by this. There was a John Gormely call in talk show 10 or so years ago. The talk show was Gormely elaborating on the destructive quality's of the snowmobile and all the problems with private property and crime around the city of Saskatoon. The call was with the then Corman Park Chief of police McGillivray .

This was interesting, there was a number of callers who were clearly farmers and they objected to the proposed restrictions because they snowmobiled and rode on their neighbour's land and were fine with the same treatment the other way. Out of all the call ins who were against the

restrictions there was 2 who were for the restrictions proposed by the sensationalized Gormely, one I don't even remember, think it was a cross country skier who objected to snowmobiles riding at night in the ditch because it nauseated him seeing the lights bob up and down on the bumps.....I was on the Nisbet Forest Authority board for 15 years studying various impacts and forest public access, and I am sure it was the same guy who wanted all the berry trees pulled out of the forest and re-transplanted along the Carlton Grid road or other nearby roads so that berry pickers did not have to enter the forest any longer potentially using a trail potentially changing the forest appearance. He was from Holland and did not understand that we like to go into the forest on its trails! The second was a woman who had a farm near the Hiway and she was all for the restrictions because on one occasion she said that "her 3 year old thought that daddy was on his way home on his snowmobile and that when the 3 year old ran out to the Hiway to greet daddy, instead a stranger on a snowmobile ditched past their driveway nearly hitting the child." Her other comment was that they grew berries (berries again!! surely just a coincidence) and she "thought that this snowmobile restriction would stop people from climbing or going thru their fence and taking their produce!" **TAKE IT FROM THERE.**

At the end of this radio sensation the Chief of police McGillivray said to Gormely, before Gormely cut off the program, and said friend to friend

***"John you know we haven't had a snowmobile complaint in Corman park for years and years."***

I am sure Gormely could supply you with the tape.

Of course that all probably changed after a couple city dudes rode up past and likely thru an acreage a few years ago and were stopped in another persons yard with a rifle! Maybe the dudes should of been charged I don't know.

For people who just exit the city and unload anywhere this is probably going to be start of either snowmobiles running "illegally" everywhere with no one enforcing or worried about enforcing new legislation, the same old story it is easy to do nothing and leave lying dogs lie.

But what about us? So how do we approach land crossings and easements?

We could reach out to the land owner for the proper permissions. What is tough is, who do you reach out to?

Well it will take a lot more planning, with all the rural county watch I really do not want to be caught dead driving into farm yard, after farm yard, trying to approach the owners. In this day and age even in the city when some stranger shows up on your doorstep or suddenly finds him/her self

behind your home, off your driveway, you are first more likely to angrily show them the way they came right on the spot. It is the way it is these days you protect your valuables and vulnerability's with privacy and invitation.

The RM office could have a comprehensive list of phone numbers and email addresses, a land location of their residence is not required unless they have no other form of communication. This would give them privacy regarding their home location.

The land owner may only want to register his home quarter or property that has cattle or beehive activity etc etc. He may not want to register other open fields.

***Maybe a summer or winter registration is an option land owners would appreciate especially the ones who called into Gormely's radio talks show as mentioned in this email.***

What if there is no response to emails or your calls. This would be especially true in the case where an RM administrator or assistance insists that a land owner register all their property regardless of intent just as a make work project (lets call in the relatives) for the RM office. Perhaps some one who did not have this information registered with the RM office (appropriately) and or neither responded with in a week of your email or phone call would have to be deemed as not concerned with the land situation one way or the other. In other words they are choosing as simple as it is to do nothing.

Another concern I do have and I have discussed it with the DNR a couple times over the years is rural folks whether on an acreage or farm who live adjacent to crown land, or road allowances of one sort or another. They go ahead and get feeling possessive about the land just because they live next to it or maybe because they graze cattle on it. These folks probably have their hands full with cattle getting out and gates being left open, I would have to sympathize with them but these folks go ahead and POST forest entrances and road allowance easements. Many times experience tells you the signs are bogus but this is hard to explain away to a group of people from out of the country who are with you on a snowmobile tour . Folks at the DNR have said just tear the signs down, but I don't want to do that either.

***Maybe the legislation should be critical of these false postings.***

A good example is we have used the back road corridors for 30 years to access the Nisbet forest off of Callahan Lake near Shellbrook and inquiring a few years ago because of a rash of NO TRESPASSING

POSTS, authorities there suggested we not use the back roads to get to the forest ???? REALLY ???? because there have been gun shots fired in defiance. Perhaps some guns have been shot off near by when quadders have been around, don't know, but clearly even our motorized traffic in the winter was deemed risky by the town administrator. I have noticed that the locals next to the forest there refer to it as a pasture co-operative not by the name of Nisbet forest and there are or have been signs posted.

***I will send a second copy of this email with***

***links in it.*** These links take you to years and years of these snowmobile trips complete with videos. Often times the weather dictates your path when you snowmobile and you don not end up quite exactly where you expected because the snow depth obscures rural country property lines or road allowances. You can see that in winter the specific direction on the ground we take is based on visibility, snow depth, snow hardness, and correspondingly the direction that the snow has firmed up in and also how much gas is still left in the tank! IE: one side of a tree line will be soft while the opposite side will be rock hard because of the wind.

Hopefully this long winded email makes some sense to you folks.

We are one of the last frontiers. One of the last stands in the wild west.

There have been a lot of small towns that gave up their right to ownership and access to abandoned rail lines, now regrettably it is to late for them to turn them into snowmobile atv or just walking corridors, authorities and administrators are regretful but once turned over to adjacent land owners the access to these corridors is gone for ever.

Our current system may have flaws but if you look at it historically it may be just the last frontier, maybe the most valued asset that we have for tourism in the future, yes a drawing card for tourism, an exclusive great west in North America.

We have more land per capita than most places in the world and really we have no one to blame but the forefathers who invited us as immigrants over the last 200 years to become a part of Saskatchewan.

Best regards

A black rectangular redaction box covering the signature of the sender.

From: [REDACTED]  
To: [LSBQuestionnaire JU](#)  
Subject: LSB questionnaire email  
Date: Wednesday, September 26, 2018 3:34:49 PM

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Good morning [REDACTED] here. I have been shown an email with an attachment outlining proposed changes to our rural landscape. I am a snowmobiler and I have been doing snowmobile tours for many years, to many to count! Of course I am interested in knowing what is going to happen with our provinces changing legislation.

As it stands we do tours in and around the Nisbet Forest that runs roughly from Duck Lake across the North Sask River to Shellbrook/Holbein then east past Prince Albert and a portion east of the number 11 highway around Adamson Lake. This area is not all Provincial forest.

***A good portion of it is private land, bottlenecking natural barriers such as the rivers and heavy stands of bush.***

Any one can say they went riding in the forest but ultimately they come to one of the bottlenecked borders and have to cross an open pasture or field, then find a road allowance before they can continue on with their journey to a...

***...small community for gas or lunch and/or reconnect with more of the forest.***

There is no way you could travel the extent of the Forest without missing the hourglass bottlenecks impeding any or all traffic. This is just snowmobiling as we know it. No official snowmobile trails for the masses like you find 3 hours east of Saskatoon or 3 hours north of Saskatoon in the Lakeland region. The Nisbet is used a lot because it is a most reasonable 1 hour tow out of the city for a days snowmobiling. There is a official groomed trail that lies in the ditch from Saskatoon to Duck Lake that is open periodically depending on snow conditions. We do not use it because we offer a backcountry Nisbet tour not a ride along a groomed trail in the highway ditch. Any one can ride the groomed trail with the appropriate plate/permit. Other than the experience such as orientation on a snowmobile, I would compare this to ...

***"would you pay someone to guide you in your car from Saskatoon to Prince Albert?"***

I think not and see these services offered thru snowmobile associations but I couldn't imagine what it entails for traffic.

Ok why the Nisbet Forest, and why is it one of the places we ride?

The Nisbet Forest is based on rolling sand dunes created by the receding shores of an ancient ocean. Because of its nature there is virtually no rock that would inflict thousands of dollars damage to the snowmachines. This is also why a lot of the immediate country side adjacent has a low productivity and is often pasture land...a lot of crown pasture land. These areas are utilized as well when we snowmobile as livestock in the middle of winter is not allowed under pasture co-operative rules similar to grazing within the Nisbet forest. It is a very specified seasonal affair. Not to say I haven't heard of the authorities doing an audit finding "overgrazing by number of animals" and "early or late livestock application", you see whether it is right or wrong everyone takes a little bit when mother isn't looking.

More than just the Nisbet Forest, we also ride in and around the **Fort a la Corne Forest** to the east of the forks. We have utilized the Fort a la Corne Forest for close to the last 10 years. And this is because it makes up a fantastic remote and very secluded portion of our province that at the same time is surrounded by our rural landscape and has cell phone coverage incase of an medical emergency. The Fort a la Corne Forest is remote and we certainly bill it as such but the truth is in any direction you are really only maybe an hours ride out maximum, if you choose the right direction, this is very important! We have rode from the small community of Macdowall Sask which closely borders the Nisbet Forest (\*2 -3 miles) cross-county thru or along the roads and fields cross-country over the rivers to the Fort a la Corne Forest thru to another small community that welcomes tourism and the trip every year. We have had German citizens on this trip a few times and likely will again this year. When you ride cross-country like this we are talking a trip that has been in the planning for awhile to arrange time off work and flights into the country for others. We are not in the position to "change the dates" just because the selected date is a little nippy out. This of course boils down to my personally choosing gear and snowmobiles that are function able in all weather. I often go early in the year with my car, and scout out variations in the trail so that new country is seen and rode along, especially in years of poor snow conditions. We have found our selves riding in a bit of a blizzard simply because we cannot change the date or the weather. Under these conditions or any deep snow winter conditions it is guaranteed that you will eventually wonder off course and end up exiting a field or the forest on private land. In all these years we have only seen a couple No Trespassing signs and in one case only discovered it on the way back because it was only posted on the more typical vehicle traffic side of the property. We would call that a One Way and respect it on the way back.

***It is interesting to note that in the fall during hunting season we have noticed a large number of no trespassing signs on the land bordering the Fort a la Corne forest.***

This would certainly impeded access to the forest if you did not specifically study and know where the road allowances corridors were located. It is interesting to note that these same signs are not there when it is snowmobile season. Of course this is just an observation and not a detailed photographic or documented study just the

landscape observation.

I understand that there are a lot of issues that may be responsible for the proposed legislation.

I personally think that the ATVs running wild everywhere in the livestock and cultivation time of year is may be the motorized downfall for everyone. Sadly their foot print is not light and this is a fact.

The other problem is crime. Unfortunately the saying that locks **"only keep honest people out"** probably applies to, but will likely have very little effect on victims of crime who have private property whether there is a change in legislation or otherwise.

I couldn't imagine the number of people that would be effected in snowmobile season by this. There was a John Gormely call in talk show 10 or so years ago. The talk show was Gormely elaborating on the destructive quality's of the snowmobile and all the problems with private property and crime around the city of Saskatoon. The call was with the then Corman Park Chief of police McGillivray .

This was interesting, there was a number of callers who were clearly farmers and they objected to the proposed restrictions because they snowmobiled and rode on their neighbour's land and were fine with the same treatment the other way. Out of all the call ins who were against the restrictions their was 2 who were for the restrictions proposed by the sensationalized Gormely, one I don't even remember, think it was a cross country skier who objected to snowmobiles riding at night in the ditch because it nauseated him seeing the lights bob up and down on the bumps.....I was on the Nisbet Forest Authority board for 15 years studying various impacts and forest public access, and I am sure it was the same guy who wanted all the berry trees pulled out of the forest and re-transplanted along the Carlton Grid road or other nearby roads so that berry pickers did not have to enter the forest any longer potentially using a trail potentially changing the forest appearance. He was from Holland and did not understand that we like to go into the forest on its trails! The second was a woman who had a farm near the Hiway and she was all for the restrictions because on one occasion she said that "her 3 year old thought that daddy was on his way home on his snowmobile and that when the 3 year old ran out to the Hiway to greet daddy, instead a stranger on a snowmobile ditched past their driveway nearly hitting the child." Her other comment was that they grew berries (berries again!! surely just a coincidence) and she "thought that this snowmobile restriction would stop people from climbing or going thru their fence and taking their produce!" **TAKE IT FROM THERE.**

At the end of this radio sensation the Chief of police McGillivray said to Gormely, before Gormely cut off the program, and said friend to friend **"John you know we haven't had a snowmobile complaint in Corman park for years and years."**

I am sure Gormely could supply you with the tape.

Of course that all probably changed after a couple city dudes rode up past and likely thru an acreage a few years ago and were stopped in another persons yard with a

rifle! Maybe the dudes should of been charged I don't know.

For people who just exit the city and unload anywhere this is probably going to be start of either snowmobiles running "illegally" everywhere with no one enforcing or worried about enforcing new legislation, the same old story it is easy to do nothing and leave lying dogs lie.

But what about us? Well it will take a lot more planning, with all the rural county watch I really do not want to be caught dead driving into farm yard, after farm yard, trying to approach the owners. In this day and age even in the city when some stranger shows up on your doorstep or suddenly finds him/her self behind your home, off your driveway, you are first more likely to angrily show them the way they came right on the spot. It is the way it is these days you protect your valuables and vulnerability's with privacy and invitation.

So how do we approach land crossings and easements?

The RM office could have a comprehensive list of phone numbers and email addresses, a land location of their residence is not required unless they have no other form of communication. This would give them privacy regarding their home. We could reach out to the land owner for the proper permissions. What is tough is who do you reach out to?

What if there is no response to emails or your calls. Perhaps some one who did not have this information registered with the RM office (appropriately) and or neither responded with in a week of your email or phone call would have to be deemed as not concerned with the land situation one way or the other. In other words they are choosing as simple as it is to do nothing.

Another concern I do have and I have discussed it with the DNR a couple times over the years is rural folks whether on an acreage or farm who live adjacent to crown land, or road allowances of one sort of another. They go ahead and get feeling possessive about the land just because they live next to it or maybe because they graze cattle on it. These folks probably have their hands full with cattle getting out and gates being left open, I would have to sympathize with them but these folks go ahead and POST forest entrances and road allowance easements. Many times experience tells you the signs are bogus but this is hard to explain away to a group of people who are with you on a snowmobile tour . Folks at the DNR have said just tear the signs down, but I don't want to do that either.

***Maybe the legislation should be critical of these false postings.***

A good example is we have used the back road corridors for 30 years to access the Nisbet forest off of Callahan Lake near Shellbrook and inquiring a few years ago because of a rash of NO TRESPASSING POSTS, authorities there suggested we not use the back roads to get to the forest ????? REALLY ????? because there have been gun shots fired in defiance. Perhaps some guns have been shot off near by when quadders have been around, don't know, but clearly even our motorized traffic in the

winter was deemed risky by the town administrator. I have noticed that the locals next to the forest there refer to it as a pasture co-operative not by the name of Nisbet forest and there are or have been signs posted.

***I will send a second copy of this email with links in***

***it.*** These links take you to years and years of these snowmobile trips complete with videos. You can see that in winter the specific direction on the ground we take is based on visibility, snow depth, snow hardness, and correspondingly the direction that the snow has firmed up in and also how much gas is still left in the tank! IE: one side of a tree line will be soft while the opposite side will be rock hard because of the wind.

Hopefully this long winded email makes some sense to you folks.

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Best regards



**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Cc:** [REDACTED]  
**Subject:** LSB Questionnaire  
**Date:** Friday, September 14, 2018 8:00:08 AM

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**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? Absolutely YES!**

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, it should be looked at equally the same

**Q. How should permission be sought and granted?**

**Contact the local RM to obtain a map and track down the owner.**

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

No, if recreational activities are to occur on private farmland the people who wish to engage in these activities need to be more prepared and obtain permission in advance. It is no different then going camping. I can not just setup camp anywhere; I need to book a spot in advance and make a plan.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** LSB Questionnaire  
**Date:** Thursday, September 13, 2018 9:32:01 AM

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**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** LSB Questionnaire  
**Date:** Monday, September 10, 2018 7:38:16 PM  
**Attachments:** [REDACTED]

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See attached for Public consultation on Saskatchewan's Property laws.

Thank you.

From: [REDACTED]  
To: [LSBQuestionnaire JU](#)  
Subject: LSB Questionnaire  
Date: Friday, September 21, 2018 10:51:06 AM

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**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

**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?**

A. Yes

**Q. How should permission be sought and granted?**

A. If the Saskatchewan government is to make **land access** law then the **landowner** should be **required by law to have contact information specific to land access** easily available to the public.

Contact information directory specifically for the public looking for access for recreation and hunting. Perhaps online or RM.

Landowners that are opposed to these changes and feel access should be unrestricted should have their land designated that way on the RM map.

I'm following a thread on an online forum and that seems to be one of the arguments against changes. Looking at a RM map it is difficult to even find landowner contacts.

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

Yes it would definitely. Unfortunately the disrespectful actions of a few ruin what we have now for everybody.

**From:** █  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** LSB Questionnaire  
**Date:** Monday, September 24, 2018 9:09:17 PM  
**Attachments:**

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From: [REDACTED]  
To: [LSBQuestionnaire JU](#)  
Subject: LSB Questionnaire  
Date: Friday, September 14, 2018 10:51:28 AM

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**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 I do not believe that all rural property should require express advanced permissions.
- There are existing laws in place that allow land owners to restrict access to their property.

**Issues:**

- I already have seen land owners who expect payment\gifts in exchange for permissions to land. This will only increase.
- It is already very difficult to locate\contact who is the land owner of a rural property to ask for permissions.
- Hunting brings in a lot of revenue for rural areas, this will reduce the amount of land that will be able to be hunted and reduce the number of hunters. With the reduction of hunting there will be an increase in the amount of wildlife crop damage claims.

**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?**

- I do not believe there should be a difference between land types. There are rules pertaining to activities and any damaged caused to land can be acted upon to charge those that cause that damage.

**Reasons:**

- Lots of land has several types land in a single area (uncultivated bush\valley area in the middle of cultivated land)
- There are already rules pertaining to hunting in pasture land that is occupied by livestock.
- There could be a distinction made for standing crop versus other land.

**Q. How should permission be sought and granted?**

- Contact information should be added to no trespassing signs. (phone and email)
- Contact information should be stored\maintained on SERM website and associated to land map so that those requesting access to land can contact prior to exploring an area
- The information should already be required when posting land. Then if an wounded animal enters a property that is posted a hunter can easily contact the land owner and see to it that the animal is recovered immediately.
- Permission should also be in writing – then discrepancies in voice conversations and names can be avoided.

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

- Yes this would represent an unreasonable impediment to recreational activities. I believe it

**would also be a large in-convenience to land owners that would be receiving many phone calls for those who would like to gain access to their properties.**

I respect the land owner and their concerns. However I believe the problems they have are with locals and those that would intentionally break the laws. This will always continue. As an person living in an urban environment I can not stop people from coming into my yard or walking across my grass either. I only have the rights to go after them if there has been damage associated to their activieies. Why would a rural environment get more rights then I do.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Lsbq questionnaire  
**Date:** Wednesday, September 05, 2018 1:14:18 PM

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- I believe that all access to rural property by the public should have landowner consent before stepping foot on or driving on the property regardless of the purpose to be on the land. Being a land owner and a hunter and trapper we always get permission from every landowner before we access the land and wish that fellow hunters would give us the same respect with our land. If it were an offence to access rural property without permission this would help immensely.
- Thank you for your time.

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** LSBQuestionnaire  
**Date:** Friday, September 14, 2018 11:17:44 AM

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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

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

Same

From: [REDACTED]  
To: [REDACTED]  
Subject: [REDACTED]  
Date: Thursday, September 13, 2018 1:33:32 PM  
Attachments: [REDACTED]

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Be careful not to go to far hunters are voters to [REDACTED]

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This email has been checked for viruses by AVG.  
[https://mail.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.avg.com/camp&data=02%7C01%7C1sbquestionnaire%40gov.sk.ca%7C6734ff0cfb4c7e514308d619a09ac3%7C4e68a24641840d2905-9a328b644fab%7C0%7C636724640113764766&camp;data=bg2L6mUj\\_OHCMPXyOrvKQ4WwArc3WjDf%2FincODokDIvA%3D&campreserved=0](https://mail.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.avg.com/camp&data=02%7C01%7C1sbquestionnaire%40gov.sk.ca%7C6734ff0cfb4c7e514308d619a09ac3%7C4e68a24641840d2905-9a328b644fab%7C0%7C636724640113764766&camp;data=bg2L6mUj_OHCMPXyOrvKQ4WwArc3WjDf%2FincODokDIvA%3D&campreserved=0)

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** LSBQuestionnaire  
**Date:** Monday, September 10, 2018 9:18:44 AM

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I have no problem with consent being required to access private land especially occupied private land. I do believe that all leased crown land that is not under cultivation ( pasture) should be open to non-vehicle access( vehicles restricted to roads and trails only) by the public for such activities as hiking, berry picking and photography etc year round. Hunting should be allowed on these lands if no cattle are present especially after Oct 31. This land is not privately owned and is only leased for grazing purposes. The Leasee should not be able to halt public access on public land for recreational purposes if these activities have no effect on their grazing operations. On foot access to these lands is low impact and would in no way effect grazing activities. This land should not be able to be treated as private land as it currently is. I especially feel this is true with the recent large tracts of public community pastures, both former PFRA and Provincial community pastures, which are being switched over to grazing leases. This is taking away large tracts of public land from the public especially here in the south.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** LSBQuestionnaire  
**Date:** Thursday, September 27, 2018 7:55:27 AM

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I am sending this email in regards to voicing my opinion to the provincial trespassing laws.

I would like to make two points regarding the set up of this public consultation,

- 1) Informing the public and calling this an online survey was very confusing as it was not actually set up as an online survey.
- 2) The timing for this is less than optimum as this came to our attention at harvest time proving to be an additional task at a very busy time.

Please find and include the following answers to your posted questions below:

**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?**

Absolutely advance permission should be required. Anyone that is doing legitimate and proper business will ask for permission to enter another persons property, not having to ask permission is only giving licence to the people who are conducting bad practices or illegal activity. If I as the land owner do not know and control all activity on my land that also puts me at a risk of liability. Example: Lets say a Junior environmentalist for the oil company comes to my house to discuss going onto a new undeveloped lease to conduct preliminary soil data collection. That environmentalist, along with anyone else I have on my land that day, will be requiring information from me for their safety. Information such as bulls in the field, wild animals in the area, any special entry requests, others working in the same area. So I tell this worker and my family that they are all good to go out in my field but on the same quarter of land a trespassing hunter is unknown to us and hunting on the land. How could the trespassing hunter possibly know where my home is on the land, how can they know where my children are working that day on my land, how do they know that environmentalist is working on that new lease digging test holes....if someone is injured or killed by this trespassing hunter is it then my liability as I have cleared the people on my land to proceed with work? There is no other work area in this country that can be run with these risks. And this is only an example of one type of trespasser. I worked very hard to purchase my land, pay my taxes on my land and be a caregiver to the land, it is completely unacceptable for another individual to enter my home. It is also unacceptable that I am required to spend many hours and money to purchase and install signs to deter people from taking advantage of my land,

there are maps and neighbors, everyone is easy to find to gain permission from an owner.

**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?**

I would like all property to be treated the same, this seems like it would give an offender the defense of not knowing better or of the land not being clearly defined. If my fence is down for 200 meters on an old hay field that does not keep animals in during this rotation nor appear "cultivated", that should not become a loophole for a recreational quadding group to travel across the crop as equally as that group of recreational ATV enthusiasts should not be permitted to pass through my garden on my property in town limits. All of my properties in urban and rural are the same, owned by me, and should all be treated with the same respect and courtesy.

**Q. How should permission be sought and granted?**

We live in a world with technology and too many excuses. If someone is looking to access another persons property there are steps they need to take to do so. If I have to work to purchase my property and pay the taxes, is it really that much to ask for someone wanting to access my property to go purchase an RM map and make some phone calls. If a property owner can not be reached that is clearly a 'no' for permission to access. A land owner should NOT have to be responsible to publish private information in order for a random person to be able to contact for permission to gain access for recreational purposes. If it is permitted for a "trespasser" to go into a yard site via main access this is taking away power from the landowner as they can not ask someone to leave yard site as the "trespasser" is not longer considered to be trespassing. It should be expected all people seeking access take the time to pre-plan and contact landowners by using published phone numbers and ask permission to arrive to the homestead prior to entering. Allowing trespassers to access homesteads using direct or indirect routes seems to open a door for criminals to scope out a yard site under the disguise of seeking permission. Rural residence need to be protected, not made vulnerable.

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

This is a ridiculous question, this is asking a trespasser if asking for permission is going to cause them an issue for trespassing. If someone was found walking around an urban home and said they called ahead but there was no answer so they came in and were looking for the owner to ask if they can come in and do a puzzle to relax and have some recreational time they would

be considered a criminal and arrested. This question should be removed as the only opinion that should matter is the actual owner of the property.

Thank You for your time to consider my views on trespassing

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** LSBQuestionnaire  
**Date:** Saturday, September 15, 2018 11:53:58 AM

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As a farmer and landowner all access should require permission. With the emergence of crop diseases such as club root, it is immediately a responsibility of the government and the people to respect the property boundaries that provide order to our rural environment. Please make this happen and inform the public of such changes.

Thanks,

[REDACTED]

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** LSBQuestionnaire@gov.sk.ca  
**Date:** Thursday, September 20, 2018 6:51:22 PM

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Hello,

All land has equal value. All land owners should be treated equally. There is discrimination by granting privileges to certain individuals or groups that are not granted to others in relation to trespassing on another person's property. There should be NO distinction between rural and urban land. All land is personal and private. Advance written permission should always be required for ALL activities. Without express written permission there is only irresponsible activity on private land. It is unfair and an economic hardship to require or expect rural farm/ranch owners to post their land when this is not required in urban or town centres.

Thank you for the opportunity to express my views.

[REDACTED]

[REDACTED]

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Lsbquestionnaire@gov.sk.ca  
**Date:** Monday, September 24, 2018 4:04:39 PM

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Yes, I believe express permission should be granted by the landowner and failure to secure that consent should constitute an offence.

This would require some agreement, in writing, signed by each of the parties. I do not think "no trespassing" signs need to be posted.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Date:** Wednesday, September 19, 2018 2:45:21 PM

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[REDACTED] [REDACTED]



All members of the public should have express advance permission of the rural property owner for all activity.  
There should be no difference for all rural property.  
People should ask the rural landowner if they can go on the land.

Submitted by [REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Date:** Wednesday, September 19, 2018 6:20:56 AM

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Private property is exactly that. Weeds, invasive species and disease may be transferred from one property simply by walking or driving through. As for hunting, I hunt myself and simply from a safety standpoint I like to know who is hunting and where they are. If someone has asked me for permission to hunt I will avoid the parcel they are hunting on, rather than risk an accident. By requiring permission it should reduce the number of road hunters. A lot of times road hunters aren't familiar with the terrain and the location of farmsteads. I find this practice terrifying especially when a hunter chooses to shoot down a road.

[REDACTED]

From: [REDACTED]  
To: [LSBQuestionnaire JU](#)  
Date: Monday, September 17, 2018 1:23:25 PM

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I am a hunter and a trapper in southern Sask. and I want to share my views on this questionnaire, in particular the difficulties I have encountered trying to obtain landowner permission:

1. I always obtain a RM map of the areas I wish to hunt. Today, there are many numbered companies that are listed as the owners of the land. The local RM office will not release the information of who owns the Numbered Company and thus I am unable to contact the owner of that land.
2. On many occasions, I have tried to obtain a telephone number for the landowner by accessing "MySask411" or "MyCanada411", but get no information on the person as most landowners are no longer using "land lines" but have gone to cell phones. At times I have been able to track down a relative of the landowner by calling other persons with the same Surname. However, they generally do not provide you with that person's cell phone and indicate that they will call their relative and pass on my information. Generally, this results in no one calling me back.
3. Other times I have driven to the area, sometimes in excess of 100 kms trying to locate the landowner, only to find no one home, or an abandoned farm yard.
4. I believe I am one of the minority of hunters that puts forth a tremendous effort to contact landowners to gain permission, and most express appreciation for this. However, I find it extremely difficult to obtain landowner contact information. I am not opposed to legislation that requires permission before entering landowner's property, but in order to legislate this, there needs to be improvements in how to obtain landowner contact information. If legislation was passed, RM Offices should be required to provide landowner contact information (email, cell phone or land line) information, without stating that this is against Policy and procedures of the RM Office.

Furthermore, there would be a need for people wishing to contact RM Offices an improved system. Currently, most offices will not mail out an RM map and require you to arrive at their office to obtain this map. If a hunter has drawn a special license a couple hundred kilometers or further from home, this requires the hunter to drive to the RM office to obtain a map, then start the process of making landowner contact.

So please, before creating legislation, address the issues of how people are going to be able to locate and contact landowners or nothing has been gained.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Date:** Sunday, September 16, 2018 8:37:15 AM

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Issues people would like you to consider are:

- 1) Does the proposed act include provisions to protect rights that were specifically protected by treaty?
- 2) Is it trespassing for an Indigenous person to enter land that was shared with settlers under treaty?
- 3) Is it legal for one treaty partner to make and enforce laws affecting the rights of other treaty partners without their prior informed consent?

Concerns have been raised about threats to a Metis grandmother travelling on a public road with her Indigenous grandchildren. Also about threats made to a “white” grandmother riding her horse on a road allowance whose boundaries were not clearly marked. Some people seem to have been talking ownership rights to a ridiculous extreme. Private owners should not be allowed to block public access to public amenities like rivers.

Conversely, private interests like oil companies engaged in fracking should not be allowed to drill under private land without notice to the owners or to neighbours who may be affected. They should also be prohibited from drilling under public land without prior informed consent of the public.

<https://www.cjme.com/2018/09/14/sask-woman-describes-threatening-encounter-with-landowner/#.W5w6NgaqVmE.facebook>

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Date:** Saturday, September 15, 2018 10:18:27 AM

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as a land owner and a hunter I expect everyone to ask permission to go on ones land before entering as I do. In the past I have found that American hunters ask for permission to hunt where as a great number of sask city residents or out of province residents seem to imply that it is their right to do as they wish with no respect for the landowner. I agree that it should be an offence to enter ones land without permission for any reason. [REDACTED]

Sent from [Mail](#) for Windows 10

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Date:** Saturday, September 15, 2018 9:39:13 AM

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I as a hunter think this will totally devastate hunting in Saskatchewan. It is not too hard if a land owner dosnt want hunting on his land. All he needs to do is post his land in 3 spots on a half mile piece. Not too hard to do. All I see this is giving authorities more power to prosecute the hunter, and also another source of income for the province.

Figure this out how much money I have given the province over my life time so far. I am 47 years old I have been hunting since she 12 I enter the draw system and when drawn travel to southern Saskatchewan to hunt hotels meals fuel.

If this gets passed I will be quiting hunting along with my too sons and 1 daughter that are soon to be of age to hunt.

Thanks [REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Date:** Friday, September 14, 2018 4:30:35 PM

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I feel this is a very unnecessary step to take, we live in a province where I feel people have enough respect to know where not to go and respect the land you are on

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Date:** Friday, September 14, 2018 2:48:37 PM

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. 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 privately owned property. Anything other than that is insulting.

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. Privately owned property is privately owned property, period.

Q. How should permission be sought and granted?

Every yard has a road to it. No reason to leave the road to ask permission. Buy an rm map and do some research, access RM map for free at RM office or stay in the city. If that's too much effort I don't want you on my land.

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

Can't believe anyone would think having to ask permission to enter PRIVATE property is an, "unreasonable impediment".

Very simply, I worked my entire life to build a farm, if you don't have my permission to be on MY land, stay the [REDACTED] off of it.

comment: We're posting our land this fall. Just too much damage, garbage and a complete lack of respect. We've had it. Ours was about the only land Not posted for about 20 mi. in any direction.

Thanks. Hopefully the act will be amended/changed to ensure respect for taxpayers private property.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Date:** Friday, September 14, 2018 12:14:11 PM

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The rules are already pretty cut and dry on this topic. If the land is posted you have no right to be there, if the land is not posted than the farmer has given you consent. Any farmer that has posted there land has the right to pursue legal action in someone enters his land without permission. If a farmer who has unposted land is having issues than he can post his land and pursue legal action. Changing these laws is only goin to make it more difficult for the honest people who are not there to do something wrong. The province also does not have the man power to respond to these calls either, so what is the point. This really is a waste of time and resources to even consider. They need to target criminals that are breaking and entering and stealing in rural areas not the odd person that cuts through a field on a snowmobile or drives in to retrieve a deer. Maybe we need to enforce the laws that are already in place and go from there.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Date:** Friday, September 14, 2018 11:56:56 AM

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- Should Saskatchewan legislation 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 and failure to secure that consent constitutes an offence? Yes
- If so, how should such permission be sought and granted? The land owner should post a phone number at the entrance of his property so a person can phone the owner before entering.

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Date:** Friday, September 14, 2018 11:05:01 AM

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I am in favour of changing property trespassing laws so the onus is on the public to have permission from the landowner to be on the land instead of the onus being on the landowner to post the land to keep people off.

thanks

[REDACTED]

Sent from my Samsung Galaxy smartphone.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Date:** Friday, September 14, 2018 9:40:57 AM

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Gathering hunting permission is already challenging as is, especially around harvest when farmers are busy with other duties. From my experience, if the farmer doesn't want people hunting on their land, they take the time and post it. On the other hand, the farmers who don't mind respectful hunting would rather leave their land unposted and not have the hassle of everyone who wants to hunt bothering them for permission. If the farmers needed to give written permission to every hunter, many would become annoyed with all of the phone calls and work associated with that and rather just not allow hunting at all. As an outdoorsman who respects the lands of others, I hope that the current rules do not change to make hunting and other outdoor activities harder to access

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Date:** Friday, September 14, 2018 8:43:54 AM

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Yes I believe you should definately need permission prior to accessing land of any kind weather cultivated or not. If the land is pasture, stubble, treed, or swamp should not matter. Permission needs to be obtained from the land owner or renter. It is the hunters responsibility to find the land owner or renter, if a hunter wants permission they will find the appropriate people to ask.

Farmers pay extreme amounts of money to purchase these lands with plans to use said land for various reasons. The fencing or livestock or cultivated lands are taken care of to ensure they can earn an average livelihood. People that live in the city or small town have no idea what that means as they go to there job in the morning. Then on the weekend run out to a farmers land drive around a cultivated field sometimes leave gates open or worse cut fences. They go home after a long day of hunting to their yard worry about the cleaning of game or their truck. Meanwhile 15 or 50 head of cattle have wondered out of the fenced area and the land owner gets a call from a neighbor or during his rounds finds them wondering. Now the land owner has to deal with the problem all night and fix the fence afterwards. This like the people in the city costs money and time.

People should definately get permission BEFORE ever entering land that doesn't belong to them.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Date:** Friday, September 14, 2018 8:23:31 AM

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I believe that folks should have the right to roam in Saskatchewan. As someone who has land, I can say that I post mine as "No ATVs" only. Which means, to me: hunting on foot permitted.

It is my belief that if the gate is closed, stay out. If the land is cultivated, stay out or if there is a sign, STAY OUT. otherwise, no shooting within 500m of a house - that also includes idiots shooting at trespassers.

Landowners should post their land accordingly if they dont want people on it. Like the way it's been since confederation.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Date:** Wednesday, September 12, 2018 2:41:07 PM

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Leave laws as they are. We like the freedom! Post signs, don't be lazy and wreck it for everyone!

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Date:** Wednesday, September 12, 2018 2:39:51 PM

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Nothing wrong with current law. Post signs if you don't people on your property. Saskatchewan is great staying old school! Common sense rules. Seeded, stay off. Otherwise sled, quad freely.

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Date:** Tuesday, September 11, 2018 12:36:12 PM

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Yes all access to to all land privately owned should require permission before they enter property.

All land be it grass, forest or cultivated should be treated the Same.

Permission should be via mail, text, email or which ever way can be proven when confronted. We are a family farm but most land is under a corporation so when a person looks a land map they may not have easy access to contact info, maybe as land levers we need to provide a registry of index to make obtaining contact info easier.

I do believe it will impede irresponsible access to land, most public usage of our land is mechanized which we do not appreciate, biological concerns are very high for us with noxious weeds.

If a person contacts us for foot access we would gladly grant permission.

[REDACTED]

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Date:** Tuesday, September 11, 2018 7:14:14 AM

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I have been a long time hunter in southern Sk. and have honored posted land notices. I feel that having to ask permission to hunt on all land would not be fair as it would be quite hard to find the appropriate owners. I might cover 40 sq. miles in a day and to find all land owners in that area would not be feasible. Also if you are following a wounded animal that has trailed from one piece of land to another how does one tell if you are on land that you have permission to land that you do not?

Sincerely,

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Date:** Monday, September 10, 2018 10:44:23 PM

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Absolutely make a no trespass law  
Without having to post land

We don't need to put up signs in a beautiful country side .

As well many city hunters come out shoot deer and leave them in bushes !!! Lots and lots ! Without permission !  
It's absolutely crazy!

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Date:** Monday, September 10, 2018 8:43:55 PM

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Yes all access to private land should have written consent - for ALL people!

Thanks

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Date:** Monday, September 10, 2018 7:34:46 PM

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It is a no brainer private property is private stay off!!!!

Sent from [Mail](#) for Windows 10

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Date:** Monday, September 10, 2018 6:30:31 PM

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All persons need to have written permission before setting foot on private property.  
The onus should NOT be on the rural property owner to post his/her land as private property and there is NO TRESPASSING.

Do urban residents have to post their property as private?

PLEASE, this very simple law will be a huge step forward in helping rural property owners protect themselves against the ever increasing crime that is going on in rural Saskatchewan.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Date:** Tuesday, September 04, 2018 1:03:52 PM

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Permission is a must and I  
suppose to cya in court it would need to be recorded or written.....more than just verbal!!  
Sad but necessary.  
Same rights for urban and rural.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Date:** Monday, September 03, 2018 7:05:17 PM

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Absolutely not if anything different rules need to be made for the farmers like if they want to post land they must include their contact information on it as well. Also there needs to be more laws on how often they must have a sign sometimes when your on foot hunting you come up to fence lines not knowing if it's posted or who owns it rm maps only help so much

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Date:** Saturday, September 01, 2018 4:05:01 PM

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In regards to the trespass legislation: a person should need permission before going on property that does not belong to them for many reasons. Permission should be written OR verbal consent.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Date:** Saturday, September 01, 2018 3:37:34 PM

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Hello! I disagree with changing our laws regarding permission to hunt. Most farmers will now give only a handful of hunters permission and the rest of us will be out of luck. It's going to be an issue finding land owners to even ask for permission and I'm sure they won't appreciate their phones ringing off the hook all hours of the day from hunters looking to get permission. Lots of land owners don't even live close to where their land is located. If a farmer/land owner doesn't want anyone on their land all they have to do is post it!

Thank you, [REDACTED].

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Date:** Saturday, September 01, 2018 3:37:23 PM

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I think the way the trespass laws are right now is the best option. If a land owner doesnt want anyone to hunt on their property they post signs. Like others have mentioned most farmers nowadays have thousands of acres. They would be constantly getting phone calls and visits for permission. I've never heard a complaint about the current system.

From: [REDACTED]  
To: [LSBQuestionnaire JU](#)  
Date: Thursday, September 20, 2018 3:37:32 PM

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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?

Answer: No, permission to access rural land should not need advance permission. As a hunter I have gotten permission from land owners in advance when I knew I would be hunting their land.

This is in special circumstances depending on what I get drawn for and in what zone. If a hunter knows in advance, this can be done relatively easy.

But let's say, you are just hunting in a area and not sure what area/land you are going to try. So you are driving along a road and see a 10 point buck cross the road and enter goes into the bush on land that is not posted. You are saying that I would have to try and find that land owner and ask for permission to go push that bush. That would of been fine 30 or 40 years ago, when the farm yard/owner would of been in eye sight probably. As you know nowadays it is almost impossible to find a land owner in a short period of time. It would take hours of trying to find the right land owner for that particular field. By the time you would get permission to enter that particular field that buck is long gone.

We have done this in past years. Contact the land owner to try and get permission, and he then say's....it is ok with me, but I am renting that pcs of land out to someone else, you would have to ask him. Again by this time, the buck is long gone.

I have no objections with posted land, be it....No Hunting, Hunting with Permission, etc. But if a farmer chooses to not post his land and a 10 point buck crosses the road on to this land, a hunter should be able to pursue. You could see the problem trying to track the buck over 2 or 3 miles, when he travels over 2 or 3 different land owners out in the boonies.

I am not sure if our gov't is trying to go the route of the U.S., were the only way the public can hunt on land is to have a lease with the land owner. We all know it is illegal for land owners to charge people to let them hunt on their land. We all also know that this is been done by land owners in a round about way.

I have seen the number of hunters drop significantly over the years. I can see it even dropping more dramatically if the above question was in fact become law.

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?

Answer: It would be pretty hard to make a distinction between the mentioned options. Land could be pasture land one year, and then cultivated land the next. And I don't think you want to have a distinction for fenced land, making a land owner put up expensive fencing just so he can comply.

Treat all land the same.

Q. How should permission be sought and granted?

Answer: Like I mentioned above I have got permission to hunt on land that was posted and not posted. Only a couple times in writing when I knew ahead of time that I would be hunting on a particular piece of land.

On the spur of the moment, when that 10 point buck crosses the road onto un posted land, I would follow it. If on posted land, I would just say [REDACTED], and drive on. If I should happen to know the land owner and can phone and get verbal permission I would follow the buck. If it would take me hour/hours to get permission it would be a lost cause. As there has been more times then not, that I have not gotten a answer when phoning trying to get permission on short notice, when time is of essence.

So to answer the question, I guess permission should be sought and granted in writing or verbal.

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

Answer: Very much so. With bird hunting, not so much as the hunter would have plenty of time to find and get permission the night before he is going to hunt the following morning. With big game hunting it would be very unreasonable when a hunter is just out driving and just general hunting. It would be different if a hunter was setting up a blind, etc. Hunters do get permission when setting up blinds now, both on posted and un posted land.

Overall though, it would be a very unreasonable impediment for hunting/rec activities.

Overview: As an older hunter I would probably quit hunting all together if I had to get permission for all land that was un posted. I don't have access to the internet, and ways of contacting land owners in a short period of time. It would make me wonder if I am hunting or spending time on social media (which I don't use), trying to find land owners, etc.

Please don't make me quit hunting, I only have a few years left.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Date:** Sunday, September 23, 2018 8:29:36 PM

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If it were up to me, I would absolutely require permission for any entry on the home quarter. I would also require permission to drive a motor vehicle on any land that is cultivated or fenced, but because the landowners do not own the wildlife that occupy their land, I believe that any resident of Saskatchewan should have access to hunt that animal, since most of the complaints and reports about vandalism and damage are due to vehicles, I think it would be fair to allow entry on foot without prior permission. If a person wishes to use a vehicle on the land, then I would require them to seek permission. My only concern about always requiring prior permission, is how to gain that permission, do people living on farms really want to receive non-stop phone calls in the fall, or have numerous vehicles coming to their yards looking for permission, I feel like this would lead to most people being fed up with being asked.

In short, definitely no entry on home quarter, no entry with a vehicle without permission , entry on foot should be allowed as long as it isn't on the home quarter, or in a fenced area currently occupied with livestock,

Thanks for allowing the public to state their opinions.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Date:** Sunday, September 23, 2018 6:19:50 PM

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Sent from my iPhone I fully support changing the current trespassing laws.

I believe that the responsibility needs to be on the individual who wants to gain access to private land to secure permission before entering.

I am a private landowner and it is frustrating to have to post and maintain signs in order to keep hunters off my land.

I am also concerned about safety since I can not control who enters my land.

There are also issues with noxious weeds and clubroot which can be spread by vehicles and humans. If these are spread on my land it will be a significant cost to me.

There have been many thefts in our area and if people did not feel so free to trespass on private land this may not be the case.

This law needs to be changed in order for landowners to feel safe on our own land.

[REDACTED]

From: [REDACTED]  
To: [LSBQuestionnaire JU](#)  
Date: Monday, September 24, 2018 11:46:43 AM

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**Should Saskatchewan legislation 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 and failure to secure that consent constitutes an offence?**

- As a [REDACTED] who deals with this type of situation, I have noticed a steady increase in people accessing land without permission or even care of who's land it is. They simply know that because the land is not posted that they can go where ever they want.
- The problem is that it does not just end with accessing the land for hunting. They are accessing the land for ATV'ing, snowmobiling and fishing. This access may contribute to a fire, littering or fence damage.
- Our landscape and rural crime issues are not what they were 20 years ago and I think that the onus has to be taken off of the land owner to post all land and put it in the hands of the person accessing the land for any purpose including wildlife hunting.
- Don't restrict it to big game as people are in violation now telling officers that they are hunting non-protected species or game birds...
- If we teach respect for land owners in hunter education, then why is it not a law to have permission?
- I would make the offence for such trespass an offence which for the first offence does not constitute an automatic one year loss of hunting privileges...  
OR...make it a summary offence punishable by a fine under the *Petty Trespass Act*.

**If so, how should such permission be sought and granted?**

- Some land owners are OK with people coming to ask for permission and some get pretty tired of it quickly after a busy season.
- Landowners can't have it both ways. If the push is for mandatory permission by all users then permission must be obtained and approved by the occupier
- Occupier ..not the owner should be the approver.
- If a violation is found, then do not make the owner the bad guy by making him the complainant. Go with strict liability where the violator is legally responsible for the consequences of that unlawful activity.
- An option may be to use color codes on posts for reference for permission.

Painting posts showing access restrictions may be a idea. Owners would have to paint corner section posts, and access points with these color indicators Green – Access Allowed Yellow – Access allowed with permission only Red – No access at all

- If this is too complicated then written permission may be the only approach.

[REDACTED]

***“Wildlife dies without a sound. The only voice it has is yours.”***

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**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Date:** Monday, September 24, 2018 4:23:26 PM

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Advance permission

Should be required for all non crown rural property regardless if cultivated or not

Type of rural property

All land agricultural or not should be included

Method of permission

Contact with land owner I don't think it should be up to rm offices to give out information on their rate payers. I don't want to receive an email from someone I have never met or scene. There is no way to know who received email giving permission to enter property

Impact

Common courtesy to ask for permission impact to users is minimal

I have spoken with several landowners' in my area about this survey. They indicayed it is very difficult to find and it is. This questionnaire could have been made available through rm offices and not hidden on a govt web site, older land oners not totally comfortable with gov web sites

Sent from [Mail](#) for Windows 10

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Date:** Sunday, September 30, 2018 10:28:42 PM

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Hello and greetings from a fellow long time hunter and also someone who grew up farming. To me, this no trespassing law is quite alarming to me and I cannot see it being a positive thing for either the hunter or the farmer. I don't understand what is wrong with the system that is in place right now? If you allow hunting, then don't post your land, but if you don't want hunter then post your land. And if you want someone to give permission, then post hunting with permission only. With this new law coming out, I can't see all of these farmers wanting phone calls in the early morning hours waking up their family because someone is calling them because they see a deer on their land that they want to try and go after. If a farmer is getting phone call after phone call, they will just tend to not answer their phone. They are probably some of the busiest people around and I'm sure they don't have a lot of time in the day to talk to all of these people. So I say again, what is wrong with the setup that we have right now? If they allow hunting they just don't put up a sign, but if they don't want hunting, then they put up a sign. It's the easiest system for everyone.

As for the hunter, it will definitely be a lot harder to harvest an animal with this new law. If you don't do your homework before hand, most of the land will be inaccessible because you either can't find the owners cell phone number or the farmer will be too busy to answer the phone. A lot of people nowadays have gotten rid of their home phones and only have a cell phone. With the privacy act, a lot of cell phones numbers are not published, and nobody will be able to even contact the land owner. He might think hunting is ok, but can't be contacted. This is just a guess, but I'm going to say around 40-50 percent of hunters will just not even want to go hunting anymore because they don't have the access to land anymore. Yes sure you can get permission from a farmer here and a farmer there, but what if you want to travel to new land around the province? The amount of land owners around the province is huge and to get permission from everyone would be unattainable. You pretty much would have to pick out a small chunk of land and only hunt that land. With that happening, little towns would suffer more because hunters aren't travelling around and spending money at their gas stations or going for lunch in their restaurants.

The truth is that I've been hearing farmers talk about problem hunters how they wreck their land and drive through fences and leave down gates. This a problem that should be addressed for sure, but I think it needs to be solved by higher fines for not respecting land owners land. If the fines were doubled or tripled, these problem guys might think twice before disrespecting someone's land. But I do believe that the majority of Saskatchewan hunters are respectful of the land because they want hunting to continue on throughout the years to come. The reality is though, with these new trespassing laws, it will not change the disrespectful hunters minds. They will still continue to do the things that they do because they will just continue to try and get away with it. It will be the respectful hunters who lose out on this and will hurt us in the end. So when you ask the question, is this going a little too far? In my opinion, the answer is yes. Keeping the laws the same and with through the roof penalties is a better option I think. And for a solution for the farmers who think that it costs too much money and time to put up signs, how about setting up an app which has everyone's land on it and it could be colour coded for access. Green for go hunting, yellow for permission first, and red for no hunting. That way it's easy for the hunter, and it's easy for the farmer. All they would have to do is go down to the RM office one time and have them input that into their computer for the app. I know it's sometimes challenging to try and improve laws for the better and to deal with these problem hunters, but I think this law will not deter these people, anymore than it ever did in the past and it will be the people who have dedicated their lives to wildlife, farming, hunting, and most importantly spending time with their young children, out in the field, teaching them to be responsible young men and women, who will suffer. I hope my opinion makes sense, and everyone can work together to find a common solution to keeping the farmers happy and as well as the hunters. Thank you.

Sent from my iPhone [REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Date:** Wednesday, September 19, 2018 5:29:32 PM

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If land owners don't want recreational hunting it would be easier for them to post land. I think this year they might like hunters rather than buck's and geese eating their crop's.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Make laws tougher gets a little thin when they cut your fence or leave gates open or rut up fields with no repercussions thanks  
**Date:** Monday, September 17, 2018 7:30:03 PM

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Sent from my Galaxy Tab® S2

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Ministry of Justice - Trespass questionnaire  
**Date:** Monday, September 17, 2018 11:35:09 AM

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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,



**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Ministry of Justice Legislative Services Branch Attn: Review of Trespass Related Legislation  
**Date:** Monday, September 17, 2018 9:42:53 PM

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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. I don't believe it should, If the property owners home location is nearby then be courteous and knock their door prior to entry but if there is an area that has no visible signage or property or livestock on it and its been harvested if applicable then access without permission shouldn't be an issue.

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?

A. Yes there should be a distinction, If the land is cultivated but not harvested then respect the landowner and don't enter until harvested, If the property is fenced and posted then no entry if fenced and not posted entry should be fine if no livestock or property is near, Open pasture should be accessible unless posted.

Q. How should permission be sought and granted?

A. Permission if required should be either asked face to face and written once agreed or just a well written permission request be mailed to the applicable land owner.

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

A. I think it would not only impede recreation activities but also become a tiresome affair for the landowner, Imagine having many hunters knocking on the same door in one day and then over the hunting period more and more asking for permission.

In respect of this issue

"Having different access and posting rules for different activities as noted above may well be contributing to confusion as to the rules for access."

A. Post the land for "Foot access only". No access for vehicles,ATV's or snowmobiles. I wouldn't even consider putting a vehicle on unharvested land and at most i only ever pull my truck in to the approach and walk in no matter how far.

In respect of this statement

" Land owners may also face fire risk and the increasing need for bio-security against crop diseases that can inadvertently be spread by even the most conscientious visitors. For example, Clubroot is a soil borne disease that can significantly affect yield in crops like canola with few options for control. The disease can be spread by soil being transported by agricultural or industrial field equipment, vehicles, tires, animals, and shoes. Invasive species such as downy brome or leafy spurge can reduce of the productivity of grasslands and crop land and can be spread by vehicles, clothing, shoes, pets, etc."

A. This seems a ridiculous statement to use as a lever for bringing in access restrictions, Any wild animal could bring a soil borne disease on to another property,Deer,Moose,Ducks,Geese etc to name a few and also not to mention the natural elements of the wind blowing cross contaminants along roadways,approaches and open pastures. How would this be stopped !! by building a fortified fence line with single entry and exit points with dip tanks to walk or drive through to kill contamination, but that still wouldn't stop the elements or airborne feces dropping down.

If this was to become law then make it law for all people that includes indigenous peoples too. It all seems geared up to put the land up for auction by way of the highest payer gets sole access and a nice under the table payment for the landowner. This would also have an impact on insurance claims and payouts ! If less land access is available then animal population would flourish and cause more crop damage which in turn would increase claims which in turn would increase premiums.

Lets have a simple common sense approach to land access and be respectful to the landowner, land, property, livestock.... Don't drop garbage, Don't discard cigarettes, Don't scare livestock, close gates, remove harvested animal 100% and if a vehicle is used to retrieve game don't tear up the land.

I oppose a complete access restriction on private land.

Regards

A solid black rectangular box used to redact the sender's name or signature.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** ministry of env.docx  
**Date:** Saturday, September 01, 2018 1:05:41 PM  
**Attachments:** [REDACTED]

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Thank you for the opportunity for input.

[REDACTED]

Sent from my iPad

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** My 2 cents worth  
**Date:** Sunday, September 16, 2018 12:08:44 PM

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- 1) All private and occupied Crown land should be treated the same.
  
- 2) The onus should be on the Person(s) wishing to access property to determine who is the registered owner(s) and obtain verbal or written consent from the owner or designated contact. The owner or designated contact should specify a period of time that the consent, if granted, is valid for. A log should be kept by the land owner to track consents issued.
  
- 3) The want to engage in recreational activities should not take precedent over land owner rights.

[REDACTED]  
[REDACTED]



Virus-free. [www.avast.com](http://www.avast.com)

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** my answers  
**Date:** Wednesday, September 19, 2018 11:20:11 AM

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question 1. Yes, permission needs to be obtained to enter all land..

question 2. Verbal permission is fine.. but written would be better.. even by text

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** My opinion  
**Date:** Saturday, September 15, 2018 6:49:36 PM

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- Should Saskatchewan legislation 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 and failure to secure that consent constitutes an offence?

Huntin would be destroyed. It is impossible to find out who owns land. So many farmers/ big operations are registered as number companies. How on earth will we be able to find out any information? Coyote hunting would be finished. It is an oppurtunity thing. See one and shoot it. You arent going to know whose land its on in that instant...

I think no trespassing on a rural property where someone lives is great idea. But all the land no!

- If so, how should such permission be sought and granted?

I think only land where farmers/ others live should be protected by no trespassing laws .

"It is what it is"

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** My opinion  
**Date:** Thursday, September 13, 2018 5:45:54 PM

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If you pass legislation allowing anyone to access YOUR backyard/front yard in a city/residential environment whenever they want with the attitude that have just as much right to be there as you do, and if the suggestion to call 9-1-1 was made to you to handle any person that wont leave your yard after you request them to, and if you knew that the response to your 9-1-1 call could take up to several hours (if at all), I guess that would be a fair compromise to me. Its my land. I pay taxes (that doesn't cover fire protection, garbage collection and my police protection amounts to 4 officers covering over 4000 sq km).

Sent from Windows Mail

From: [REDACTED]  
To: [info@protection.outlook.com](mailto:info@protection.outlook.com)  
Subject: My Opinion  
Date: Saturday, September 01, 2018 7:34:29 PM

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Canadian laws and Canadian Judges are soft on crime. Trespass laws won't change anything other than have a negative effect on current law abiding citizens. Until Canadians have property rights and criminals get harsher sentences, very little if anything will reduce rural crime.

[REDACTED]

Refusing to be a VICTIM makes you a CRIMINAL.

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This email has been checked for viruses by Avast antivirus software.

<https://mail.safelink.protection.outlook.com/>

url=https://www.avast.com/?anti-virus&mpdata=02%7CD1%7CLSBJQuestionnaire%40gov.sk.ca%7C855e567d098840f913c50866107431de%7Cd4e8a24641b402905e9c328644fab%7C0%7C0%7C636714488684604495&mpdata=Xidsw29UirIdp9%2FVR3YXrOKw1C6B92mX3jHh0k3E%3D&reserved=0

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** My opinion  
**Date:** Monday, September 17, 2018 5:58:16 PM

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I strongly disagree with the change to access rural property. As a hunter this would make it impossible to pursue game and as such effectively kill the hunting industry in our province. The laws are fine the way they are.

[REDACTED]

From: [REDACTED]  
To: [LSBQuestionnaire JU](#)  
Subject: My View On Trespassing & Hunting  
Date: Tuesday, September 18, 2018 7:05:21 AM

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Hello , my wife & I own a hobby farm near [REDACTED] Saskatchewan & we are recently retired . [REDACTED]

[REDACTED] Saskatchewan has to get tough on trespassing laws PERIOD. Since coming here my wife & dog & myself have been shot at on our own property which is fenced & posted all the way around . I have had to repair my fence & physically go after these idiot hunters my neighbours & I have all had horror stories like this nearly every year & I have owned my small farm for 7 years. By the time the RCMP get here they usually buggar off I however do take licence numbers down & bring them to the RCMP. My fence has been torn town & my signs pulled down at times. I always give chase .When we live in a town

or city as home owners we never had to worry about people shooting at every thing or trespassing on our property. Here its like living in the wild west. (The excuse of we had to put the animal out of his misery as we was tracking him from a mile away is pure [REDACTED] . ) I have personally seen hunters from elsewhere just shoot from their trucks not caring that our house & barn is just on the other side of the trees . I think Saskatchewan should require the property owners permission always & if not a heavy fine & jail time should be in order & they should be given a criminal record & sued for damages. If I came on to your front or back yard & started shooting at anything that's what would happen to me ... so why should hunters treat my property any different just because my yard is bigger than theirs?

We are so disgusted with hunters etc. that we will be flipping our farm & moving out of the province in the not to distant future . Even in the Yukon people respected private property & we had a [REDACTED] of a lot of big game there . My final suggestion get real bloody tough on illegal trespassing all across the board ..meaning all municipalities rural & otherwise are all under the same strict rules & will be enforced no matter what area of the province you live in.

Regards [REDACTED]

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** New trespass laws  
**Date:** Friday, September 21, 2018 11:16:03 AM

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Hi,

**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?**

I believe these laws should change so it is access with permission only regardless of activity. Currently it is a big grey area that people take advantage of. No matter what the reason for being on the land, when caught all anybody ever says is that it wasn't posted.

We have had many people contact us out of the blue so it should not be a problem for anyone to find a land owner.

What about the big farms or owners that live somewhere else and it's hard to find the owners? Too bad so sad. There are laws about everything and you don't always get to do what you want.

I just get so upset when I think about this stuff. Why is it that I can go buy an ATV or snowmobile and the world now becomes mine to ride on and everyone should just accept it as normal. There is land for sale every day. If you can afford toys you can afford the land to ride it on or the gas to drive to approved trails.

I work 2 jobs to pay for My land. I bought it, I take care of it, I pay taxes on it every year but now I have to sit back and watch other people, that I have no idea who they are, have access to it. This sense of entitlement has to change. The new laws needs to be announced publicly for the next few years until everyone realizes that their excuses for not knowing the new laws are a joke. You have to realize that there used to only be a few recreational vehicles, now we are seeing families with each member having an ATV, plus snowmobiles. They are moving out of the city to the rural areas with the belief that everyone else's property, private or public, is now their playground. This is now being engrained into the next generation to the point when you confront them you get young people telling you what's supposedly legal and where they are allowed. They have NO CLUE except what they have heard from their misinformed parents.

If you catch ATVers on the land all they say is what's the big deal we aren't hurting anything. I am not allowed to go drive on their lawn in the city so why are they allowed to come drive on my property. I spend way more taking care of my farm land then they do taking care of their lawn.

Try owning land between a river and a development of acreage owners that were told when they bought they would have access to the river. Rain or shine they need to get down the river to play. If they can't get to the river then farmland is the next best thing. In spring the river is frozen so they go play in the muddy farm fields. The messes they create last for several years as current farming practices do not move enough soil to erase these marks in a single season. Add to the fact being close to a major city where our area is the go to spot for most people wanting to get out of the city and do some outdoor recreation.

If it is illegal to drive down public roads and trespass these people could be stopped well before they get to their playground, our farm land.

If it's illegal for me to be on someone's property in the city why should the land we bought and paid

for in the country be treated differently??

As for hunters, there are certain hunting zones where no one is supposed to leave roads or trails but people are driving all over fields and use the old excuse of it not being posted when you confront them.

There are the hunters that claim they are respectful and always ask permission and are concerned that a new antitrespassing law will not be good for them. If they are respectful as they say then nothing will change, they can still go ask for permission as they have respectfully done in the past. As mentioned earlier, we have had many people contact us out of the blue so it should not be a problem for anyone to find a land owner.

An outside person has no idea what the land owner has planned for that land, how it has been managed, how much money and time has been spent to get it into the condition the owner wants it and they have no idea or care what kind of damage they may be doing by trespassing on it.

An outside person has no idea what the land owner has planned for that land, how it has been managed, how much money and time has been spent to get it into the condition the owner wants it and they have no idea or care what kind of damage they may be doing by trespassing on it.

They have no idea if my Grandson has walked to go hunting and is sitting in a tree stand in the same field where they pull in and start shooting.

**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. It is someone else's property and should all be treated the same.

There should be no hunting or recreational vehicles operating on land that is owned by another person unless permission is granted.

Our society has changed so much from one of mutual respect for what is owned by someone else to what is now a sense of entitlement, don't give a crap and will deal with the situation when it arises.

Our Humble Canadian attitude is disappearing. I get attitude when I ask someone to leave my property, give me a break.

**Q. How should permission be sought and granted?**

The owner needs to be contacted.

As mentioned we have been contacted by several people. They look at RM maps, talk to neighbors, come into the yard.

After that I have always just used a verbal agreement, asking their name, vehicle description and stating foot traffic only.

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

Who cares about their impediment.

Why has it got to the point where; I buy, I take care of, I pay taxes on a piece property and I now am supposed to turn to turn it over to the general public to recreate on. How does this even come close to making sense.

Imagine you buy or build a hockey arena and then everyone shows up to use it for free, whether you are there or not and oh yah, leave their mess behind when they are done so it costs you even more time and money.

Yes the activities can be managed. Why are we taking on the attitude at the onset that this can't be managed. Once the laws are in place and everyone realizes there are no excuses for being on property without consent it will become easier to manage every year. It will take time, communication and an attitude adjustment.

If it is illegal to drive down public roads and trespass these people could be stopped well before they get to their playground, our farm land.

We need to get Conservation Officers back out in the field instead of sitting in their offices or dealing only with environmental issues.

They need to get out and be a presence and be noticeable more than just during hunting season and even that is rare now.

RM's can make it illegal to operate ATV's anywhere but specified areas or for farm use. Our RM was recently working on a new Official Community plan. In the wording they stating they wanted the RM to be open to the local ratepayers and the public to enjoy and recreate. I asked the RM what land they owned where the general public could come recreate. If they don't have specified locations for this recreation then they shouldn't be extending an open invitation for the public to come use the RM, specifically our land for recreation.

Please let me know if you need clarification on any of my comments.

And in case there is any chance of being understood, I want new laws where is it access with permission only. It has gotten out of hand and we can't keep things going the way they are. Rules and laws are changing all the time, we can't be afraid to move forward with this.

Thanks



**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** New Trespassing Laws  
**Date:** Sunday, September 23, 2018 5:42:49 PM

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To whom it may concern;

I have hunted all over this great province of Saskatchewan for nearly 40 years now. I also have been doing Wildlife Photography for over 35 years [REDACTED]

[REDACTED] It is my opinion that things need to change on the Trespass Laws. I believe and in favor that everyone should have permission from the landowner before you even think of venturing on their land. Times have changed and it can no longer continue as it is now. The majority of the people I have talked to also agree that these trespass laws need to be changed. The best way is to get written permission from the landowner.

Thank You,

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** New trespassing laws  
**Date:** Tuesday, September 18, 2018 9:08:41 AM

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No trespassing is just that no trespassing. What gives a person the right to just enter someone's property without the owners permission? No one would just walk into your home or someone else's place without there permission ( unless they are up to no good ). The fines should be stiffer and any vehicle involved should be impounded. We live in a hamlet with signs at both entrance but people still drive thur.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** new trespassing laws  
**Date:** Thursday, September 13, 2018 12:19:31 PM

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My name is [REDACTED] and as a private land owner I would like the ability to conduct meaningful work and growth on my own property, that is why I bought it after all, if anyone has the ability to come harvest my crops take my equipment and harm my family without any legal repercussions because I wasn't standing there watching for trespassers (of which I have no ability to legally defend or repel such individuals) then land owners are currently breaking the law trying to keep what we have worked hard to build grow and maintain.

In conclusion it should be, at least in my opinion a crime to come onto another person's property without written or verbal consent by the land owner him/her self.

please contact me if you have any questions or concerns at [REDACTED] or a my direct phone number can be provided upon request

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** No trespassing  
**Date:** Wednesday, September 19, 2018 7:43:07 AM

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I want to see no trespassing on all my land by everyone including Metis and aboriginals or Caucasian. This should already be the law of no trespassing without permission from the land owner.

They usually make a mess to begin with but now that so many diseases are spread through dirt movement I don't want anyone transferring it to me.

Take club root for instance all it takes is them drive in a little bit of dirt at there own homes or someone else's field that has it and then they drive along my field and now I have it.

My lively hood my small town and all the people we employe depend on us growing the crops we do without these new diseases being transferred to us by other individuals.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** No trespassing  
**Date:** Tuesday, September 11, 2018 7:06:07 AM

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I am 100% for changes it should be written permission all across the province, plain and simple. I have caught and reported hunter trespassing on my land. 1/2 a section of land, 1 side there's a fence, the 2 sides have 6 no trespassing signs on each side, the other end has 4 no trespassing signs. These so called hunters can not read. The judicial system let's the violators off, no fine no nothing. They waste my time the conservation officer time and waste the judicial systems time. It should just be a automatic fine from the conservation officer if they are caught no court date just a fine. They have no right to be on land owned by others. The violators are mostly from the cities. I would love to be able to go on their lots in the city and camp on their front lawn drink beers around a camp fire. They sure would not like that. Get it changed. From one [REDACTED] land owner.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Cc:** [REDACTED]  
**Subject:** [REDACTED] Input  
**Date:** Friday, September 14, 2018 12:15:47 PM

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Good Day, Thank you for taking the time to review my thoughts and opinion. Firstly I agree with the proposed change to the legislation. As worded and explained it makes perfect sense for all the reasons laid out. Having spent a career as a [REDACTED] and a [REDACTED] with the City of [REDACTED] I have seen many problems caused by trespass. Firstly fire risk, huge losses that have resulted from vehicles, quads, etc, driving on dry fields starting fires. Secondly many liability situations were the trespassers have injured themselves on farmers land without having consent to be there and then suing the land owner, I have been involved in approx 8 such cases providing defence funds and a defence for the landowner under the conditions of there insurance. I also want to point out that areas become out of control party spots, gathering places for hookers and there clients, drug users etc as with anything once it starts it is hard to stop and impossible with our limited resources to stop. My land is located [REDACTED], my Grandfather purchased it in 1952 and I built on it in 1985. Over the years as everyone is moving into the country on small lots they buy ski doos, quads, side by sides, etc. but have no place to go, so onto my land. The situation got so bad I couldn't develop my property any further without investing over \$10,000 in fencing(that was 15 years ago, gating and locking 3 entrances, and posting every 150 feet with a no trespassing sign. I have since been able to plant over 10,000 trees, crop approx 80 acres, and live in relative peace, like a prisoner because of the ignorance of people who think everything is theres. My neighbour is going organic on 6 quarters of land and is struggling with trespassers who contaminate his land. Basically everyone has had enough and people do lack the common sense to ask first. I do allow some neighbour kids to quad on my land and skidoo when not in crop and with asking permission every time. Another point I would like to make is people have become very confused over what they can and can't do to protect there property, working with 2 office lawyers I complied a one page bill of rights for trespass including trespass at night and have distributed this to anyone who wants it. As an [REDACTED] and neighbour to farmers 9 out of 10 houses I go into have a loaded weapon by the door and/or in there farm equipment for protection due to the huge amount of problems we have been having. I think with the new law it will ease the minds of all landowners, lower the risk of violence, help us keep track of people we do allow on our land and also prevent many other laws from being broken. In no way do I feel it is my job to have to run out and confront strangers who have guns on my property?? We all know the RCMP can't do the job so we arm up and do it ourselves, hence more problems for everyone down the road. My hope is the Sask Party will proceed with this change in a timely matter, that is asap, and really what do people have to lose by asking permission, it will make things safer for them . Some examples, a farmer or landowner can point out hazards(sloughs, dugouts,equipment under snow, crops under winter coverage, dry areas that pose fire risk, and if anyone else is on the land they should watch for, remember that hunting deaths are on the rise. So what is the problem. Great legislation, well written, well researched, and well advertised. Now all we need is to push it thru and lets get back to a safer more responsible way of doing things. The way it should be. Great work, keep it up. You can contact me at anytime at [REDACTED] or [REDACTED]. I am fortunate to have an EXCELLENT MLA in [REDACTED] and a Reeve [REDACTED] and Council that have really stepped up to make our area safer and I think this would help them in there work along with the Conservation Officers, who also do excellent work, as for the RCMP they simply can't be counted on in any situation so everyone is gunning up and that scares me more than anything. Regards [REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** On the subject of trespass law in Saskatchewan, if I may suggest that in a city, a condo or detached home property trespass is not permitted. Rural areas should have the same rights and protection as city property. Because local hired enforcement is ...  
**Date:** Tuesday, September 18, 2018 10:33:04 PM

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Sent from my Samsung Galaxy smartphone.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** On your question of trespassing. My opinion is that while hunting on private property, all individuals should have written permission and be able to provide it when asked or be charged. I hope this will help you.  
**Date:** Saturday, September 01, 2018 3:39:42 PM

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Sent from my Samsung Galaxy smartphone.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Opinion on trespassing  
**Date:** Tuesday, September 11, 2018 12:09:48 AM

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The laws on trespassing need to be stricter. We farm in the [REDACTED] area where hunting of geese is a big pastime but people hunting on our land is a big problem. We have no hunting or trespassing signs posted on every piece of land but every year we have hunters on our land that say we didn't see any signs. Even though they drove past multiple signs to get into the field. We have to replace signs every year before the hunting season opens as they mysteriously disappear. Putting the responsibilities on the hunters to seek written permission and not on the land owners to sign property is a huge step forward and one that has been necessary for many years.

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Permission should be required before entering private property, no matter the activity. Posting of land should not be required.  
**Date:** Thursday, September 13, 2018 4:37:11 PM

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Sent from my iPad

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Permission to access land  
**Date:** Saturday, September 01, 2018 5:33:25 PM

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For advance permission

I feel that mandatory written permission is a little bit too much. Land owners such as myself should put up signs such as foot access only (it would be too much to be signing papers like that all the time)  
A better way to help out would be stiffer penalties, not more laws that criminals will not care about anyway

Types of property

I feel all private property should have the same rules. I have always thought if the gates are closed the property is being used for its intended purpose

Method of permission

I feel that if it is posted or the gates are closed people should have to have verbal permission. Once again the laws are not the problem I feel the problem is the lack of punishment for a crime is the problem

Impact of change

I feel that both parties need to do their due diligence I feel without very stiff penalties all the laws that are in place will not help  
It is not the laws it is the lack of punishment for the ones breaking the current laws that is the problem

I also feel that everyone should have the same laws and the same consequences without that there will always be some people that will abuse the system

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Permission  
**Date:** Sunday, October 07, 2018 10:27:22 AM

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Good evening.

I live in a small town and engage in both hunting and fishing and have so for many years. I strive to be an honest and ethical in my outdoor activities. Being responsible to landowners is a large portion of ethical behaviour.

For myself and people I hunt and fish with, we respect when land is posted. If its posted no hunting or no trespassing then it's a no go area. If its marked with permission only, we seek permission and to let the owner know when we will be around. If land is not fenced and unposted and not seeded then we may respectfully enter that field. We do not go into farm yards, whether unoccupied or not. We may go into a clearly abandoned and cleaned up farm site to bump the bush.

We always respect the wishes of landowners and do no damage and leave no debris behind us. Rarely have I ever gone into a farm yard to call on a farmer. Usually only if I find his cows are out or something like that. I just feel I'm invading their privacy. I would call instead.

Would a change in legislation affect what we do? Probably. Hunting zones cover a large area. I cannot imagine how we would call every landowner in a zone to ask permission. There would be hundreds of them. If it becomes an impossible task then I imagine it would make hunting for the most part impossible.

I also wonder if the landowners are prepared to be deluged with calls from hunters. Those could run into the hundreds as well. Talk about annoying.

I don't think these changes would result in a good outcome. They certainly will do nothing to increase anyone's security. People just need to have more respect for each other. Especially for land owners. Posted land is posted and off limits. End of story. If a land owner is ok with hunters accessing his land in a respectful fashion then leave it unposted, if you want people to get permission, post a phone number to call or text. Seems a simple system.

For what it's worth, this is my perspective on this issue.

Thank you.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Private Land Questionnaire  
**Date:** Friday, September 21, 2018 8:56:11 AM

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All agricultural land should be treated the same. Advanced verbal permission should be required regardless of activity. It is not an unreasonable impediment to ask for permission for their activities, especially when damage can occur to crops, fences, livestock or just property in general; especially when the land owner can be liable if someone is injured or killed through no fault of their own.

Sent from [Mail](#) for Windows 10

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Private land access.  
**Date:** Wednesday, September 05, 2018 12:45:11 PM

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Just responding to the questionnaire. The laws are fine as they stand and don't need to be changed. If private land owners post their land, permission is required to access. If not posted, no permission is required. This has worked for many many years. No need to change.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** private property  
**Date:** Friday, September 14, 2018 5:41:43 PM

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The problem I find is how do you find the property owner. If land is posted should have phone number or a code. Code and then have a number to call and get the land owners info. Lots of farmers have 5000 to 10000 acres hard to find property owner

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** private property  
**Date:** Sunday, September 16, 2018 10:43:17 AM

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Q1. express advance permission

Yes. Or from the tenant or from both.

Q2. Distinction between land.

NO.

Q3. How should permission be sought ?

I would say some sort of online tool, possibly where landowner / tenant identity could be protected .

I don't think the rural municipality should be hassled by this and I don't think the rm should be providing names, addresses or phone numbers to third parties. Isn't that a basic protection of privacy provision ? just because I'm a landowner my personal information is public ?

Q4 Impediment to recreation

Maybe. Who cares ? If users are responsible likely nothing becomes of it. On the other hand ...

Background:

There is just more and more crime occurring in rural Saskatchewan and it is hard to not draw a correlation between strangers entering property, with guns, on the guise of "hunting" and the increasing amount of property theft and damage. There are not a lot of rural homes in our area, and it is not hard to now who is from an area and who is not. Bottom line is that on any given day there is a disturbing amount of strange vehicles going up and down roads they have no business to be on. With guns.

I'm tired of confronting strangers with guns to ask them to not SNOOP around my old buildings and property. Combine that with tearing up roads, fields, debris, and a general I don't give [REDACTED] I've got rights attitude ... well I guess you've worn out your welcome.

The only time I saw a police cruiser in my village was two days after my truck was stolen, off the driveway of my house.

[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Property Rights  
**Date:** Sunday, September 23, 2018 10:51:53 PM

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Our laws in this province have to change.

It would be assumed that I shall not enter the property of a home owner in a major Saskatchewan City, without first having permission.

It should be the same on rural land also.

I own the land and individuals should seek my permission before entering.

The oneness should be on the person entering property, not on the land owner posting to keep people out.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Property rights  
**Date:** Sunday, August 19, 2018 12:08:54 AM

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I believe agricultural producers deserve equality regarding private property.

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?

1. YES. Express advance permission should be required before entering any property. This includes any and all lands under ownership or lease, including Non Posted 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?

NO DISTINCTION, YES ALL LANDS owned or leased or rented deserve EQUAL RECOGNITION.

Q. How should permission be sought and granted?

The ONUS is on the person's/party seeking to enter property to SEEK OUT permission from required party. R.M.'s already have R.M. Map's available to purchase. No additional information should be required by the owner/leasee or the R.M. offices. Every person today has access to phone number listings and a host of information; the ONUS is on that person wishing to enter property - in all ways shape and form. A direct path on the homestead quarter (as in any other urban property) is acceptable. Permission should be by written consent of property owner/leasee for specified partys, mode of transport/purpose and duration including starting and ending date. A standardized form should be made available for printing by whoever is granting the lisenze. That form should be also be made available in simplified format by the government, available on a website, wherever explanation of these laws exist. AGAIN... all ONUS IS ON THE PERSON WISHING TO ENTER PROPERTY TO GAIN PERMISSION.

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

NO, if the persons doing the recreational activities have time to do activity, they have time to gain consent. Trespassing is Trespassing!

FURTHER - Fines for trespassing should be increased DRASTICALLY. \$5,000.00 Minimum. Property owners/leasees NEED to be RESPECTED.

PLUS

in regards to hunting.... Suspension of HUNTING privileges and lisenze for a minimum of THREE YEARS. 2nd and subsequent offences increase to minimum suspension of 5 years. (This would include all renewals of firearm lisenzes) With today's technology this should NOT be hard. Start a black list and require all lisenze issuers to check list before issuing lisenzes. Law Enforcement members should be required to check list on ANY AND ALL complaints for offenders.

Private property rights, whether urban or rural, need to be respected AUTOMATICALLY. Land SHOULD NOT HAVE TO BE POSTED. IF SO, EVERY URBAN PROPERTY

SHOULD NEED TO BE POSTED AS WELL. EQUAL IS EQUAL.

Sincerely

A solid black rectangular box used to redact the signature of the sender.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Proposed Changes to Saskatchewan Trespass Legislation  
**Date:** Saturday, September 29, 2018 4:45:03 PM

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

Dear Sir or Madame

I would like to comment on the proposal to change Saskatchewan's trespass laws to make them more like those in Alberta or other provinces.

I am a Saskatchewan land-owner, with 4 quarters of cultivated land in [REDACTED]. I am also a hunter and hunt in many areas of the province. One of the things that makes hunting in Saskatchewan such a wonderful experience and allows hunting to continue to be such an important part of the rural culture here, is the relatively free access to land for hunting. The overwhelming majority of land owners support hunting and legitimate access to their properties. This is evidenced by the relatively small percentage of land that is posted. I often ask permission before entering land that is within site of a farm house and am just as often greeted by surprise for asking since the land is not posted!

I am puzzled as to why this legislation is being proposed. Encouraging landowners to allow public access to their land for legitimate activities is clearly in the public interest. The proposed legislation does the opposite. In reality prior consent will be very difficult to obtain. In my area, [REDACTED], there are no occupied homesteads for 3 miles in any direction. There are many different landowners, but they all live far away. Even armed with an up-to-date RM map, I would have no way of contacting most of those land owners or finding their contact information. Will the RM start handing out contact information to any people that request it? I think that is a much bigger issue! Without access to this information, access to the majority of land will be prohibited. This is a horrible and devastating change!

What is the problem being solved here? Most producers in the province run operations with gross revenues of hundreds of thousands or millions of dollars. "No trespassing" signs are but a few dollars. Is it so hard to require this of landowners who wish to prohibit hunting or snowmobiling to post their land to that effect? In my experience, there are very few trespassers on posted land, because it is easy to find un-posted land. I think your proposal would increase trespassing on land that people really want kept private by making it impossible to distinguish from other land.

I have hunted in several other provinces. There is nothing about their trespass laws that makes me think they should be a model for Saskatchewan. These proposals are clearly being driven by a vocal minority of land-owners. Posting land is so easy, that is the only workable solution to balancing the legitimate interests of the public and land-owners.

Sincerely  
[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Proposed changes to The Trespass Property Act  
**Date:** Friday, September 14, 2018 4:33:30 PM  
**Attachments:** [REDACTED]

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Please see Attached Respnsse

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Proposed changes to Trespass Law  
**Date:** Saturday, September 15, 2018 9:08:01 AM

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The only issue I have with the new proposed legislation is:

A lot of farmers today don't live on there land, they reside in towns and cities. This makes it very difficult to locate the land owner, to obtain permission for access.

Maybe consideration should be given to having land owners post there names and contact information on there land.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Proposed changes to trespass laws  
**Date:** Saturday, September 08, 2018 6:56:25 PM

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Hello:

I hope the proposed changes to trespass laws will not criminalize things like walking my dog on harvested land in the winter, snowshoeing, hiking, and so forth.

It is sometimes difficult to tell what is private or public land, what is a disused municipal road, or farm road, a disused park or farm property, a road easement or field, and so forth. It is also very difficult to know where the owner of the land you want to hike on actually is. Many farmers gate and lock their home access routes, so gaining access to the yard to ask for permission to enter is impossible.

In my experience, entering a farm yard, for example, to warn the farmer that his cattle are on the road and could be struck by traffic, is dangerous. (I have been attacked by dogs.) I would expect a similar experience if I entered a yard to ask permission to hike with my dog on a farmer's field.

[REDACTED]  
[REDACTED]

Sent from [Mail](#) for Windows 10

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Proposed Legislation  
**Date:** Friday, September 21, 2018 8:15:00 AM

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I support the proposed changes to trespass laws

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Proposed trespass laws  
**Date:** Thursday, September 13, 2018 2:23:41 PM

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This will destroy hunting in the cultivated regions of Sask. Hunting permission will become a popularity contest! Money will change hands to secure permission. (it's already happening, even though it's illegal). What about Crown Land? Much of it is leased at a very nominal fee, and yet even after the lease use is over for the season (ie pasture, hay or cultivation), the lessee still controls access. This land belongs to the residents of Sask. We are becoming more urban based, so most of our new hunters are coming from the cities. I live in a rural area, and I guarantee that most "city hunters" will have a very hard time securing permission to hunt. Once again, I feel that this proposed Trespass Law will destroy hunting in Sask. Thanks for your time.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** proposed trespass laws  
**Date:** Tuesday, September 18, 2018 4:44:12 PM

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To Whom it may concern: My thoughts to the highly debated and proposed “trespass laws” are as follows. Question 1. “should all access by members of the public to rural property require the express advance permission of the activity regardless of the activity?” Short answer “NO”, I am a hunter and I obtain permission to hunt on lots of posted land but the key thing is that the landowner has the right to post his land and does so if that is what he wants. Question 2. “should there be a distinction between cultivated land, fenced property and open pasture land or should all land being used for agriculture purposes be treated the same?” A very difficult question to answer, for hunting purposes all land should be treated the same but for other recreational activities there should be a separation between cultivated land and pasture land. Question 3. “how should permission be sought or granted?” By email, there should be an email address for every land owner on R. M. maps and the maps should be made available free of charge on a provincial SARM website. The reason why I say this is for big game draws when the hunter is drawn in a zone located some distance away then that hunter can go on the SARM website and looks at the appropriate maps get the email list and do all of the permission seeking from his computer before he goes on his hunt. Question 4. “would making consent an express prerequisite in all circumstances an unreasonable impediment to recreational activities?” Yes it would especially for dome activities like snowmobiling and quadding. In my opinion these new proposed trespass laws are going to make 2 distinct classes in this province for outside recreation, the landowners, land barons the nobles and the other class like me a hunter, fisher and gatherer with no place to do it unless I jump through a bunch of hoops. If these laws come in I can,t hunt, pick berries, shed hunt, quad, snowmobile, snow shoe, go for a walk, pick flowers unless I obtain permission. The “Great Outdoors” will become the “Great Off Limits Outdoors” for me and a whole lot of other people who just want to get out there and enjoy our great province. I believe that the Ministry of Environment and the SWF have done a great job of promoting “respect the landowners rights” and I also believe that to continue in that direction is the right response to this issue. I practice this all the time and have taught this to my kids and grandkids. And like I already mentioned if the landowner wants to he can post his land and then if I want o access that land I need to obtain permission.

Now I received an email from the SWF regarding this issue and this process for me to respond has not been very “user friendly.” First there is a link to a website where you can view the 4 questions and then there is another link to an email address, so I had to wright the questions down before going to the email address and sending this email, not an easy process and I bet you that a bunch of SWF members are going to look at this as being far too much trouble and not send you their responses. And in my opinion new trespass laws will not eliminate poaching, illegal hunting or fishing, vandalism and or thefts from farm yards. In fact I believe that new trespass laws will decrease the numbers of responsible hunters and responsible hunters are sometimes the best security against all illegal activities in rural

Saskatchewan.



**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Public access to private property  
**Date:** Monday, October 01, 2018 10:47:43 AM

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Any access to private property should be only via permission from the land owner.

[REDACTED]

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Public access to rural land  
**Date:** Saturday, September 15, 2018 11:41:59 AM

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Anyone wishing to access rural land should have to have owner/renter permission.

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Public access to rural lands questionnaire  
**Date:** Sunday, September 16, 2018 9:05:12 AM

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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.

Of particular concern in S.W. Saskatchewan, is the possibility of fire due to ATV, passenger vehicles, and just careless smoking, campfires etc. during dry periods which occur often. The public needs to be aware of the extreme fire hazards which can occur in these dry times, and legislation could and should reflect this reality.

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 distinction between cultivated land, fenced property and open pasture land. All land being used for agricultural purposes should be treated the same.

Q. How should permission be sought and granted?

Permission should be sought and granted by phone or email, 1 week prior (if possible) to date of access, stating description of land to be accessed and for what purpose. Eg. If for hunting, what land, for what type of animal and for what dates or time period. Provision should also allow for the public to ask permission at the landowners residence where the landowner has the opportunity to grant or deny access at that time.

Q. How should permission be sought and granted?

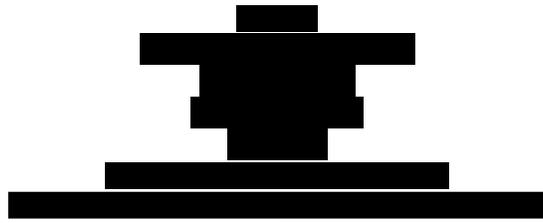
Landowner information is currently available in all R.M. 's in which they reside. This is an excellent location for the public to obtain land information, directions via available maps, and landowner contact information including phone, email, and landowner residence location contact information.

Best Regards

[REDACTED]

The Trespass to Property Act

[REDACTED]



**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** public input to your 4 questions on trespassing.  
**Date:** Friday, September 21, 2018 3:51:17 PM

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**1) 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?**

Short and simple answer - No.

There is a current system that is working fine – if you want people to stay off without having to talk to you first, you put up a sign that says “private property, no trespassing, or no hunting”. Even with the current system, it is very difficult to figure out who owns that land, how to find them, and of course to get permission. Any more power than that is just trying to put me in a position of committing a criminal offense when out enjoying the outdoors. Let’s not over regulate where we step or waste peace officers time chasing down hunters, snowmobiles, atv’s, etc.

I do not believe rural crime can/will change with these proposed changes either – criminals have more than proven that they do not care what the rules are. Unless this change gives owner the “right to protect” their property and allow them to enforce such as in the US, there is no point. This will only impact honest citizens trying to enjoy the outdoors and promote greater tension between landowners and individuals. Alberta hunters have already been faced with great challenges in finding a place to hunt – why would we want to adopt that kind of rule?

Changes made to the trespassing act will likely lead to having to pay for the right to hunt, access lands, etc. This simply lends itself to turning wildlife and the management thereof from a public resource to a private resource. Who you know and how much money you have will be all that matters. Being that I help over 500 Sask families, I may be one of the lucky guys who “knows enough people” and can afford to get where I want to go. My kids won’t be that lucky – what a shame.

I can’t even begin to explain how ridiculous the bio hazard risks angle is. This is a very poor argument. Farm equipment and wildlife moving around have a far higher impact on lands than my few days of hunting/year or my odd snowmobile adventure in the winters.

**2) 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?**

Again, no. There shouldn’t be a “checklist” required to confirm if you can snowmobile from here to another town without being chased down for charges. Ridiculous request – if there aren’t signs expressly stating that a farmer wants you to stay out, then you should be able to carry on.

**3) How should permission be sought and granted?**

This is the million dollar question. I respect owner rights as they are today. I enter many farmyards during hunting season to talk to landowners. It is an uncomfortable process for them and myself. Often I'm searching for the owner of one piece of land to hunt for hours without ever finding them. Is it corporately owned – then how do I track them down? Is it personally owned but they're away for the winter – then how do I find them? Sometimes you can find 15 miles between occupied farmyards only to find they're not home... If I find them, how do I communicate which piece of land it is that I'm trying to get permission to enter – if I'm accurate, neighbors can still grieve me as they don't know I've gotten permission. More power to landowners only means that they watch dog even more and possibly just cut public access off completely to make things simpler.

**4) Would making consent an express prerequisite in all circumstances represent an unreasonable impediment to recreational activities?**

A great impediment and very unreasonable. I am a professional that cannot have a criminal record. Imagine getting into a squabble with someone over walking, hiking, snowshoeing, skiing, snowmobiling, hunting, etc on or across their land and then risking the consequence of a job loss over that? Imagine the impact to tourism and the lack thereof if all of a sudden you have nowhere you can go without being at risk of trespassing? I would have to stop all my outdoor activities or start begging/paying landowners to allow me on "certain areas". What a waste of time and energy. No more spontaneous outings with the kids? Can't do anything without preplanning and scouting? This is not how we managed our land and we were more than happy with how things went.

[Redacted]

[Redacted]

[Redacted]

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**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Question on the new land trespassing laws  
**Date:** Wednesday, September 05, 2018 10:17:22 PM

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Hi, few questions

- 1) if the land is rented out who has the say on who can and cannot hunt on the land?
- 2) how will the wildlife money be divided up now that there is no proof that a land owner is letting people on their land to hunt so they can claim wildlife crop damage.
- 3) Most of the land is corporate owned how does a person get ahold of the correct person to gain access to the land? And who in the corporation can grab the access.?
- 4) will the RM map be updated every year so the correct owner will be shown on the RM map? With a phone number so a person can reach them. There is also a rumour due to the privacy law the name and numbers of the land owners might be taken off the RM map if this is the case how does a person gain access to land?

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Cc:** [REDACTED]  
**Subject:** Questionnaire Regarding Trespassing on Rural Property  
**Date:** Wednesday, September 12, 2018 11:22:46 AM

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**Question:** 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?

My answer is yes. The public should be required to have advance permission to access private rural property .

- 1) In addition to the risks mentioned in the article ie: risk of transmission of invasive species, there is also risk associated with accidental transmission of viral /bacterial/fungal infections such as clubroot, fusarium and others.
- 2) Also, If I as the landowner have potential liability for those who are on my land, I should be able to restrict access to reduce potential liability.
- 3) Access to one's property, whether urban or rural, is one of the tools owners have to address personal safety for their families.

People seem to not want to put the effort into contacting the rural landowner for permission or not caring or respecting what is not theirs. Having lived in both city and rural, it is strange that in urban areas, those who would never consider going into their urban neighbour's backyard without permission but have no reservation about going onto their rural neighbours' property without acquiring the same permission.

Thank you for the opportunity to address this very important issue,

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Questionnaire  
**Date:** Monday, September 17, 2018 6:49:34 PM

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I am a farmer and I wish to be asked permission by all hunters for permission to enter my lands. As well as any other persons for any reasons.

I feel this should be the default rule period.

I have had hunters dig pits without permission and had badly sunken holes that damage equipment.

I have had hunters enter my land without permission when it's very muddy and leave deep ruts everywhere. This is only fixed by myself cultivating the land and thus having erosion etc.

The driving on stubble is risky for fire and only leads to extra compaction of the soil thus affecting my yields.

I am not anti hunting. I just have seen too much damage and disrespect. I used to let anyone hunt but after years of abuse I just say NO to everyone.

And if I catch anyone on my lands without permission they will be asked to leave.

Please let the landowners have a say on who enters on their own lands. It's just common sense.

Thank you.

Sent from my iPhone

**From:**   
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Questionnaire  
**Date:** Friday, September 14, 2018 5:33:56 PM

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Hi.

I would just like to say. Yes permission should have to be given to anybody and everybody that wants to hunt or quad or whatever on anyones land. I pay good money for my property and am often out in my land maybe in a bush cutting firewood. I dont want anyone entering and shooting or making a mess of my cultivated soil or anything. First nations should not be able to hunt at anytime and need to obey signs and posts as well. Not allowed hunt at night either. Lots of spotlighting around my area and it scares me. Why are they allowed to shoot in the dark. Thats awful as far as i am concerned. My feilds and crops is no different than the city mans yard or living room. I would never enter someones yard or living room as it is there property there domain they OWN it. My land is no different i OWN it. If you want to hunt ask permission. Simple. My lands are posted if your on it without my permission there should be stiff penalties. Its no diferent if im in your living room uninvited. Would i be charged....of course. Farmers lands need to be respected. Lets start doing just that.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Questionnaire  
**Date:** Thursday, September 20, 2018 11:22:04 AM

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

Or by email to:

The existing laws are being broken on my rural property many times each year. With new trespassing laws, there would be more ability to charge people, who do present risks to owners.

There has been **regular spotlighting; shooting toward my buildings and garden in-spite of "occupied dwelling" and "no hunting" signs. I have been shot at**, he shot out of his vehicle. **My husband was spotlighted on**. Crop driven upon. Recently 2 vehicles will come and one will drive on and spotlight my posted land and another will watch my yard site. People enter the yard if they think no one is around.

Signs don't seem to mean anything. I fear getting accidently shot on my own property. There only has been minor theft so far and snooping.

**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,

Legitimate assistance. A person should not be fearful to ask for help. There is suspicion and fear because of the current situation. But people will come "to ask directions" etc if they happen to see you, but snoop or hunt etc, if they don't.

**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, treat all the same, or there will be confusion or abuse. Wildlife habitat has an appeal for many owners for recreation, for kids. Summer or weekend occupied properties. A person should be safe on their own property, even in non-cultivated areas. Signs and fences can be torn down.

**Q. How should permission be sought and granted?**

Written, dated, contact info for both, signed by owner and requestor. One copy for each.

People say they have permission when they do not. Might be nice to have the province supply a template for access and also a sample waiver for those who are granted access.

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

No. Not because of the current problems land owners face. Law abiding people respect private property and already seek permission.

Recreation activities also applies to owners of the land who want to enjoy their land safely.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Questionnaire  
**Date:** Monday, October 08, 2018 10:00:09 AM

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Dear Whoever,

After messing around trying to find the link to the questionnaire numerous times, I gave up. Now i finally think I stubbled upon it but it is closed. How would someone still be able to express the view that the snowmobile act and the game hunting regulations/act should not supersede the updated trespass act from 2009. At least give landowners the option of requiring permission for access without having to go around and post signage all the time and replacing the ones that get removed or damaged. I would not make it automatic for CO's or police to charge people entering on land without permission but leave it up to the landowner to approve charging trespassers if enforcement officers catch someone or landowners catch someone. IE have the COs contact the landowners when they catch someone and ask, "do you, the landowner, want us to charge this person we caught if they haven't got permission?" That way if a landowner doesn't care whether or not snowmobilers are on his land he doesn't have to post it and doesn't approve charges.

Sincerely

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Questionnaire  
**Date:** Tuesday, September 18, 2018 8:28:11 AM

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Below is our response to the questionnaire.

Thanks for the opportunity.

[REDACTED]

**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. A very simple form outlining who is making the request and their contact information, the location for the request (legal description), the reason for the request (Hunt ducks) and the anticipated dates and time of day. This would be signed by the individual making the request, the property owner and signed by the land renter if there is one.

This would prevent situations where there are multiple hunters, often unaware that the other is there from injuring one another. There are also situations where hunters should discuss with the land owner/renter any hazardous situations (washouts, abandoned wells, old harrows, etc) to prevent possible injury.

The landowner/renter could also make the hunter aware that they will be working an adjacent field, a neighbor has just put his cows out in the next field or that they will be spraying a particular field certain days, but it may be available a few days later.

**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?**

There should not be any distinction. It should include all lands being used for agricultural purposes or for any other purpose, whenever the property owner and the person seeking access are not the same individual.

**Q. How should permission be sought and granted?**

As stated above, a form outlining the details of the request presented and signed by both parties.

**Q. Would making consent an express prerequisite in all circumstances represent an**

## **unreasonable impediment to recreational activities?**

It may, especially when an individual may be required to contact a multitude of people to satisfy their need. Such as snowmobiling where you cover many miles in a very short period of time. But there are public ditches that can serve to allow an individual a place to ride until they arrive at a snowmobile trail.

If they are riding the same areas multiple times, it may not be as onerous as it appears to get prior permission. The individual would also be able to speak with the land owner about barbed wire fences, trenches and other hazards.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Questionairre land access  
**Date:** Saturday, September 01, 2018 5:54:45 PM

---

Hi there

Access to private land should be left the same as it is currently. Mandatory signature will directly lead to paid access. There are landowners already who won't let a hunter access without a fee or the rental of a cart...

Plus there is acres and acres under control of companies who you are not able to contact. People know this and currently hunt this. The Mandatory written permission would cause local hunters to lose access. When land owners are not available to be contacted. Lots of US cattle corps...there is no one to speak with and no method for signed access.

Now phone numbers are not published. Landlines are being disconnected. It will be impossible to contact them...kiss hunting g good by and now instead of protecting animals CO will be protecting dirt.

I would love the opportunity to sit on any committee struck...

Respectfully

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Questionare  
**Date:** Wednesday, September 05, 2018 1:45:12 PM

---

Unless the rule will apply to all people equally leave it alone. We live and own land in the [REDACTED] We have the most issue with native hunting. If the rule does change. Written permission should be required. I am a hunter and would not have too much issue with that.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Cc:** [REDACTED]  
**Subject:** questionnaire regarding posted land .  
**Date:** Wednesday, September 19, 2018 9:05:52 AM

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I farm in [REDACTED] [REDACTED], I have concerns with hunters or people trespassing without permission . #1 being transport of weeds and disease . (club root ) . one other concern is liability . Lack of respect for my property has always been a issue .           thank you

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Questionnaire  
**Date:** Wednesday, September 19, 2018 2:09:13 PM

---

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** – land owners who wish to post their property have the right to do so under current legislation. There is a long tradition of being able to access private land that is not posted in Saskatchewan. I am sure quite a few landowners will become bothered by people seeking permission for hunting and other recreational purposes. The current system allows owners to post land with instructions on who to contact or whether permission is even an option.

I believe hunting numbers will drastically go down if the laws are changed to require express advance permission. No doubt this will also result in higher numbers of game animals damaging crops and being hit on the roadways which will drive up insurance costs. I would expect that the government or the general public will be required to pay for wildlife crop damage or increased insurance rates with wildlife collisions.

This proposed change will result in less access for the public. We are a small population with a large land base. Other jurisdictions with express advance permission have many times more people and higher population densities. In busier areas of the province much of the land is already posted which is the current option of the land owner. This proposed change will assume all land owners want to restrict access.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Questionnaire Answer  
**Date:** Sunday, September 30, 2018 10:10:01 PM

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Dear Minister,

The viewpoints that I will share are from a hunter, naturalist and outdoor recreation enthusiast.

**Q:** should all access to members of the public to rural property require the express advance permission of the rural land owner regardless of the activity?

**A:** in my personal experience I have always abided by the no trespassing and hunting signs. If a land owner has taken the time to post these signs then, their wish should be respected. However, part of the appeal to living in this province is that the land is sparsely populated and can therefore be accessed to the public. Whether this is for hunting or for a simple walk in the countryside. Having to gain permission every single time in order to participate in these activities seems a bit overboard.

While I do realize that this is to cut down on rural crime the fact remains that people who are setting out to break the law on other people's land are not going to stop because of an extra trespassing law.

**Q:** how should permission be sought?

**A:** it would have to be granted in person or from a phone call. The same way that it is gained today.

**Q:** would making consent an express prerequisite in all circumstances represent an unreasonable impediment to recreational activities?

**A:** it would certainly make hunting more difficult. Having to gain permission for every piece of habitat that looks promising takes time and effort that could be better utilized.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Questionnaire discussion  
**Date:** Thursday, September 20, 2018 8:47:30 AM

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1. Access to privately owned lands should remain the same. Particularly that if posted then written or verbal with proof permission must be sought to have access. However a change to posting would be appreciated in that the poster should/must provide a land location or phone number and name so contact can be made more easily. Increased opportunities for communication can never be a bad thing and go along way to increasing relationships.

2. Written or Verbal with proof ie: text or email should be sufficient to have access

3. With respect to FN/Metis rights: in light of the spirit of reconciliation which is a two way street then WE ALL should have to follow the same rules on private lands. This is an opportunity for the Govt to act in the spirit of all citizens within Saskatchewan to provide equality in the spirit of reconciliation. The discrimination needs to stop. WE ALL should have the same rights to access in the year 2018. So whats right for non indigenous people should be right for indigenous as well. The treaties are from 1876, old and this is a chance to make some progress for all peoples in 2018. I hope the Govt of the day gets this right and ends the discrimination of fair access to private lands for ALL peoples. I believe that this would also make things easier for land owners. We dont need 2 sets of law to govern something so simplistic. Lets stop punishing some at the expense of 1876/1930 treaties/ laws. It is 2018 and time to renegotiate the social contract in the spirit of Reconciliation

Thank you for the opportunity to express views and participate in the democratic process

[REDACTED]  
Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Questionnaire Input  
**Date:** Thursday, September 13, 2018 8:04:36 AM

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Good morning,

My input is to ask the Province to have a color picked to mean no trespassing. We live in an area where the signs are torn down faster than we can put them up.

[REDACTED]  
Some States in the USA are using color paint on their posts to let everyone know it means No Trespassing.

If we could be more proactive in choosing a paint that would be added to the tops of posts, this would allow anyone at a glance to know there is no trespassing or hunting allowed.

Thank you,

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Questionnaire re trespassing laws  
**Date:** Monday, September 24, 2018 12:23:04 PM

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**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 anyone needs permission to enter any land that I own and it should not need to be posted. It is private property

**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? It should all be treated the same**

**Q. How should permission be sought and granted?**

Permission should be obtained through the local RM, all land owners should have available their name and contact number so they are easily reached.

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

No anyone participating in recreational activities such as quading and snowmobiling should also need to obtain permission as it is private land

[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Questionnaire Response  
**Date:** Thursday, September 13, 2018 8:17:17 AM

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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, rural property is still private property and is the livelihood of farmers. This is how we make our living and support our families is through the use of this land. The access of these lands without consent of the land owner allows for things such as the spread of both crop and animal disease. We maintain a closed herd with our livestock only bringing in new breeding stock when required for this very reason, to try and minimize the spread of such diseases. Allowing access to rural properties without consent of the landowner through different activities does not help with this. And private property is just that, someone's property that they have chosen to spend their hard earned dollars on, they should have to give permission to access that property, posted or not.

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. In a mixed farming operation I shouldn't have to post some land and not others. It also creates a loop hole for people to use if violating the rules, possibly trying to argue a piece of land was one or the other.

Q. How should permission be sought and granted?

Permission should be in a written form of some sort, whether it digital (text message, email, etc) or on a piece of paper.

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

I don't believe so, there are still plenty of public access areas, designated lands, trails, etc, for people that don't want to ask permission to access private lands.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Questionnaire response  
**Date:** Thursday, September 20, 2018 10:35:57 PM

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1. It doesn't matter if making consent an express prerequisite impedes recreational activities.
2. All access by members of the public to rural property SHOULD require the express advance permission of the rural landowner regardless of the activity.
3. There should be NO distinction between cultivated land, fenced property, and open pasture land. ALL agricultural land should be treated the same.
4. Landowners can be contacted by the public seeking to access private land and permission should be written.

As a landowner, I allow hunting by responsible individuals whether they are treaty Indians or members of the general public. I have few problems with people in regard to trespassing while hunting. All my land is posted and permission must be granted.

ATV's are a problem especially in spring when the fields are still wet.

Quad rallies should be banned altogether as most people involved are intoxicated and drive off designated roads and trails. I have contacted the RCMP numerous times regarding intoxicated ATV operators. Some even driving in my farmyard lost and so drunk they can't walk. Nothing has ever been done by the RCMP.

Snowmobilers are also a problem especially on my alfalfa. I post my alfalfa fields and it doesn't deter most of them from driving on them anyway. They also pick up noxious weeds from the ditches such as tansy and spread seeds over my hay fields.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** questionnaire  
**Date:** Monday, September 17, 2018 11:31:25 AM  
**Attachments:** [REDACTED]

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Please see attached questionnaire comments.

Thank you

[REDACTED]

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** questionnaire  
**Date:** Thursday, September 13, 2018 10:20:50 AM  
**Attachments:** [REDACTED]

---

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Questionnaire  
**Date:** Sunday, September 02, 2018 4:46:52 AM

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Question 1- yes, all access should require permission.  
Question 2- no distinction, all land treated the same.  
Question 3- permission should be sought by contacting land owner  
Question 4- no it doesn't.

As a land owner I strongly support the mandatory permission. Too many trespassers these days, and this would be a change in the right direction

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** questionnaire  
**Date:** Friday, September 07, 2018 9:07:54 PM  
**Attachments:** [REDACTED]

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thanks for your time .

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An unbreakable toy is useful for breaking other toys.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Questionnaire  
**Date:** Monday, September 24, 2018 8:05:35 AM

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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? I have no problem with permission to access rural property, the problem now is with obtaining permission as a lot of the RM maps have corporate farms that we do not know who owns or where the physical address is to obtain permission.

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? I believe that pasture land that does not have livestock should be able to have foot access. A lot of the former PFRA's that were accessible by farmers are now owned by pasture co-ops and you can no longer access these. I am a foot hunter a majority of the time and have no problem asking permission but when we are no longer allowed to hunt lands it makes it harder and harder to get out.

Q. How should permission be sought and granted? Would phone numbers on an RM map to land owners be to much? I do understand that privacy could be a concern but it is very difficult in a lot of cases to figure out who owns the land that you are looking to obtain permission on.

Q. Would making consent an express prerequisite in all circumstances represent an unreasonable impediment to recreational activities? I do think it could be unreasonable. I hunt a lot of upland birds and if I see a flock that is on posted land I will not pursue. If they are on non-posted I will access the lands by foot. Express permission would make it near impossible to do this as would have to locate the land owner information and attempt to obtain permission.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Cc:** [REDACTED]  
**Subject:** Questionnaire  
**Date:** Tuesday, October 02, 2018 4:24:07 PM  
**Attachments:** [REDACTED]

---

Dear Sir:

I am writing to make comments regarding the proposed new trespass related legislation. I do not see a need to change the current legislation, especially as it pertains to hunting on non-posted land. Most hunters ask permission from landowners regardless of whether the land is posted or not. Most hunters also use common sense when making the decision to enter someone else's property (i.e. not damaging crops or leaving fences open, etc.). There are always some that don't respect others' property, but they are in the minority and can be reported to authorities. It is unreasonable to expect that all hunters in all cases will be able to obtain prior express permission from landowners before entering property for a variety of reasons. Many landowners have their land rented out and as such aren't in a position to grant permission anyway. These landowners often don't even reside in the rural area anymore anyway and would be very difficult to track down. If this legislation comes into effect it will pretty much kill most interest by hunters in hunting (too much trouble). That would be a big loss to government coffers from game license revenues and put game management into serious trouble. How would it be policed anyway?

To begin with, when I am hunting upland game birds for example I do not know where I will find them on any given day during the season. I drive along until I see them somewhere and then get permission from the landowner if their farm is close by. When I enter a property to hunt where there is no posted "no hunting" signs I am respectful of the land while I'm there. What would happen in the case of hunting deer for example if I shot a deer and it ran across the road onto another property where I didn't have permission? Would I have to start finding out who owns the land, try to contact them, find out they're not home or live in a different town, city, province or country? Meanwhile the wounded deer is hobbling away in pain and distress and then is lost – what a waste. What about legitimate agricultural business reps making calls on farmers? Would they have to get permission first? Ridiculous. This proposed legislation is unworkable and a terrible idea – don't do it please!

I'm sure this call for more strict trespass legislation stems from incidents like the Gerald Stanley/Colten Boushie case. This is totally different. This was an isolated incident that no legislation would have prevented anyway. It's the same thing as people calling for more strict gun laws. These laws don't protect the public from criminals using guns – they only serve to make life more difficult for law abiding citizens and hunters.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Questionnaire  
**Date:** Wednesday, October 03, 2018 7:04:07 AM  
**Attachments:** [REDACTED]

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**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Questionnaire  
**Date:** Sunday, September 16, 2018 10:30:47 AM

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- 1) **Yes**, all access by members of the public to rural property must require the express advance permission of the rural land owner regardless of the activity.
  
- 2) Permission should be sought and granted through registered mail and with the permission seeker supplying a return postage paid envelope.
  
- 3) **No**, making consent an express prerequisite in all circumstances **would not** represent an unreasonable impediment to recreational activities. Can I drive my Skidoo, ATV, truck, etc. throughout their yard or property without their permission? The answer should be NO!

[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** questionnaire  
**Date:** Tuesday, September 18, 2018 9:12:47 AM

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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? A. Yes it should be all the same

Q. How should permission be sought and granted? A. permission should only need to be sought if the land you are trying to access has signage on it.

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

I believe that the land access that is currently in place should be left the same. I am a firm believer that if a farmer/ landowner doesn't want anyone on their land for any purpose(hunting, snowmobiling etc) that they should be responsible for installing signs of NO HUNTING or NO TRESSPASSING etc.

However that being said if the laws change and you as a hunter/ recreational user need to gain permission for any land access, then the LANDOWNER should have to install signs with a phone number and land location. This I believe is necessary due to the fact that some landowners live a long way away from the land that you might be trying to access (even leave the country for the winter months).

If the laws change, the province of Saskatchewan will notice a very large loss of revenue from the decline in hunters, A.T.V., snowmobile owners. Even though most of us respect the land owners wishes and make an effort to contact them, sometimes it is not possible to get in contact with them.

Thank you for the opportunity to express myself as a hunter/snowmobiler and farmer

[REDACTED]

1

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Re questionnaire trespassing legislation  
**Date:** Tuesday, September 11, 2018 11:08:25 AM

---

My response to questionnaire is as

Yes to anyone/anybody has to have (granted as ) written permission to enter on any and all rural land property from rural land owners( with no distinction in property) regardless of activities ( fishing hunting walking and recreational) including driving vehicles walking on foot horse back recreational vehicles and or any other accessory.

Plan and simply NO TRESPASSING any way shape or form

On any rural land owned without written permission

Thank you [REDACTED]

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Re snowmobile legislation  
**Date:** Thursday, September 13, 2018 9:37:38 PM

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To whom it may concern:

I believe that current legislation is adequate. The section 25 (2) outlines clearly that the land owner shall post at corners, and no more than 800m apart, signage prohibiting entry. If signage is present or if fence and/or natural barrier such as pond (frozen in winter of course) is enclosing the land, then a rider entering is trespassing without proper permission.

In conversations with landowners, they do not understand this is the legislation so riders who understand and abide by current laws often encounter hostile owners who aren't informed. Escalation of those encounters have sometimes resulted in what may even be considered a dangerous situation for the rider. I've had my personal safety at risk when following current legislated riding practices due to this confusion.

So, my suggestion is that an awareness campaign for both owners and riders is very important. Most riders I know of abide by postings and dont enter prohibited land, but still are met with hostility. I also believe that better enforcement of current laws is important as well so that riders who do not respect postings or barriers or who aren't aware of legislation are made to be accountable.

I know many landowners who have no problem with riders crossing lands. As such, some riders assume that's the norm. The issue really is about understanding. Changing laws will do nothing if there isn't an active education campaign. If anything, it will create even more confusion.

Snowmobiling is a big industry. Figuring out how to ensure it can continue and even grow is important and a big contributor to quality of life for many in Saskatchewan.

[REDACTED]

Sent from my Bell Samsung device over Canada's largest network.

From: [REDACTED]  
To: [REDACTED]  
Cc: [LSBQuestionnaire JU](#); [REDACTED]  
Subject: Re: A realistic compromise  
Date: Thursday, September 20, 2018 12:32:50 PM

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Perfect

[REDACTED]  
Sent from my iPhone

On Sep 20, 2018, at 11:14 AM, [REDACTED] wrote:

I am an avid hunter, the new laws proposed for accessing private land will directly impact my hunting experience. Requiring hunters to receive permission on all land is just not realistic. Corporate farms, land owned by cities and municipalities, land owned by Universities, Rural Municipality maps that are not updated, as well as land owned and leased by someone else will all adversely affect my hunting.

Here is a realistic compromise: Update the law such that someone must obtain permission to access a quarter section of land that is **occupied**. This will address farmers safety concerns and all ow our hunting industry to thrive.

[REDACTED]

[REDACTED]

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From: [REDACTED]  
To: [LSBQuestionnaire JU](#)  
Subject: RE: comments  
Date: Monday, September 24, 2018 8:35:02 AM

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Thanks for the reply. Answers in **BOLD**

2018/09/19 4:01 PM

Good afternoon,

Yes, please provide your comments by email. For convenience I have copied the four questions we are seeking input on below. Please feel free to provide any additional comments or recommendations that you may have.

1) 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? **This is going to be tough, if not impossible. RM maps with land owners names are out of date, and not routinely updated. Less local guys are owning/renting this land as large corporations are taking over. How are the "public" going to find said landowner?**

2) 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? **For simplicity of both understanding and enforcement of potential laws there should be a limited number of definitions of land, Crown Land, Private land....**

3) How should permission be sought and granted? **Some onus needs to be placed on the land owner as well. I am a land owner, and a hunter, and have worked enforcing laws in rural Saskatchewan. Honest, ethical hunters will not hunt/trespass on "posted land". The land owner should post the land with their wishes, including a phone number if they want to give permission by way of phonecall.**

4) Would making consent an express prerequisite in all circumstances represent an unreasonable impediment to recreational activities? **I believe it would, and as such I believe that this would be an excuse for public to "sneak" onto land.**

**Bottom line is, the current rude, knuckle dragging, beer drinking, gas stealing public who 4x4, quad, snowmobile on peoples crops and summer fallow will ALWAYS do this. These types of people will NEVER change regardless of the laws. Laws and rules only apply to those who CHOOSE to follow them.**

**So that leaves the ethical, honest people. These people will respect posted land. The RM offices already hand out rat poison in the fall. How about if they hand out "POSTED- No trespassing" (with an optional spot for a phone number) signs of decent quality as well. Initial expense for the first couple years would be high but eventually things would even out.**

**Now there only needs to be one law, with an easier burden of proof for the enforcement officer. Was the land posted? (clear legible signs posted) did the accused cross onto that property? Make it a summary offence, couple hundred bucks and either a CO or RCMP can just write the ticket. The more complex you make this the less buy in and compliance you will get from the public and the police. If jumping through legal hoops and creating a huge court file is the only option for police they will be less likely to want to enforce this as well.**

**Just my thoughts, let me know if you have questions.**

■

Thank you in advance for taking the time to provide your comments on this issue.

---

**From:** ■  
**Sent:** Tuesday, September 18, 2018 10:58 AM  
**To:** LSBQuestionnaire JU  
**Subject:** comments

Is there a questionnaire? I have read through everything and didnt see a link to a survey? Am I just supposed to make comments here?

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Re: Review of Trespass Legislation  
**Date:** Tuesday, September 11, 2018 1:50:35 PM

---

Hi, [REDACTED],

I finally got the figured out so here are my responses to the questionnaire;

Advanced Permission : YES

Type of Property : NO - If the AG. property is private it should all be treated the same.

Method of Permission : By going directly to the residence by the main access road or possibly by phone.

Impact of Changes: Possibly , due to the fact that I have my land posted now for " NO ATV's " and Quader's still trespass without asking for permission.

Thanks,

[REDACTED]

On Tue, 11 Sep 2018 19:15:21 +0000, wrote:

As discussed, attached is a PDF of the document requested. Below is a link to it as well. If you wish to respond by email to the questionnaire you can reply to this email directly and I will receive and include in the review of the legislation.

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

Regards,

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
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Thank you.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Re: Review of Trespass Related Legislation  
**Date:** Friday, September 28, 2018 9:30:52 AM

---

My answers:

1) YES

2) All land should be treated the same, cultivated land, fenced and open pasture and reserve land too, and you should need written or email or text permission. You do not find any non-indigenous people travelling onto indigenous held lands, so permission should be required for access to all land,s except roads and road allowances. If you want to walk, walk in ditches or on road allowances. If something happens to you, hopefully emergency people can find you. If I put down a toxic grasshopper spray or granular onto my land, and you walk across it and become very sick, you may die if no one can find you.

3) Permission should ALWAYS be Sought by email, text, phone calls or written on paper. If a phone call is made and permission granted, a text or email with that permission should follow, so that the person going onto that land, can carry the permission with them.

4) NO. Recreation activities should be held up under the microscope, and respect should be foremost in recreation, and permission sought ALWAYS. Unfortunately I have been with people who snowmobiled on post land extensively and that was wrong. I sat on the road and waited for them.

Thanks much,

from [REDACTED]  
[REDACTED]  
[REDACTED]

---

**From:** LSBQuestionnaire JU  
**Sent:** Thursday, September 20, 2018 11:46 AM  
**To:** [REDACTED]  
**Subject:** RE: Review of Trespass Related Legislation

Yes, you can print the questions and communicate on the topic in whatever way you see fit. These are the questions that everyone has access to online so there is no issue with printing the email.

The mailing address is as follows:

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

Again, thank you for taking the time to consider the topic.

---

**From:** [REDACTED]  
**Sent:** Thursday, September 20, 2018 10:04 AM

**To:** LSBQuestionnaire JU  
**Subject:** Re: Review of Trespass Related Legislation

Thank you for this.

Could I have permission to print out these questions and hand them out around my area to folks who do not have computer and internet access?

Could I have a mail in address to return them to also please?

Thanking you in advance for your cooperation.

from [REDACTED]

**From:** LSBQuestionnaire JU  
**Sent:** Thursday, September 20, 2018 9:43 AM  
**To:** [REDACTED]  
**Subject:** Review of Trespass Related Legislation

Attached please find a PDF copy of the questionnaire which sets out the current state of the law and some background information. There are four questions at the end of the PDF – these are the specific questions on which we are seeking input, however feel free to provide any other comments or recommendations you may have.

For convenience I have copied the questions below. You can email your comments and recommendations back to this email address.

- 1) 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?
- 2) 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?
- 3) How should permission be sought and granted?
- 4) Would making consent an express prerequisite in all circumstances represent an unreasonable impediment to recreational activities?

Thank you in advance for taking the time to provide your comments on this issue.

---

**From:** [REDACTED]  
**Sent:** Wednesday, September 19, 2018 11:35 AM  
**To:** LSBQuestionnaire JU

**Subject:**

Where is the questionnaire that I can fill out?

Please supply that to me as soon as you can?Thanks

so m [REDACTED]  
from

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Re: Review of Trespass Related Legislation  
**Date:** Thursday, September 20, 2018 10:04:00 AM

---

Thank you for this.

Could I have permission to print out these questions and hand them out around my area to folks who do not have computer and internet access?

Could I have a mail in address to return them to also please?

Thanking you in advance for your cooperation.

from [REDACTED]

**From:** LSBQuestionnaire JU  
**Sent:** Thursday, September 20, 2018 9:43 AM  
**To:** [REDACTED]  
**Subject:** Review of Trespass Related Legislation

Attached please find a PDF copy of the questionnaire which sets out the current state of the law and some background information. There are four questions at the end of the PDF – these are the specific questions on which we are seeking input, however feel free to provide any other comments or recommendations you may have.

For convenience I have copied the questions below. You can email your comments and recommendations back to this email address.

- 1) 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?
- 2) 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?
- 3) How should permission be sought and granted?
- 4) Would making consent an express prerequisite in all circumstances represent an unreasonable impediment to recreational activities?

Thank you in advance for taking the time to provide your comments on this issue.

---

**From:** [REDACTED]  
**Sent:** Wednesday, September 19, 2018 11:35 AM  
**To:** LSBQuestionnaire JU

**Subject:**

Where is the questionnaire that I can fill out?

Please supply that to me as soon as you can?Thanks

so m [REDACTED]

from

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** RE: Review of Trespass Related Legislation  
**Date:** Saturday, September 01, 2018 3:54:21 PM

---

To whom it may concern,

In regards to you recent notice to obtain public opinion and comments in regards to changes to the current Trespass Legislation.

Within the last year this has been a topic of discussion within our local SWF Branch, mainly that of mandatory written permission and has generated a fair amount of discussion and divided views.

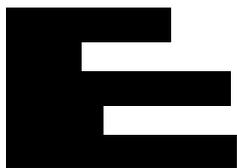
In light of the division I went and spoke with a local farmer who owns, and rents a substantial estimated 45,000 acres of land for the purpose of grain farming. I was advised by him that if it became mandatory for him to provide written permission to every hunter who wants access to his land this is would then become a nuisance, particularly as individuals looking to use the land for recreational purposes tend to show up during his busy season (pre harvest and during harvest). It was at this point he felt that it would be more time effective to post his land, rather than waste his time handing out permission slips, or answering phone call after phone call. He does not post his land and in turn feels that constitutes implied permission to access lands to those wishing to recreate on his land once crops are off.

I feel that if the government were to enact legislation geared towards mandatory written permission that it would be further hindering access to private land for hunters (or any other recreational activity).

I do realize that the act of posting land can be quite a substantial undertaking for some landowners, however I firmly stand to the fact that if you don't want people accessing your land ensure it is as clearly posted as possible (corners and approaches). This is a fair compromise and has worked for many years.

Thank-you in advance for your consideration for sportsman, outdoorsman and all other recreational land users as well as hunter/land owner relations.

Sincerely,

A large, solid black rectangular redaction box covering the signature area.

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** RE: Rural Trespass Rule  
**Date:** Thursday, October 11, 2018 4:20:03 PM

---

Thank you for your response and for offering me the questionnaire questions.

My responses are as follows:

1. Yes
2. No, all privately owned land should be considered the same
3. Directly, most likely to occur in person. If they can find a way to make contact by phone that would be acceptable.
4. I don't see how impeding others recreational activities on privately owned land could be seen as an issue. I grew up on a farm in a small town. If someone wanted to cross-country ski, walk, hunt, etc. on our land they asked for permission and when acceptable, which would be most of the time, it would be given. However, if someone were to go quadding, motorbiking or 4 x 4'ing and ripping up the land, that is not acceptable. I am sure landowners have their own preferences and reasons and that is why I believe it should be their right to say yes or no and to also be aware of who might be using their land for what purpose. I believe that making any legislation that leaves room for interpretation (grey areas) as opposed to black and white is a waste of time and money. If it is clear and easy to understand it will be more successful. I also believe that if people have to seek permission from the landowner it can lend toward building connections or community and even further to that it can contribute to a greater respect for the land and what type of mark is being left behind. In closing, as stated in my earlier email, as a landowner I have worked hard for my land and make sacrifices (such as convenience) to have it. It is costly and I am responsible to pay for the land and it's taxes so how it is used should be up to me.

Regards,

[REDACTED]

---

**From:** LSBQuestionnaire JU <LSBQuestionnaire@gov.sk.ca>  
**Sent:** October-11-18 12:51 PM  
**To:** [REDACTED]  
**Subject:** RE: Rural Trespass Rule

We have received your comments in relation to the review of trespass legislation. As you indicated the questionnaire has now closed but your comments will be included in the review.

Below are the questions that were asked as part of the questionnaire. If you wish to provide additional comments please do so by replying to this email.

- 1) 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?
- 2) 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?  
3) How should permission be sought and granted?  
4) Would making consent an express prerequisite in all circumstances represent an unreasonable impediment to recreational activities?

Thank you for taking the time to provide your comments on this issue.

---

**From:** [REDACTED]  
**Sent:** Wednesday, October 10, 2018 10:53 AM  
**To:** LSBQuestionnaire JU  
**Subject:** Rural Trespass Rule

Hello,

It says the questionnaire is now closed. We have been very busy with harvest and moving and I would really like my voice or response to be heard. If there is any way to still complete the questionnaire please let me know.

In the event, this is not an option, I am sharing my views via this email.

As a landowner, I strongly oppose trespassing on my land by anyone. I have worked extremely hard to be able to purchase land, I pay for it, pay taxes on it and maintain it and therefore it should be up to me if and when someone accesses my land. I firmly oppose hunting and prefer my land to be a safe place for wildlife. I also value my privacy and would be very concerned/frightened by a stranger coming onto my property.

Thank you for your time and consideration,

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Re: This is a very stupid way of presenting a [REDACTED] questionnaire. Who dremt this format up?  
**Date:** Wednesday, September 19, 2018 5:19:53 PM

---

# 1, Yes all access by the public to any rural property must require the express advance permission of the rural landowner regardless of the activity.  
#2, No there should not be a distinction between cultivated, fenced or unfenced property or open pasture land. All farmland must be treated the same.  
#3 Other than family members, permission must be in writing for a certain period of time and or for a specified task such as deer hunting etc.  
#4 No it would not. It is private property. There is plenty of land for sale if people really require recreational activities. If they want to play they must go out and purchase their own property.  
Sorry about the spelling....Dreamt.....

On Wed, Sep 19, 2018 at 9:59 AM LSBQuestionnaire JU wrote:

For convenience I have copied the questions on which we are seeking feedback below. You can email your comments and recommendations back to this email address.

1) 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?

2) 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?

3) How should permission be sought and granted?

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

Thank you in advance for taking the time to provide your comments on this issue.

**From:** [REDACTED]  
**Sent:** Saturday, September 15, 2018 5:07 PM  
**To:** LSBQuestionnaire JU  
**Subject:** This is a very stupid way of presenting a [REDACTED] questionnaire. Who dremt this format up?

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Re: Trespass Laws  
**Date:** Thursday, September 13, 2018 5:46:58 PM

---

In regards to your question concerning access to private lands, I feel as a land owner, permission to access any private land for any matter, sport or activity must be granted expressly by the landowner.

The rules can apply to any activity. I am mystified at why the responsibility has fallen on land owners to post privately owned land? Regardless whether its for hunters, quaders, skiers, or anyone. The land is owned. The land is private property.

Replacing signs every year can be costly and time consuming, just to have them disappear or be shot at by the end of hunting season.

This entitlement has to stop. I have heard horror numerous stories of the destruction caused by hunters. I myself have lost livestock to hunters. When does it end? When do we officially own our land?

Yes, penalties are a must. The bigger the fine, the less chance of a reoccurrence.

A registry for hunters and land owners could be a good idea. I don't know for sure, but something has to be done.

Hopefully we can gain some ground.

Sincerely,

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Re: Trespassing laws  
**Date:** Friday, September 21, 2018 10:33:31 AM

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My opinions as a farmland owner ...

Any access to land should require consent. Would it be possible to have officers call the land owner in event of someone being discovered on another's land? I receive calls from people long distances away to hunt on land not close to my home. Written permission wouldn't be necessary if the hunter carried my phone # and the officer could verify permission.

In event of fence damage, I think trespassers should, without the necessity of lawsuits, be held liable for damages including cost of retrieval of livestock.

Signage should not be required. All liability for injury/damage should rest on the individual(s) exercising the privilege of access, not on the landowner, with or without consent of the landowner.

One concern I didn't see mentioned in the literature I read was the very real possibility of winterkill in fall seeded crops as a result of traffic on snow cover.

Thanks for the opportunity to participate.

[REDACTED]



This email has been checked for viruses by Avast antivirus software.

[www.avast.com](http://www.avast.com)

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Reply to Questionnaire  
**Date:** Sunday, September 16, 2018 8:10:02 AM

---

1: All members of the public should have express advance permission of the owner regardless of the activity.

2: There should not be any distinction about the usage of the property. IT IS ALL PRIVATE PROPERTY.

3: Permission should be granted on a standardized form which could be available as a printable version on line or readily available at RM offices etc>

4: I am disappointed at the attitude that my refusing entry to my property would be an inconvenience to some one wanting to sled or hunt on my land. I OWN my property. If the city dwellers want to play the rule is simple PAY. When one seeks recreation urban or rural they pay for usage of recreational facilities. Why is the government selling a plate for a sled that allows use of my land if not posted leaving me to post my land. Posting is completely useless as we all know. I sled on trails and witness the disrespect of people. I see situations where a land owner along a trail will post his hay field. That is exactly where everyone leaves the trail to show they can. It is simple. I own my property. I bought it and paid for it or am paying for it. I maintain it. I pay horrendous insurance to protect myself from liability because any one at any time can enter and use it. The RCMP and justice are completely useless at protecting the land owner. I had a municipality damage my property and trespass to do it. There was admission of guilt and justice said there was not enough evidence to proceed. In another case a neighbour encroaching on my land was asked not to trespass by my lawyer but continued to do so. When eventually charged he was fined twenty five dollars and one dollar costs. Didn't that send a message to trespassers. It is simple the owner should have control of their property and be able to use it safely without fear. There should be access by permission only leaving the choice if entry is free or if there is a charge for the use of the property. That being negotiable between the owner and the person wishing to use the property.

5: It is not my problem as a land owner to worry about some persons recreational impediment. Where does government get the balls to even ask that question. When has someone sacrificed to me enjoying my property without someone shooting at me or trampling my hay field or waking me at three in the morning with a stinger pipe on their sled a hundred feet from my house.

Sent from [Mail](#) for Windows 10

The present laws are completely absurd. They are remnants of a time of a different philosophy. It is my right to enjoy my property in safety without ever knowing where and when someone is using my property. Why is it the landowners responsibility to worry about where my park and implement or if we have picked every last rock because of an invited trespasser without permission hurting themselves on my land opening me to a liability suit. Why do I not have these rights in the urban areas. It is definitely a different set of laws for urban dwellers and city dwellers. Discrimination is a huge issue today. Is this a case of discrimination?

When snowmobilers have a rally and they meet at the local bar the RCMP or nowhere to be found.

Why is there not a check to see if sleds are registered and perhaps enforce the same rules as and intoxicated driver faces on a provincial road or highway.

Where I live we have a snowmobile club with no trails. One of the few in the province. They are listed as a social club. For some reason they have a warm up shelter. People come from different areas expecting a club with trails. There are none. These people wander around and I have found them in my equipment rows claiming they are lost or at my other yard examining the lock on my shed.

The RCMP have a sled or two and a very nice trailer. I am honoured to have paid for those. Have never seen them used. Would like to see the log. LOL.

The present system is ludicrous. Why is some one on my property wandering with a rifle. Try that in Regina in some property owners back yard. How about tearing down a couple of fence boards and having a barbecue complete with refreshments.

I am glad that this government has finally listened when we are nearing an election. Where were you guys for the last twelve years or so? I have been a rural councillor for sixteen years and government knows full well where the rural people stood on trespass. That was clear by the resolutions that were carried.

Thank you for the opportunity to express my opinion.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Response to Legislation  
**Date:** Friday, September 14, 2018 9:47:33 AM

---

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, if landowners do not have the land posted as NO HUNTING or NO TRESPASSING express advance permission should not be required. This would be to the benefit of hunters and landowners.**

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?

**There should be no distinction. Any lands that require restricted access should be posted NO TRESPASSING and require permission to hunt or enter.**

Q. How should permission be sought and granted?

**Access to posted land could be done in many creative ways including posted contact information on NO TRESSPASS signs that might include e-mail, phone or text.**

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

**Yes, this could severely harm hunting activities in Saskatchewan. This may deter hunters from ever hunting again as it is very difficult to sometimes find the landowner. I believe many landowners who allow hunting and would rather not be contacted would likely be annoyed with new activity. Landowners are not easily contacted because they live in nearby cities rather than on the land. Despite having RM maps with landowner information, many no longer have "land Lines" and have cell phones numbers which makes finding contact information near impossible. Providing a contact directory at RM offices (for purchase), on the RM maps, or online through the RMs themselves may help with attaining permission and alleviate landowner-hunter relationships especially when posted NO HUNTING or NO TRESPASSING.**

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Response to questions from Consultation Paper on Trespass to Property  
**Date:** Monday, September 24, 2018 1:55:02 PM

---

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. Just as access to property owned in a town or city would require permission by the land owner, so should access, for whatever reason, to land in rural areas that is privately or corporately owned.

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 distinction should be made. If the land is not crown land – therefore privately owned, it does not matter what the land is used for. Some of the land we own is used for agricultural purposes, but we also have some land that has never been broken and one of the government departments has asked us to leave this land as it is – unbroken prairie and poplar bluffs. This unbroken land is owned privately by us, and we do not want anyone accessing this land, and we should have the legal right to expect that our wishes be followed.

Q. How should permission be sought and granted?

All land owner can easily be found by reading an RM map. Permission should be sought face to face or by telephone and be given through a letter or a note attached to the hunting licence. This way, hunters, snowmobilers, etc can readily prove to a law enforcement officer that they have permission to be on the land.

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

It would make no unreasonable impediment to recreational activities. Planning and preparation are essential to ensure safety for recreational activities in remote areas, so this is just one more step that should be taken to ensure safety for the hunter/snowmobiler and for the land owner and his/her property and animals.

Also, in light of this question, I have no sympathy for persons who wish to engage in recreational activities if they feel this is a problem for them. The problems that certain hunters and persons who ride ATV's have cause us over the years far surpass any "impediment" that gaining permission may cause.

We have incurred large vet bills, several times, due to hunters and ATVers shooting or running down our purebred dogs while on our land. Cost incurred after our beautiful labrador retriever was stolen from our yard during hunting season. We have incurred the costs to purchase "No Hunting" signs and taken the time to put them up according to Saskatchewan legislation, only to have them shot, stolen or knocked down by hunters, which then requires that I purchase more and take the time to put them up again, only to have the same thing happen. We have incurred replacement costs to agricultural equipment due to hunters using our leafcutter bee huts as blinds – cutting openings in the sides, even though there is a door on the hut, and knocking over our honeybee hives. We have incurred damage to our shelterbelt due to hunters and ATVers running over our trees. I have been in my garden and had to take cover as I could hear the rifle bullets whiz overhead, or chatted from my bedroom with the hunter who decided that he could hunt beside my house -some hunters disregard the law- hunting within 500 meters of a dwelling. I strongly feel that these "impediments" to my life far outweigh any "impediments" to those wishing to engage in recreational activities.

We have nothing against hunting, snowmobiling and riding ATVs. These are activities in which we have engaged and enjoyed. We have wonderful neighbours and employees who engage in these activities while respecting that if they wish to use our land, they ask permission. We have family

members who engage in these activities. However, anyone who wishes to engage in these activities should be required by law to gain permission from the land owner. In doing so, we, the landowners will be prepared and know that someone will be on our land. The hunter, can have a conversation with me and will then know that I have dogs and these dogs may run out to protect our property if strangers are on the land. We can take precautions to keep our family members and our dogs safe while the hunters are on our land. All of these things are safety precautions and courtesies and demonstrate a respect for the land, the land owner, and the property of the landowner – just the way I respect the land owned privately by someone in the city. I would never walk across someone's land in a city, break down their trees, shoot or steal their dogs, etc. The same right to privacy and land ownership should be given to those of us who are stewards of the land in the rural areas.

Other provinces require permission to be granted by the land owner. Saskatchewan is the only province where I, the land owner, must take time, money and effort to keep people off of the land that I have paid for and the land that I take care of. It should be the reverse.

Thank you for your time,

██████████

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Response to review of trespass legislation  
**Date:** Tuesday, September 18, 2018 1:32:25 PM

---

Please find my personal response to the Saskatchewan Ministry of Justice review of the 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?**

As a land owner, a recreation enthusiast and a person who accesses private lands for the purpose of environmental work I believe I have a unique perspective to offer. Due to a number of factors my answer to this question is simply, yes. Any person accessing private land for any purpose should have the advance permission of the land owner. The factors weighing my answer vary from the annoyance, as a land owner in an area of high hunting pressure and entitlement of hunters ignorant of and disrespecting of the lands and financial investment made in them, to the highly complex bio-security issues becoming more prevalent. This full range of reasons are immediately alleviated by the requirement for advance permission to access.

Additionally, it should be expressly forbidden to access private roads without advance permission (example: oil field access roads) just because they exist. There should be no distinction between the requirement for advance permission for private land and private roads.

**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 privately held lands should be treated the same regardless of current land use. The absence of a fence should not constitute express consent to access, nor should any distinction be made between cultivation and grasslands. The management of these lands differs but may suffer similar impacts with the disregard that comes with no consent to access.

**Q. How should permission be sought and granted?**

It is my prerogative that permission be granted by direct means from the land owner. This by means of, written or verbal consent. There should be no access to a property for the purpose to obtain consent other than through the main access point to the property from a municipal grid road. Private access roads (example: roads to oil leases) should also require permission to access and consent not implied due to the infrastructure in place.

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

No. Respectful recreation enthusiasts will still have ample opportunity to enjoy their respective pastimes, they will just have to plan ahead for advance consent. Land owners will be more willing to grant consent for access to those who seek it because there will be accountability and respect.

I hope these answers to your questions assist in the consultation process of this review of the current legislation. If I can offer any expansion on these answers or be of any additional support, please do not hesitate to reach out to me.



**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#); [REDACTED]  
**Subject:** Response to Review of Trespass Regulations Questionnaire  
**Date:** Wednesday, September 19, 2018 6:18:40 PM

---

Hello,

This communication is in response to the Government of Saskatchewan's search for public comment on the subject of access to private lands for hunters. This letter is copied hereby to my MLA, the Hon. [REDACTED].

I have been a hunter of small game and migratory birds since I was a young man, being trained and holding licenses in two other Canadian provinces where I previously held residence, and here in Saskatchewan since shortly after my arrival in the Province in 1995. I do not hunt big game. I have taught several of the neighborhood boys and my own youngest son to hunt and have trained two hunting dogs. At one time I belonged to the [REDACTED] and currently am a member of the [REDACTED]. I greatly value my privileges as a hunter and take my responsibilities very seriously. I am a resident of Regina.

Much of my hunting is in southern Saskatchewan and is always on foot. If I access lands, I always close gates and am careful not to break down fences. I don't walk through standing crops and show respect for the regulations, for personal safety and for property rights by never shooting close to buildings or where people or livestock may be present. I never cross or hunt on posted land. While I don't always get permission when hunting upland game on foot in unposted open areas or rough lands, as this is often impractical, I do my best to identify most likely owners and knock on their doors to respectfully ask permission. I find landowners overwhelmingly supportive of courteous hunting requests, having been refused permission only on 2 occasions in my long experience as a hunter.

I believe that all Saskatchewan citizens have the right to access wildlife equally. Making land access regulations more restrictive would not likely bring about a decrease in the activities landowners are concerned about; most likely the net result will just be extreme inconvenience for hunters. Provided that hunters take seriously the admonition to ordinarily seek permission, where practicable, I do not see any good reason to change the current law to further limit access to our provincial resource of game animals. The balance of protecting landowner rights and maintaining the right to access wildlife by Saskatchewan hunters is best achieved by the current version of the *Trespass to Property Act*.

Please contact me if you would like to discuss these issues further.

[REDACTED]

[REDACTED]

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Cc:** [REDACTED]  
**Subject:** Response to Review of Trespass Related Legislation  
**Date:** Monday, September 24, 2018 4:02:28 PM  
**Attachments:** [REDACTED]

---

**Attn:** Review of Trespass Related Legislation

Please find attached a response from Prairie Prowler Inc. on behalf of our directors. We are looking forward to a positive consultation, collaboration and end result that is acceptable to all interested parties.

Kindest regards

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Response to Sk Gov't Survey on Trespass Related Leg  
**Date:** Monday, September 17, 2018 6:36:20 PM  
**Attachments:** [REDACTED]

---

Please find attached my response to the Sk Government's survey regarding trespass related legislation.  
Thank you.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Response to Survey Questions  
**Date:** Friday, September 14, 2018 7:27:49 PM  
**Attachments:** [REDACTED]

---

My response to the survey questions are in bold in the text below. It is unfortunate that a more user friendly questionnaire wasn't provided, in this day and age.

[REDACTED]

## Review of Trespass Related Legislation

Saskatchewan's great prairies and parklands represent both a public and a private resource. Reasonable public access to these areas constitutes the foundation for extensive cultural and recreational opportunities. At the same time, over 90% of Saskatchewan prairie land in the southern area of the province is used for agricultural purposes.

These public and private interests are not irreconcilable; however, they do require balancing to maintain an appropriate relationship between those seeking access to private land and the rural private landowners. This balance is jeopardized by the reported abuses that landowners see by those accessing their property. A further complication is the need for increasing crop biosecurity from invasive species and diseases spread by random access.

At the common law, trespass has always been a civil wrong. Legislation has been passed in Saskatchewan to modify the common law to provide guidelines regarding trespasses as well as offences and enforcement provisions where trespass occurs.

The Trespass to Property Act creates an offence of trespass. Under the Act, it is an offence to, without lawful authority:

- enter onto posted or enclosed lands or other premises without the consent of the owner or other occupier;

- enter onto lands or other premises, even if not posted or enclosed, after being requested not to do so by the owner or other occupier;

- engage in prohibited activities on the premises without the consent of the owner or other occupier;

- fail to leave lands or other premises after being requested to do so by the owner or other occupier;

fail to discontinue an activity after being requested to do so by the owner or other occupier;

after leaving a premises or discontinuing an activity pursuant to the request of an owner or other occupier, re-enter the premises or resume the activity.

An individual in contravention of the Act will be liable on summary conviction to a fine of up to \$2,000 - in most cases, the individual would make a voluntary payment of the amount set out on the ticket rather than going to court.

The owner or occupier can:

ask the individual to leave the land or premises or discontinue an activity on the land or premises; or,

give written notice to the individual not to enter the land or premises or engage in 1

an activity on the land or premises

A peace officer can issue a summary offence ticket and, if the individual does not leave the land or premises or discontinue the prohibited activity, can arrest the individual.

The Trespass to Property Act was not meant to replace trespass provisions dealing with specific circumstances such as snowmobiling and operation of all-terrain vehicles, and such provisions continue to apply. Currently, where there is a conflict between the provisions of The Trespass to Property Act and specific trespass provisions in other legislation, the latter will prevail.

The Wildlife Act, 1998 prohibits hunting on posted land. The Act further provides that the lack of posting does not indicate consent to access for hunting. It also provides that where consent to hunt is provided, the owner/occupier owes no general duty of care to a person hunting on the land;

The All Terrain Vehicles Act prohibits the operation of ATVs on private or Crown land without the prior permission of the owner or occupier, regardless of posting;

The Snowmobile Act provides that, without the consent of the land owner or occupier, snowmobiles cannot be operated on posted private rural land or on private land within a city, town, village or hamlet (the use of designated trails created under The Snowmobile Act will not be impacted by any proposed changes to trespass related legislation); and

The Provincial Lands Regulations provides that someone occupying provincial lands

without authority from the province is a trespasser.

Having different access and posting rules for different activities as noted above may well be contributing to confusion as to the rules for access.

In addition, rural crime and other reported abuses by a minority of those accessing rural property under these Acts has significantly undermined land owner support for public access.

Land owners may also face fire risk and the increasing need for bio-security against crop diseases that can inadvertently be spread by even the most conscientious visitors. For example, Clubroot is a soil borne disease that can significantly affect yield in crops like canola with few options for control. The disease can be spread by soil being transported by agricultural or industrial field equipment, vehicles, tires, animals, and shoes.

Invasive species such as downy brome or leafy spurge can reduce of the productivity of grasslands and crop land and can be spread by vehicles, clothing, shoes, pets, etc.

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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

(a) that is a lawn, garden or land that is under cultivation, 3

(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?

**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?

**All land should be treated the same. A landowner may have different types of land and requesting consent will clarify which lands or if any of the lands can be accessed.**

### 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 must be in writing, whether in person or electronically. A different mindset will be required from those seeking permission in that some advance planning will be required in order**

**to seek permission (i.e. activities will have to be planned in advance and permissions obtained, prior to arriving at a property). There could be some sort of electronic registry for landowners, however, landowners that do not plan to grant access to people would not have to participate in the registry.**

## 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. They would be required to get permission in advance, however, that permission could apply to an entire season, if the landowner so desired. There would be an initial inconvenience, however, it would be no different than other users. The landowner's rights are the most important issue, and a small inconvenience for users is simply the cost of doing business.**

## 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.

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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

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Cc:** [REDACTED]  
**Subject:** Response to the question regarding rural property trespassing  
**Date:** Wednesday, September 12, 2018 11:04:07 AM

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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?

The answer is yes. The public should be required to have advance permission to access private rural property .

1) In addition to the risks mentioned in the article ie: risk of transmission of invasive species such as leafy spurge and others, there is also risk associated with accidental transmission of viral /bacterial/fungal infections such as clubroot, fusarium and others.

2) Also, If I as the landowner have potential liability for those who are on my land, I should be able to restrict access to reduce potential liability.

3) Access to one's property, whether urban or rural, is one of the tools owners have to address personal safety for their families.

The relationship between landowners and the general public seems to have changed over the years with more people either not wanting to put the effort into contacting the landowner for permission or not caring or respecting what is not theirs. Having lived in both city and rural it is a strange mind shift that seems to occur that urban dwellers, who would never consider going into their urban neighbour's backyard without permission have no reservation about going onto their rural neighbours property without acquiring the same permission.

Regards,

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Response to the Trespass Act discussion paper  
**Date:** Monday, October 01, 2018 1:12:37 PM

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[REDACTED]

September 30, 2018

Ministry of Justice

Legislative Services Branch

Attn: Review of Trespass Related Legislation

800 - 1874 Scarth Street

Regina, SK

S4P 4B3

Dear Sir or Madam::

The Saskatchewan Gamebird Habitat Trust is a small wildlife habitat creation and protection group derived from the former Pheasants Forever Saskatchewan. We are comprised almost entirely of hunters who pride themselves in following the laws and conducting themselves responsibly. I am writing on our behalf to express our concerns about your discussion paper regarding the proposed changes to the Trespass Act. We will attempt to answer the questions laid out in your discussion paper and will provide a couple of alternatives to your proposals.

The existing Trespass Act is an elegant piece of legislation that enables access to private unposted land while protecting the landowner from the very real liability of owning an “Attractive Nuisance.”

Under British Common Law the landowner is liable for damages to a trespasser on his or her land even if the land is posted. The legal precedents for this are long established. The existing Trespass Act gives free access without permission but “at your own risk.” This prevents the liability problems associated with trespass use, frankly an elegant solution to a nagging problem.

There appears to be a concern about rural crime, we are not sure that this is an increasing problem or a better reported problem. In either event passing a new Trespass Act will have absolutely no effect on rural crime. Criminals don't obey laws they break them! What such a law will do is give criminals a legal reason to access the farmyard in person to ask permission for some bogus reason, “Oh Nobody's Home!” Now what? This will not reduce criminal behavior it will encourage it. Only law-abiding citizens such as hunters and fishermen who try to ask permission when ever they can will be affected.

Many landowners do not want the hassle of dealing with a myriad of access requests during harvest. They recognize the importance of hunters in controlling nuisance (to them) animals such as moose, deer and waterfowl. When asking permission farmers have often told us, something to this effect “Why are you asking? Its not posted, please don't waste my time!”

The proposed changes to the Trespass Act parallel the former Federal Liberal Government's Gun Control Act. There appeared to be a problem when in fact enforcement of the existing laws would have prevented the problem. A knee jerk, ‘we have to look like were doing something’ reaction was required. The liberal solution was to infringe on the lifestyles and privileges of law-abiding citizens and pass a law that had no effect on the criminal use of guns. They failed to take into account that support for such a law would be “soft” and opposition to it would in fact be “hard.” We all know how the gun control issue worked out for the Liberals, 20 years in the electoral hinterland. The Saskatchewan government would be well advised to properly assess the overall support for such legislative changes and the very real backlash against them.

The Government should consider the potential legal challenges to such legislation. First Nations will not let this go unchallenged. When they win and they will eventually, licensed hunters will also win as there is no legal distinction between a licensed, in season, hunter and an aboriginal hunter. Additionally the legal precedence has already been set in Alberta where pasture lessees have lost the “right” to control access to Crown leases. I am sure that the government and the Saskatchewan Stock Growers Association do not want it challenged here.

The Government should also consider the cost of enforcement of such changes. It now appears that there is almost no enforcement of laws designed to control snowmobilers and there is a complete dearth of enforcement of any laws regarding off road vehicles. If off road quads are the issue the solution is obvious, put a license plate on them so that they are not anonymous when blasting around the country. SGI has been blocking attempts to license quads. Its time that SGI quit creating the Government's policy in this regard. Now lets consider enforcing the trespass act on First Nation hunters, even ones from outside the province. Just how does the government expect to enforce such changes and at what cost?

The comment in the discuss paper about invasive species is a red herring it is almost complete fabrication. Throughout history farming activities have introduced and spread almost all of our terrestrial invasive species. There is no difference between a hunter's or berry picker's vehicle driving from field to field and the farmers truck, tractor or combine moving between fields except that the farmer's impact is vastly greater.

One must remember that aside from around large cities the vast majority of rural Saskatchewan is in fact a vast vacant wilderness. There are RMs in this province where almost no one lives. The proposed change to the trespass Act will ensure that the landscape remains empty.

In our opinion the overall impact of the proposed changes to the Trespass Act will result in a significant decline in the number of licensed responsible hunters and an increase in deer and moose. Given the cost in lives and the cost to SGI for wildlife collisions in our province we are sure that this is not good public policy.

### **In regard to your specific questions**

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

A. Clearly NO! In most cases hunters do not know in advance where they will find the game they are after. Much time is spent driving the grid roads of this province looking for game prior to actually getting out and walking in pursuit of it or setting out decoys for waterfowl. Its called hunting and not shopping for a very good reason. Hunters now know that if the land is posted there is no reason to search all over it and they search on unposted land. It is very difficult in many situations to find out who the landowner is as RM maps are usually out of date and do not contain contact information. The landowner usually lives at some distance from the land in question and is not traceable on the RM maps. The advent of Cell Phones has now resulted in many landowners not having a landline and thus having an unlisted phone numbers. Absentee landowners have usually rented their land and there is no public record of who is renting it. Is the renters permission adequate under the proposed changes? Hours can be spent tracking down a landowner during which time the moose or deer in question have moved considerable distances.

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?

A, No there should not. Should you proceed the courts will create the distinction between deeded and leased land.

Q. How should permission be sought and granted?

A. Leave it as it is now, this is the simplest approach. If you don't want anyone on your land post it. If you don't care leave it unposted. If the law is changed contact will have to be made with every landowner whether they want it or not. Unless the contact information of every owner on every ¼ section is available in some manner, through a database or a phone number on every corner post the situation will become a nightmare for both recreational users and landowners.

The situation is further confounded by the amount of land that is rented and farmed by someone else. How is that to be tracked? Who give the permission for access, the owner or the renter?

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

A. Most definitely yes! Such changes will impact recreation users of the landscape for a myriad of activities and will be detrimental to the culture and lifestyle of a great many people most of whom are rural residents or residents of small towns. You will find that the opposition to such changes will

be vast and hard.

The activity most likely impacted will be legal hunting. The proposed changes will reduce the number of hunters. It will also result in an increase in the number of collisions with wildlife as the number of hunters decline. There is a added danger as wolves may more south of the forest as deer, elk and moose numbers climb.

**We would like to suggest the following alternatives to the Alberta model.**

<!--[if !supportLists]-->1. <!--[endif]-->**Leave an equivalent to the existing section 17,D in the revised Act but expand it to include only residents of Saskatchewan.** Legal hunters would not oppose this and it should remove the FSINs opposition to the new Act. It is unlikely that neighbouring provinces FNs will challenge the Act.

<!--[if !supportLists]-->2. <!--[endif]-->**Make the trespass provisions in the Wildlife Act part of the Trespass Act instead of a universal requirement for permission.** The Wildlife Act prohibits hunting within 500m of an occupied residence regardless of who owns the land and prohibits hunting on occupied home quarter sections. Prohibiting trespass completely within such limits will expand protection were rural residences border unowned land and have as much of a deterrent against rural crime as a complete prohibition and will meet with very little to no opposition from law abiding hunters, fishermen and aboriginal resource users.

Sincerely

[REDACTED]

[REDACTED]

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Response to Trespass Regulations  
**Date:** Sunday, September 16, 2018 12:36:07 PM

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Whom It May Concern:

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?

If express permission is formally required to access hunting lands, then It is likely that hunting , as a traditional activity, will be virtually destroyed. Most hunters plan day outings, travel to locations known to them and access the lands for very short periods of time. This would be typical of upland game hunting and to some extent, big game hunting. This type of hunting activity covers a large land area with hunters accessing many properties during a day of hunting. This type of hunting is opportunistic and is typically dependent of finding adequate game habitat that would be likely to hold game or on visual sighting of game animals. During this type of hunting, the vast majority of responsible hunters access un-posted lands exclusively. Getting permission to access lands under proposed rules will clearly hinder hunting activity rendering it pointless if not impossible.

Q. How should permission be sought and granted?

Currently, those wishing to access lands have two means.:

1) Direct contact with landowners who live on their lands. This is increasingly difficult as there are fewer and fewer landowners who actually live on their lands. Physically locating land owners and getting face to face permission to access lands is very onerous, often completely impossible. It will be much easier to ignore a request for access than to grant that request. Not a very equitable or fair system.

2) Maps Identifying land owners and their respective land parcels do exist and are available from Rural Municipality offices in the province. Simply put, these are hard to obtain, often not available and are often not current, providing only a name. In Saskatchewan, it can be fairly difficult to determine accurate land owner information. In addition, many landowners are corporate entities, often not resident in the province making obtaining permission for access much more difficult.

If a database of very accurate information regarding land owners existed and was easily available then it might be possible to consider changing the current situation regarding land access. This information would have to include owner names, addresses, land location and phone numbers at a minimum.

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

In short, this would irreparably harm hunters and other citizens that currently enjoy legitimate access to private agricultural lands.

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?

Most cultivated and agricultural lands include fringe or "wild" type areas. Sloughs, bush, abandoned farmyards and pastures are the hunting lands. It doesn't seem possible to allow access to one type of land without allowing some type of access to all lands.

Final Considerations

Casual day hunters buy fuel, food and lodging in the communities where they hunt. They also pay taxes, buy licenses and have a stake in the health of lands of the province. Land owners often reflect on the fact that they are

"stewards" of the land. Hunters contribute to that stewardship as well. Making it unduly difficult to access lands will harm an important activity that contributes to the economy of the province. Hunters are, by and large, law-abiding citizens, well aware of their responsibilities to the sport. Courtesy, responsibility and safety are integral to hunting. Hunters are not accessing private lands to commit property crimes. Postings on private lands to indicate access is a system that has been in place for many years and is respected by hunters. Changing access rules will punish legitimate land users and will not prevent property crime. Land owners who wish to control access to their land have a right and responsibility to do so in a clear manner by posting their lands. Legitimate land users will honor those postings; criminals will not. Changing the current regulations will not likely accomplish an improvement of land owner concerns.

[REDACTED]

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** response to trespass review  
**Date:** Thursday, September 13, 2018 11:27:28 PM

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Although the notion of limiting rural crime by increasing trespassing restrictions is appealing, it does not address the concern at an effective cross-road. Criminal activity control is the problem, with rural residents and communities being recipients of criminal actions.

Although land owners have the right to be concerned about control of odd inputs such as noxious weeds or biohazards, the likelihood of this happening in large quantities or range is speculative, with fear being far more predominant than actual occurrence.

There are many benefits to having public access to rural spaces. Courtesy and respect of property are top concerns for good relations. Greater supervision and governance over mechanized off-road recreational vehicles would go a long way to making land owners happier, and also, making them not liable for injuries incurred on their lands.

Other general interest, 'good citizens' should still retain access consideration without threat of persecution. (ie: access to historical sites, old trails for hiking or horseback riding, photography, natural exploration,.....)

[REDACTED]  
[REDACTED]

Sent from [Mail](#) for Windows 10

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Response  
**Date:** Saturday, September 01, 2018 2:22:21 PM

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I believe that a change in permission to require permission before access can be granted is a step in the wrong direction. As it stands now, law abiding citizens that legally access land act as guardians, if I were to see illegal activities I would report them to either the land owner or authorities. As well it would severely hinder hunting activities, as now I feel most people that I ask for permission freely grant it, and that if land is posted it is because they do not want people to hunt. The other thing is that requiring permission to access all land will increase traffic into yards and homesteads looking for permission, or being used as an excuse for criminals to say why that's why they are there. Having lived in Alberta recently, I found their trespass laws severely hindered my ability to enjoy the outdoors and private lands, and the laws here are part of the reason I moved back to enjoy the outdoors.

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** response  
**Date:** Thursday, September 13, 2018 11:39:05 AM

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In regards to the questions on trespass laws, here are my thoughts.

I would be in favour of re-visiting the act/law in regards to trespass and would like to see that any access be through permission of the land owner.

How the land owner is contacted can be a difficult problem given the number of family farms that are now only operational as cropping ventures with no one living at the home quarter yard. We are in this situation ourselves now with the passing of my mother this year. But, we will maintain signage and discourage with signage, trespass. No one should be able to come onto the land without the owner's knowledge. We had a situation where there was a snow machine derby in our area and the organizers never thought to check with my mother to get her permission to cross our fields. She was upset and they had to apologize. Such a simple thing could have avoided a feeling of violation.

We have lots of trees and a coulee that helps to preserve wildlife and my parents were sticklers for not letting just anyone tear up a field with trucks or whatever.

As for deterrence, there should be a fine if caught which would be another hurdle. How would you be able to track down a perpetrator if no one is there to see? We are installing trail cams on our property now and adding security to our buildings. But with a lack of cell service on our yard and in so many areas in this province, help would be slow in coming.

I did suggest to Sasktel that they should install cell boosters at country cemeteries which in many cases are on hills. No one would be bothered at these locations. The response was that their money was being spent elsewhere, i.e. northern service. I do not begrudge that spending as they do desperately need to have this coverage as less and less people live in those areas and neighbour help is drastically reduced there and all over the province. But given we cannot rely on nearby neighbours, the cell service needs to be improved.

So, in conclusion, yes, permission must be sought; and yes, there should be a deterrent fine and if caught and damage results, a criminal charge should be expected. We can only see some change when the pocket books are hit and that relates to so many issues these days. Money seems to be the only way to deter.

Consider setting up a victim fund for these areas as well.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Response  
**Date:** Tuesday, September 11, 2018 9:26:22 AM

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In the response to the questions asked, I have some general thoughts and responses. I am a farmer and rural land owner and my home is on that land.

Private property should be private property. I can go into the city on someone lot and do as I wish. I don't care if my agricultural land seems "vacant". I paid for it and pay taxes on it. I don't feel like I need to allow snowmobiles or other recreational activities on it. It damages the land and crop if there is winter wheat on it. We have trouble with people being oblivious to conditions and starting fires and burning half the country done.

I should not have to post my land to keep people off. City lots do not to be posted to have people stay off.

As for hunting, I do not want hunting on my land for the destruction that rude hunters cause. We have horse and I don't need my fence cut. And they do that and so much worse. If I chose to let a friend whom I trust on, that's fine but others can go away. We also have trouble losing dogs to trappers who feel they can put out traps anywhere they chose without regard for dogs that patrol entire quarter sections or chase coyotes away from my animals.

People are too far removed from the farm. They don't treat farm property with enough respect. No one should be able to enter my land with my express permission. Preferably written permission.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Responses to the questionnaire  
**Date:** Friday, September 14, 2018 9:28:50 AM

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To whom it may concern,

**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, I believe as a farmer and rural land owner that any access by members of the public should require permission to access from the landowner regardless of activity.

**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?**

**A:** No, I don't believe there should be any distinction between any of the three property types listed above.  
All three in practice are being used for agricultural purposes, then they must be treated the same. As an average farm would utilize all three land types within their operation.

**Q. How should permission be sought and granted?**

**A:** This is in my opinion the most difficult & critical issue at hand. The burden of attaining permission must always be the responsibility of the individual or groups seeking access. Verbal confirmation is in my opinion no longer sufficient to grant access. unless there is a record of it occurring, how would verbal hold up during investigations?  
Written and/or digital confirmation with valid identification & contact information from the individual/group members would be ideal with a disclaimer that they are responsible and I incur no liability with their access or use of my property. Liability is the major issue that I am worried about. As to how the permission is to be sought, contact the landowner directly. I am okay with homestead access.  
Use RM maps to determine who is the landowner or contact the RM for more information.

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

**A:** No , I do not believe that requiring consent is unreasonable. I believe it is necessary. As a farmer if I rent land I have to have a written agreement that allows me access and use of parcels of land for farming operations & practices with the landowner.  
Those seeking to use land for recreational activities at provincial & national parks must pay for a pass, those seeking use of private property should seek written permission.  
Road allowances and attached ditches are the responsibility & property of the RM's, therefore are considered public domain.

Regards

[Redacted]

[Redacted]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** responses to trespassing law changes  
**Date:** Sunday, September 23, 2018 6:25:26 PM

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Hi,

I would like to reply on the proposed changes to the trespassing law. I have had my property broken into twice in 2016 a week apart from each other and both while I was at home with my young kids and wife. I am to the point of using a weapon now and never was before. It too late for me to feel soft on trespassers. They can be armed and dangerous and I have no use for them anymore. The police couldn't get to my property in time and when they did, they had to search for a missing person that broke in to my place and never found the person. Eventually after two and half hours later they left my property back to work. There were 7 officers responding to my call for help that night.

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?

I feel that any person wanting access to private lands needs to ask and have advance permission to enter at all and is required for all persons entering for any reason other than the land owners agreement with utility companies. Utility companies that the land owner has a service agreement with shall and legally do have permission to enter the property. There is no way for a private land owner to know if the person entering has intended malicious purpose or is friendly, armed or unarmed. Every person entering shall be deemed dangerous until proven safe.

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?

There should be no distinction between any type of land for trespassing onto. Not allowed to trespass on private land for anyone whether the person is native or Metis. The land has to be posted as no trespassing and a contact method listed on the sign. It can be in the form of email or phone number, whatever the owner wants. Everyone needs to ask for permission to enter private land.

Q. How should permission be sought and granted?

Permission can be sought only by using the contact info on the posted signs saying "no trespassing". There shall be no RM maps available showing property owners locations as this is a breach of privacy. There shall be a legal requirement to post contact information on the 'No Trespassing sign' in the form of email or phone number or post office mail. The owner of the property has to reply to the request within a month(not shorter than a month).

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

-  
The method I have described above will definitely impede recreational users however it is necessary to have prior permission to enter private property of any kind for any reason by any person. This is not an unreasonable expectation to have to follow as the land is owned privately. Use of the land is

no longer allowed by anyone at all other than my exception for utility workers due to contract allowances.

Access for fishing or water access purposes shall be allowed along a 5 meter right of way along all waterways whether it is standing or flowing water. In addition an attempt to contact the owner for access to the water is not allowed for any reason. People cannot trespass on land to gain access to the water right of way.

The punishment for being found guilty of trespassing shall be a mandatory non-negotiable fine of \$10000, loss of any involved fishing or hunting licence and the loss of firearm licence for the period of 10yrs for the first offence. Second offence shall be \$20000 and extend the loss of privileges listed for a period of an additional 10yrs. The problem with the law is the deterrent is not even close to being strong enough to be serious to a person wanting to commit crime. Respectful people will not be caught by this hefty fine as they follow the rules nicely. In addition to the noted stripping of the licences and fines I recommend a further loss of right granted to these individuals to enter any of the Saskatchewan parks or campgrounds for the same said period of time. I don't want these people near me when I camp or enjoy the provincial parks.

There needs to be a huge adjustment not just a small adjustment. SGI started getting serious with their insurance and I respect them for it. I respect the fact that marijuana use is not to be allowed in areas of the province and it should be prohibited in the province.

I welcome you contacting me regarding these matters as I feel like the laws are a way off from where they need to be. I have a question for you. I live rural and want to ask you how you intend on protecting your self, wife, kids and property when a truck with two to three armed people arrive at your rural house at midnight. You need to consider this seriously as criminals don't give [REDACTED] Trespassing is only one of the legal weaknesses in the province. When we cannot feel safe on our own property anymore there is a huge problem and I have been unable to enjoy myself since I was broken into twice. I have had enough.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of the Trespass Act  
**Date:** Friday, September 14, 2018 12:42:44 PM  
**Attachments:** [REDACTED]

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My comments are in the attachment.

Thank you

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Act Saskatchewan  
**Date:** Thursday, September 20, 2018 8:06:41 PM

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It is my opinion that the present legislation should remain with no changes.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** review of trespass legislation  
**Date:** Friday, September 14, 2018 1:51:41 PM

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No advance permission needs to be required unless is marked as no hunting or trespassing -then u  
should seek permission for hunting its obvious that if land is  
seeded that you should not be driving on seeded land

if land is posted then permission  
should be asked from the land owner -by all people !!!!

if land is in crop as in harvestable crop  
then quads should not be driving thru crop but as far as for winter recreation driving across a snow  
covered field will not hurt any vegetation on the land as this will not hurt anything

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#); [REDACTED]  
**Subject:** Review of Trespass Legislation  
**Date:** Friday, September 21, 2018 12:12:36 PM  
**Attachments:** [REDACTED]

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**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Legislation Questionnaire  
**Date:** Wednesday, September 05, 2018 1:04:57 PM

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Hi there here are my responses to your questions regarding Trespass 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?

-I'm a landowner and a hunter so I see both sides of the picture. I believe that a person should have permission to enter private land regardless of activity. That being said there are many owners who don't want to be bothered and don't care if someone is going out to hunt etc. There also is a major challenge as a hunter trying to figure out who owns the land and how to contact the owner. Some RM maps leave a number instead of name (when corporations have bought up big tracts of land etc.) and sometimes the owner's name is listed but the owner lives in another province or different corner of province making it very difficult to get permission. Also RM maps aren't always updated that quickly and land changes hands.

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?

-I think so. A lot of permanent damage can be done driving onto pasture and fire risk is huge compared to driving onto stubble after a crop has been harvested. (I understand the transfer of club root etc and I'm not sure how you can perfectly control that-are there areas of the province that you'd have to either not drive on or carry a spray etc to use before driving on?)

Q. How should permission be sought and granted?

-As a landowner it makes me crazy when people say oh well you didn't have it posted enough for me to see the NO Hunting sign. I think the landowner should be required to post a sign at all main gates onto property and MUST leave a phone number or email to be reached at so that it's possible to seek permission. Of course the person seeking to get access MUST make the effort to find a gate/main entrance and look for the sign with instructions/contact info.

Another option is that the landowner has the option of posting a sign saying "permission granted for hunting...on foot only or with vehicle (whatever they desire) then they don't have to worry about 30 phone calls or emails to answer.

-I live in SW Sask and there's years where everyone shuts down hunting because of the fire risk and somehow we have to be able to do that without going and changing signs etc... I wish there was some sort of centralized online info where landowners could log in and provide updates, could an online system be developed for obtaining permission from landowners as well? That way people's email/phone number would be accessible, and landowners could

update fire conditions or simply have it listed on their land "no hunting" or "no skidooing" etc

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

-Somehow there has to be more effort by those accessing land but also by the landowner to be reachable/accessible when someone is trying to obtain permission.

-Like I mentioned above some sort of centralized online system giving landowners the option of updating their status, and a way to access a contact for them would be wonderful. I have people from 4 hours away calling me to ask if it's rained yet to see if it's safe to come hunt. If someone is coming from far away being able to look online to see who is allowing hunters is also a great perk to planning your hunt and being efficient with your time.

thanks for hearing our feedback.



**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Legislation  
**Date:** Friday, September 28, 2018 12:27:25 PM  
**Attachments:** [REDACTED]

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[file:///C:/Users/\[REDACTED\]/AppData/Local/Packages/microsoft.windowscommunicationsapps\\_8wekyb3d8bbwe/LocalState/Files/S0/6364/20180928101408529\[6768\].pdf](file:///C:/Users/[REDACTED]/AppData/Local/Packages/microsoft.windowscommunicationsapps_8wekyb3d8bbwe/LocalState/Files/S0/6364/20180928101408529[6768].pdf)  
Sent from [Mail](#) for Windows 10

Please see attached regarding input on the Review of Trespass Legislation

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Legislation  
**Date:** Tuesday, September 18, 2018 11:25:27 PM

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With regard to possible changes to the Trespass legislation.

As most of us are aware many problems have arisen in rural areas ranging from crop damage to theft, vandalism and even violence including death due to uninvited individuals entering rural property. In the interest of safety and protecting property it is time laws are established to provide strict penalties for trespassing. The following are my views on the questions being asked.

**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. Everyone wanting access to private rural property for any reason should have advance permission. The one exception would be attending an on site residence by the most direct route as referenced in the How should permission be sought and granted question below.

**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?**

**Method of**

A. There should be no distinction of purpose, all property used for agriculture should be treated the same.

**Q. How should permission be sought and granted?**

A. Individuals 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? In addition I support the idea of Municipal offices maintaining a record of contact information for land owners. Permission granted should be in writing or an electronic method such as text or email.

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

A. Speaking from my own experience in the past I have given permission to many hunters who were courteous enough to ask permission. The ones that I have asked to leave are the ones that dug goose pits in cropland without permission and seemed to feel it was their right to do so. I do not see stricter laws changing those I would grant permission to. As for Snowmobiles and ATVS they need to obtain permission, again with or without law changes landowners will either give permission or deny permission. If the law makes it clear that permission is needed the result will be less conflict, as it is some riders believe it is their right to travel where ever they wish.

I am pleased to hear that consideration is being given to protecting rural property, given the

rise in rural crime it is time to act.

[REDACTED]  
[REDACTED]  
[REDACTED].

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass legislation  
**Date:** Tuesday, September 11, 2018 1:44:09 PM

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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 - This forces users to become familiar with the area including knowing where homes are, animals, what crops or land may be affected or not and prevents accidents ( ie. shooting near houses, driving where children may be etc)

Q. How should permission be sought and granted? USERS would have the option to phone or visit in person. RM maps identify land owners and those willing to make the effort to contact users establishes a level of respect that will likely transfer to respectful usage of others 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? LAND must all be treated the same. Users could never be fully aware of limitations or hazards unless they spoke to the owner.

Q. Would making consent an express prerequisite in all circumstances represent an unreasonable impediment to recreational activities? NO. Those who are serious and respectful about using land for recreational purposes will make necessary efforts to reach out to land owners. This builds relationships and in fact could increase areas for recreation use as land owners and users regain a mutual trust.

[REDACTED]

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of trespass legislation  
**Date:** Saturday, September 15, 2018 3:28:04 PM

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Good day

I write this email as a snowmobiler in Saskatchewan. My concern is with proposed changes that snowmobilers will be forced to other jurisdictions which will affect tourism and local businesses. In particular southern Saskatchewan with limited trail systems would be heavily affected.

I think for snowmobilers the existing Snowmobile Act provisions are sufficient in that "...without the consent of the land owner or occupier, snowmobiles cannot be operated on posted private rural land or on private land within a city, town, village or hamlet."

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?

My perspective as a snowmobiler is this should remain under existing snowmobile act.

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?

I believe fenced property and posted land should be treated the same that requires prior consent. Suggest open pasture and cultivated land should be treated differently. In winter with a layer of snow it may not be possible to readily identify cultivated land. To best of my knowledge snowmobiling has not contributed to transfer of disease or invasive species.

Q. How should permission be sought and granted?

I defer to landowners on best method for seeking permission on posted land. Attending an on site inhabited residence via road or ditches would seem logical.

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

As stated above I think this would dramatically affecting snowmobiling in the province. Personally I would travel to Manitoba or Alberta more frequently in order to snowmobile.

Thanks for opportunity to contribute.

[REDACTED]  
Sent from my iPad

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of trespass regulation  
**Date:** Tuesday, August 14, 2018 12:37:00 PM

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Question 1- yes all members of public should require advance permission. If we stood in some ones back yard in town we would be arrested. We pay dearly for our rural quiet existence, it would be nice to keep it that way.

Question 2-All agriculture land or any land period should be treated the same( private or leased)

Question 3- Permission needs to be sought in person unless the land owner accepts by phone( at least that way they can ask for vehicle color and description )and give them any time or specific directions. All rm offices have maps.

Question4-Making consent is the only way to have it. There is no impediment as it is the land owner that is going out of his way for people if they so choose. Users involved in recreational activities have the same chance to own land as do the current land owners- that is there choice.

Side notes- we currently post all our land as hunting with permission only-no vehicles allowed. It keeps the largest majority in check. Making trespassing black or white helps us manage our own living. We actually live in fear of fires all summer because of people that help themselves. A no exception trespassing law would be most helpful. Thanks in advance.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Related Legislation - Input  
**Date:** Wednesday, September 05, 2018 3:31:37 PM

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Please accept my input on the questions asked to the public regarding the review of trespass legislation:

Thank you

[REDACTED]

- 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. No, the legislation in place now is adequate and, if it were enforced, would be effective in mitigating the vast majority of conflicts. As a land owner, my property is open for people to hunt except where I post it for my own reasons. I, and many other landowners I know, do not want to be constantly bothered by people seeking permission when the vast majority of people are respectful and fine to be out there. The vast majority of problems that I encounter are people already breaking the law, quadding or snowmobiling where they shouldn't, or being on posted land where there is already a law prohibiting this. The problem is the complete lack of enforcement capacity. There are so few CO's and also a reluctance to enforce the laws that already exist. More laws will help nothing but will create a huge hassle for landowners to manage. There is also the issue of permission leading into liability. If you look at the Provincial Fire permit system, they no longer issue a permit to burn, but rather just issue a permit number with no permission. This is for liability reasons. If I now have to give people explicit permission for a given activity on my land, am I now liable for making sure that activity happens safely? What assurance can I have that I am not? The biosecurity argument is a red herring, clearly someone with an agenda is looking for any excuse to change the rules. Are there many specific examples that can be provided to show this is a major and widespread problem, and more importantly a problem that will be solved with more legislation...unlikely.
- 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? - A. This is not a trespass issue, and blanket trespass legislation will not solve this issue. Any member of the public who damages crop, drives through cropland, cuts fences, leaves gates open will not be stopped by new trespass legislation. They will ignore it and the enforcement is so lax that it will not stop. If crop, livestock and land damage are the real culprits then pass legislation to deal with that. Change the laws around property damage so the people doing this lose their vehicles, hunting privileges

and face massive, life changing fines. That would solve the problem, not a trespass law change which will have a big impact on the law abiding respectful people, while doing nothing to those creating the problems now, because they wont follow it anyway.

- Q. How should permission be sought and granted? A. The same way it is now, leave things alone. As a landowner, I will not grant anyone permission if this law is changed. I have better things to do than sit around answering the phone and keeping track who has permission on my land. The wording around the 'Method of Permission' heading in the information package is disturbing. Requiring someone to take the most direct route from the the main access point to avoid crossing property is a ridiculously prescriptive. Also, requiring landowners and municipal offices to have email addresses for landowners is a huge make work project for no reason. If someone doesnt want people on their land, then post it! And the province should have adequate enforcement to remove this problem. They dont, so making more legislation wont help.
- Q. Would making consent an express prerequisite in all circumstances an unreasonable impediment to recreational activities. A. Yes, and more so it would be a massive change is Saskatchewan culture. It would likely mean a massive drop in hunting opportunities, as well as a huge spike in illegal outfitting, paid access, and the first step in the road to paid access, and privately owned wildlife. The animals and wildlife on these lands belong to all people. It is a reasonable compromise to the public that if landowners have a legitimate reason not to want people to access these animals, then they can post their land. It is not a reasonable compromise to suggest that all of these animals are off limits to all people, except those who can get permission for entry on a large scale. It completely flips the paradigm of wildlife belonging to all people to one where wildlife belongs to the landowner. It will be the first step in the end of public hunting and the conversion to the European model where hunting is only for the super rich.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Cc:** [REDACTED]  
**Subject:** Review of Trespass Related Legislation - Re: Hunting and Fishing Rights  
**Date:** Sunday, September 30, 2018 8:51:07 AM  
**Attachments:** [REDACTED]

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Please accept these comments and recommendations in regard to the review of the Trespass Related Legislation.

Thank you,

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Related Legislation - Response and Comments  
**Date:** Wednesday, September 12, 2018 2:36:26 PM

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**Advance Permission:** Yes, all access by members of the public, excluding emergency service personnel in emergency situations, to rural property should require the express advance permission of the rural land owner and/or operator .

**Method of Permission:** Advance written permission should be required, to avoid he said/she said situations. Clarity defined. Document should be standardized and readily available, at local RM office and on-line. Wording to provide Landowner/occupant full and absolute Waiver of Liability (ie. Entrance at own risk ). RM office has contact information for all landowners and in situations where landowner is not local and/or no contact information readily available, could forward request to same on behalf of party requesting entrance, providing privacy security to owner. In today's world, electronic and digital communications are the norm, providing for expediency and efficiency.

**Type of Rural Property:** All land being used for agricultural purposes (cultivation, fenced property and open pasture land) should be treated the same.

**Impact of Change:** Making consent an express prerequisite in all circumstances is not an unreasonable impediment to recreational activities. Just as licenses are required for hunting, snowmobiling, fishing, etc, obtaining permission to enter upon private lands should be just another step in the process of undertaking these types of activities.

**Comments:**

As an agricultural producer and landowner, it is my sincere desire that express written permission be obtained by any party wishing to enter upon my lands for any reason whatsoever, excluding emergency service personnel in emergency situations, and that such permission include a full and unconditional waiver of liability (entrance at own risk).

I am deeply concerned at the lack of respect for landowner's private property rights, particularly by recreational users (i.e hunters, snowmobile and ATV users). Over the years, we have had gates left open by hunters and other trespassers, and even when we installed locks to prevent access, intruders simply cut the wires to gain access. We use grain bags in the fields for grain storage, and it is a concern that these may be damaged by snowmobile and ATV riders. Hay bales have been vandalized in field. These are losses that we have to absorb as the culprits are long gone. Even when intruders are spotted, we are hesitant to approach them for our own personal safety. We don't know whom we are going to be dealing with and particularly during hunting season, the trespassers are likely carrying firearms, so we do not want to inflame those parties.

Urban residents are not required to post their properties and would be outraged if passersby were to casually walk thru their backyards without regard to the homeowner's private property rights, whereas, in rural areas, the perception is that it is acceptable to enter upon private lands without permission from the owner and/or occupant. Lands should not have to be posted. The onus should be on the entrant to obtain permission.

In addition, the increasing needs of bio-security and prevention of spread of invasive species must be addressed.

Changes to trespass legislation is long overdue. As landowners and producers, we have invested many dollars to purchase our lands and we ought to have control over whom has access to our lands. Permission to enter ought to be a requirement, not an option. Legislation regulating trespass should be clear and consistent respecting all manners and forms of entry. Having differing access and posting rules for different activities only creates confusion for all parties involved.

Please give this matter serious consideration. The issue of trespass unto private rural property is of great significance and importance to the landowners and occupants.

Thank you.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Related Legislation - Survey  
**Date:** Thursday, September 20, 2018 1:32:55 PM

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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, but there should be rules for responsible people to follow.

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?

Fenced land should be different. I am almost fifty years old and I have always hunted, on my own property and others. In my youth I remember the land owners that allowed you to access their property on foot left their gates open, otherwise you didn't enter. You would never open a closed gate, regardless if there was no sign posted. All other land was accessible unless posted otherwise. There was also a degree of common sense with buildings, crops and livestock.

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

Yes. There should be some responsibility for the land owner to post signs, not a lot of signs, but at least at access points and/or corners of the property.

Q. How should permission be sought and granted?

Directly to the owner of the land and if you get to the entrance of their lane to ask permission and it says "no trespassing or hunting", then you leave. As a previous land owner I wouldn't have wanted my RM office handing out my contact information to anybody.

Additionally;

We could do a better job of educating the public on this topic without penalizing the people that are following the rules. I understand the frustration of the land owners because I used to be one of them, but we need to focus on the real issue. That this is happening because of people that will not follow any rules existing or ones that are changed.

Thank you,  
[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Related Legislation  
**Date:** Sunday, September 30, 2018 1:49:44 AM

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Dear Ministry of Justice,

The Mallard Wildlife Federation is sending our comments as a group. Thank you for taking the time to ask our opinions.

Questions

1. 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 you should not require the express advance permission
2. 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 keep it the same as it now.
3. How should permission be sought and granted? Verbal permission should be good enough.
4. Would making consent an express prerequisite in all circumstances represent an unreasonable impediment to recreational activities? Yes you will see a decline in recreational activities.

Thank you

[REDACTED]

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Cc:** [REDACTED]  
**Subject:** Review of Trespass Related Legislation  
**Date:** Friday, September 28, 2018 7:27:46 PM

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FAO Ministry of Justice Legislative Services Branch

Thank you for the opportunity submit input on the Justice Ministry review of trespass legislation in Saskatchewan.

I am a rural land owner. My residence is located on my rural property and I am also a long time (my entire life) game bird and big game hunter. My responses to the questions listed below are based on these experiences.

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. No. I would be the last person to fail to recognize the land owners right to deny or grant access. However, given the dramatic change in Rural population over the last fifty years, this all encompassing requirement would prove to be extremely difficult to comply with. Large corporate farms, absentee land owners and land owners that leave the country, once harvest is complete, are the norm now compared to times past when occupied farmyards seemed to be located upon every half section. R.M. maps are seldom up to date, and when showing lands owned by a named corporation, fail to indicate headquarters or a location where permission to access can be requested. More and more land lines are being replaced by cellular phones whose numbers are not listed in any directory that I know of. Compliance with the requirement of express advance permission could well prove to be an exercise in futility. I believe that the current system of posting land (No Trespass, No Hunting, Access on Foot Only, Hunting with Permission Only etc.) has served the land owner and our public resources (Wildlife) very well. If the land owner doesn't want anyone on certain lands, post it. Legislation exists to combat failure to comply with a land owners posted intent. Additional trespass legislation will do nothing to combat or prevent rural crime (property or personal protection) as those who enter rural property with criminal intent are not deterred by current trespass legislation.

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?

A. I believe that there should be a distinction made between cultivated land, fenced property and open pasture land. For example, Crown lands are often leased for grazing and haying. Once these agricultural interests have been annually completed, I believe that people should be able to pursue legitimate recreational activities (Hunting, Photography, Hiking etc.) during the Fall and Winter.

Q. How should permission be sought and granted?

A. There no longer exists a reliable and effective ability to contact rural land owners. As I have

commented in answer to the first question, the process of requesting permission to access is extremely difficult given long distances between occupied farm yards, large corporate farms and absentee land owners. Without a system in place to contact land owners and lessees, how can permission to access be sought?

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

A. Yes. Hunters would be the group most severely impacted detrimentally as would all nature enthusiasts (bird watchers, wildlife and nature photographers, falconers, berry pickers, hikers and the like). All would be restricted to roadways, unable to pursue their legitimate activities under fear of prosecution for not having express access consent, consent that is extremely difficult to obtain due to reasons I've expressed.

Hunting contributes hundreds of millions of dollars to our provincial economy. It's also a cost effective wildlife management tool to keep numbers in check, which reduces detrimental impact on agricultural pursuits. As the majority of hunters reside in Urban locals, a change to access law as proposed in the first question, given the extreme difficulty in contacting rural land owners/lessees, has the potential to reduce hunter numbers significantly and set up a rural/urban social and political divide. I believe that the current system of posting land is still the best solution. Perhaps some method of restricting vehicle access as well, would combat vehicle abuse on agricultural lands. Rural crime involving theft and vandalism is seldom perpetrated by people on foot.

It also seems to me that the significance of biosecurity mentioned in the Review document is a stretch. Farm machinery transfers soil from field to field, wildlife such as Deer, Moose, Coyotes etc. and the millions of Waterfowl that access agricultural land consistently day and night as well as the wind, to me, pose a far more significant risk than say an upland bird hunter strolling through a stubble field in pursuit of a flock of Hungarian Partridge. I also take issue with the statement that an all encompassing trespass legislation would not impact the Aboriginal hunting situation. Does this mean that this proposed legislation would only apply to me, a non native hunter? That smacks of discrimination to me.

I do not believe that enhancing current trespass law will solve the two main points (rural crime and vehicle abuse on privately owned land) that lobby groups have for pressuring government for change. There has to be a better way.

Sincerely,

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Sent from [Mail](#) for Windows 10

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Related Legislation  
**Date:** Wednesday, October 03, 2018 10:12:25 AM  
**Attachments:** [REDACTED]

---

Good morning,

My apologies for the late entry, but I have a constituent, [REDACTED], who wanted to take part of this but was having trouble filling it out.

So here are his answers to the questions you have posted about trespassing.

Thank you kindly,

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Related Legislation  
**Date:** Thursday, September 20, 2018 7:48:20 AM

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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. No. Oftentimes the land owner is not available, lives somewhere nowhere near the land requiring access, or is "leased crown land" where the accesser cannot find the leasee. Also, determining whom owns/leases the land can be both difficult and expensive to ascertain. RM maps are pricey, not always up to date, and do not give contact information for land plots.

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?

A. Yes. Cultivated land. meaning Seeded crop should be off limits to public traffic. However, Fields that are fallowed or not currently planted with crop that are not signed should be available for public use. The same holds true for open pasture. With that being said however. Proper gate etiquette must be followed. When travelling through open pasture, if you must go through a drop gate, it must be returned to the way it was found immediately after passage.

Q. How should permission be sought and granted?

A. If a landowner wishes to require permission for access. The landowner should be required to place signage at reasonable access points, and the corners of the land in question. Signage should include their full name, Phone number, and land location of the area marked.

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

A. Yes. As an avid hunter and outdoor enthusiast, I believe that requiring consent in all cases would be detrimental to the use of our outdoor and backcountry resources.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass related Legislation  
**Date:** Wednesday, September 19, 2018 8:09:57 PM

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To whom it may concern,

I have hunted in Saskatchewan every year now for the past 30 years. Access to private property under current trespass law makes the experience practical.

I have the highest respect for landowners and obey their wishes.

Securing express permission on land that is unposted is not at all practical. Finding out who the landowner is in order to seek permission is difficult at best. It can be next to impossible to obtain permission from a numbered company that might own large tracts of land - how does one find out this information?

Hunting brings in significant revenue dollars for the province and its many ancillary supporting businesses - I see the proposed changes as having a serious negative effect on this revenue stream.

Changes to trespass law in SK that would require express permission will influence my future decision to hunt in the province.

There must be alternative options to deal with the concerns of a limited number landowners without destroying hunting opportunities in the province.

Sincerely,

[REDACTED]

Sent from my iPad

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Related Legislation Questionnaire  
**Date:** Thursday, September 13, 2018 9:27:24 PM

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Hi,

Below are my answers to the questions within the questionnaire described in the subject line:

***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?***

I feel that the current state of the access laws in Saskatchewan are where they should be, with one exception. I believe that access to un-posted land for hunting should be for foot traffic only. If you wish to take a vehicle or ATV onto the land for any reason, such as retrieving game, then permission should be required. Otherwise, game would should be retrieved by dragging, wagon, or other means. This will allow hunters access to land without needing to track down permission from several land owners, which is time consuming and costly. Also, if hunters are limited to foot access only, much less land is likely to be posted, which aids in the ability for outdoorsman to enjoy their activities, while keeping damaging vehicles off private land.

Snowmobile laws should remain as they are. There is minimal to no risk to pasture and crop land when snowmobiles cross. Current ATV laws should remain as they are as well. Permission should be required for ATVs on private land at all times, weather it be for recreational riding or retrieving game, based on their ability to damage land and crops.

***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, it should all be treated the same.

***How should permission be sought and granted?***

No change. By phone, email, or written.

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

For snowmobiles, I think it would. It would be extremely time consuming to get permission from every land owner to cross their land in the winter when there's minimal to no risk when the ground is frozen and snow covered.

Hunting is already becoming difficult in the south due to land being held up by outfitters and other hunters for "sole usage". If permission was required for all private land it would be very difficult for myself to find the time to find places for me and my kids to go if I had to track down every land owner for permission. As previously stated, if it were changed to foot access only with no permission and permission required for vehicle access, it would allow for hunters to enjoy their sport and land owners the ability to keep damaging vehicles out without the need to put up and maintain large numbers of signs.

Thank you for allowing the ability for sportsman to respond on this issue.



**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Related Legislation questionnaire  
**Date:** Friday, September 21, 2018 2:02:50 PM

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Hello, I'd like to provide some feedback on this subject. I am an avid snowmobiler as well as someone who occasionally rides ATV's. My family also owns farmland so I think I can provide some insight not just from the recreational side but as well as an active farming family.

For your question 1 regarding "should all access by members of the public to rural property require advanced permission?".

In my opinion, you should not need to ask for advance permission unless the land is specifically posted for no trespassing. For me, I automatically stay off of anyone's land that is posted for no trespassing. I guess if I really wanted to go onto that land for some reason, the obvious thing to do would be to contact the owner. As for being a landowner, I would feel violated if someone was on my land and it was posted as no trespassing. I would like to propose though that for most of the public, they wouldn't have a clue to find out who owns land if they did want to seek permission. The land title registry is a complex thing to find who the owners are for land. Even by our farm it is difficult to figure out an easy way to search ownership. Posting signs on your land for no hunting or trespassing is not a complicated thing to do if you want to make it clear that you do not want people on your land. I see no reason why you would make it mandatory to ask if the land is not posted.

For your question 2 regarding, "**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?**". I do not believe cultivated land should be treated the same as fenced property. In the case of fenced property, there is a specific reason why some doesn't want access available to the land, such as animal grazing or potentially a safety concern on the property. This land in my opinion should be considered as posted land if it is fenced with closed gates. If the gates are open and there is no posted signage, I would consider it not requiring permission. As for the cultivated part of the question, I think the person who asked this or raised this question needs to learn about agronomy and invasive disease. The amount of carry of something like club root from an ATV would likely not be measurable. Airborne conveyance of this disease will way outweigh any transference by something like an ATV. If this was the case, you would have to put up fences to keep the moose and deer out of the land as they would track in more than an ATV. Then you better put a net overtop to keep the birds from bringing it. This is silly and likely thought of by someone who has no experience in this field.

For your question 3 regarding "**How should permission be sought and granted?**". If you are going to require permission, then again, you need an easy way to allow the public to find out who owns land so they can figure out who to contact. I think permission should be some type of standard form to fill out and both sides sign otherwise there could be lying involved at a later time by one of the parties unless it contains the names and signatures. Also a good place on a standard form to state that the owner is not responsible for any injuries or equipment damage to the person on their land. If both sides have a copy by paper or email, then it is handled.

For your question 4 regarding "**Q. Would making consent an express prerequisite in all**

**circumstances represent an unreasonable impediment to recreational activities?”** I think having to get consent for non-posted land would be silly and would be an unreasonable impediment to recreational activities. For posted land or fenced land, I think this would not be unreasonable to force people to seek permission.

One last comment. I think it is a joke that the government is being vague about the Treaty hunting and fishing rights. If land is posted as no hunting or no trespassing, then it is simple. No means No for everyone...not just a select group. Make it clear to all!

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Related Legislation Quiestionnaire  
**Date:** Monday, September 17, 2018 2:25:33 PM  
**Attachments:** [REDACTED]

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Please see the attached document.

Thanks, sincerely [REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Related Legislation Response  
**Date:** Thursday, September 20, 2018 10:37:43 AM

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#### Advance Permission

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, the landowner needs to know who wants access and for what purpose. The land owner can then determine if the access will/can cause potential short term or long term damage to property & land, mitigate any risk to the person requesting access (inform of any dangers that may be encountered) and have a record of people who have access if damage does occur or if someone gets hurt or lost.

#### Type of Rural Property

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?

A. No, all Agricultural land should be treated the same.

#### Method of Permission

Q. How should permission be sought and granted?

A. The land owner will need to be contacted and a legal document (which should be available on the SK Gov website) will need to be signed and dated by the land owner and person requesting permission. This document should also state the reason for access and duration of access.

#### Impact of Change

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

A. No, Recreational activities are a privilege. It will make people respect that just because you purchase recreational items such as 4x4's, atv's, snow mobiles, firearms ect. doesn't mean you have the right to go anywhere you want.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Related Legislation Submission  
**Date:** Thursday, September 20, 2018 1:13:23 PM

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Good Afternoon,

Thank you for the opportunity to participate in this important discussion and review. Many things have changed over the years even since I started farming in 2002. I also commend the GOS and the Ministry of Justice for asking these questions and wanting to improve the existing legislation.

Advance Permission Q:

Yes regardless of the activity advance permission should be required. The question refers specifically to members of the public, however the question should also apply to public entities such as RM's and Crown Corporations. There are several instances where Crowns (i.e. SaskPower) have started work without notifying the land owner. From a bio-security stand point this is quite concerning. When notice isn't provided, questions about previous work locations and sanitizing of work equipment arise. Protection of farmland, cattle and grain production is important as they are an important economic driver in Saskatchewan. Unauthorized trespassing and irresponsible recreational use of land can spread disease or destroy seeded acreage. Finally, advance permission protects hunters and other recreational land users from potential hazards or obstructions that can cause injury.

Type of Rural Property Q:

All land used for agricultural purposes should be treated the same. Real property owners in cities do not have diminished rights if their property is not fenced, the same logic should apply to agricultural land.

Landowners may exercise a certain degree of control over land access by posting "no trespassing" or "no hunting/no snowmobiling" signs, however this puts the onus entirely on the landowner. Landowners must post all corners and all potential entrances to their property to restrict access, not only is this unfair it's impracticable.

Saskatchewan offers some of the best wide open spaces for recreational users to enjoy. Changes to land use regulation are not a ploy to stop recreational use, but there needs to be a better balance between the rights and obligations of landowners and the rights and obligations of those using or crossing land. Neighbouring jurisdictions have changed legislation around landowners' liability with respect to visitors and Saskatchewan needs to do the same. Landowners maintain the land and pay taxes, they should not also be liable for the actions and/or injuries of persons on their property without permission. Entering land without permission is trespassing whether you are on rural or urban property.

Method of permission Q:

Some recreational users have asked me for permission and have been able to locate me through other members of my community. Ideally, contact information would be accessible online. Perhaps contact phone numbers could be posted on RM maps.

Impact of Change Q:

There may be an impediment to recreational users, but the reward is worth the risk. An impaired driver does not have the ability to sue the government for injuries they suffer on a government owned road/highway, why should an irresponsible user have the ability to sue me for unauthorized use of my land? The shift of liability from the owner to the user will change attitudes for users and would result in a greater level of respect and responsibility. When a user is entirely responsible for the consequences of his/her use of my land, they are more likely to use caution to avoid injury or damage.

Final Comments

I note that this survey was not user friendly. Most surveys have a submit button and a "one stop shop" for answering. I had to use the link, print off the documents and prepare an email. A link with spots for the answers and a submit button would have been a better approach.

Kind Regards

[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of trespass related legislation survey  
**Date:** Sunday, September 16, 2018 11:15:27 AM

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Please accept the following recommendations/comments on the following survey questions:

#### Advance Permission

1. 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, written advance permission should be required from the rural land owner prior to any members of the public accessing privately held farm land. As a rural landowner (farmer), I have granted access to our land for the purposes of hunting and recreational activity. Individuals come to our home to request permission to access our farm land. When they do this, I can advise them where some dangers exist (i.e. drainage ditches, holes, wet areas etc) so that they do not come in contact with these and incur injury. I can advise hunters where our cattle are and restrict access to those areas.

By receiving written permission, the member of the public can prove that they have permission should they be questioned by any law officer, including conservation officers. I would also recommend that should this legislation pass with these changes, law enforcement officers be encouraged to request to see these permission slips of any one they see on rural land. With the increase in crime in rural areas, this could act as a deterrent.

Nothing is perfect and there will be opportunity for unscrupulous individuals to reproduce these permission slips. In my experience, most members of the public want to do things right and have permission so I am confident that there will be limited misuse of this mechanism.

#### Type of Rural Property

1. 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?

There should not be a distinction and all land being used for agricultural purposes must be treated the same. Some of the issues we have today are related to the differences that are allowed for in current legislation.

#### Method of Permission

1. How should permission be sought and granted?

The person or persons who wish to access private agricultural land for any purpose should

be required to speak directly to the current landowner to receive written permission prior to accessing the land. In the case of rented/leased land, the person/persons should speak directly to the renter/leaser only if the land owner and renter/leaser have entered into an agreement/understanding that the renter/leaser can grant permission to access.

This will be complicated and more time consuming for some members of the public as it not generally known outside of the community who has rented/leased the land. The public should be encouraged to contact the local rural municipality office to determine who owns the land and first make contact with the land owner. That way the landowner can advise the public who will be granting the permission to access. If contact cannot be made with the landowner, then the public has not been granted access to the land.

As an alternative, landowners can advise the local RM as to who can grant permission to access their land so that the public can be directed to that individual.

### Impact of Change

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

No, this is not an unreasonable impediment to any recreational activity. It is meant to provide safety for both the public and landowner. It will require pre-planning on the part of the public to gain permission. This is not unreasonable as many of the public pre-plan other recreational activities months in advance (i.e booking camping spots).

I would also recommend that the RMs (SARM) design and have available permission slips that the landowner can pick up. That way the slips will be consistent and easy to understand and available for completion.

Thank you for the opportunity to comment. I may be reached at the following should you have any questions:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Related Legislation  
**Date:** Wednesday, September 19, 2018 1:53:37 PM

---

Hello

107841-Consultation Paper on Trespass to Property - August 7 2018

I have reviewed this document and have provided my response to the questions it poses below.

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. No

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?

A. No, all land being used for agricultural purposes be treated the same

Q. How should permission be sought and granted?

A. No change to the existing request for permission procedures is needed.

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

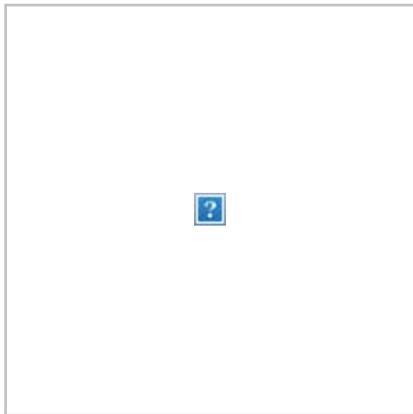
A. Yes

Please add these comments to your discussion regarding proposed changes to Trespass Related Legislation.

Sincerely,

[REDACTED]





Try it free today

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of trespass related legislation  
**Date:** Friday, September 14, 2018 1:53:39 PM

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My opinion is that the laws should be changed so that everyone regardless of race creed or color must have permission from the land owner or land renter to enter the land.

It should not make any difference between private land or crown lease land because someone is renting and paying to use this land. The owner or renter is paying taxes and are responsible for what happens on this land. With all the invasion of farm yards and property lately the laws definitely have to be changed to protect the land owners. I come from a farming background and feel that no one has the right to trespass. I live in the city now and feel that no one should be running all over my lot in the city so why should they be able to in the country?

Thank you [REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Related Legislation  
**Date:** Wednesday, September 19, 2018 10:49:04 AM

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107841-Consultation Paper on Trespass to Property - August 7 2018

I have reviewed this document and have provided my response to the questions it poses below.

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. No

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?

A. No, all land being used for agricultural purposes be treated the same

Q. How should permission be sought and granted?

A. No change to the existing request for permission procedures is needed.

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

A. Yes

Please add these comments to your discussion regarding proposed changes to Trespass Related Legislation.

Sincerely,

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Related Legislation  
**Date:** Wednesday, September 19, 2018 10:20:20 AM

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107841-Consultation Paper on Trespass to Property - August 7 2018

I have reviewed this document and have provided my response to the questions it poses below.

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. No

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?

A. No, all land being used for agricultural purposes be treated the same

Q. How should permission be sought and granted?

A. No change to the existing request for permission procedures is needed.

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

A. Yes

Please add these comments to your discussion regarding proposed changes to Trespass Related Legislation.

Sincerely,

[REDACTED]  
[REDACTED]  
[REDACTED]

■

Send email to - [LSBQuestionnaire@gov.sk.ca](mailto:LSBQuestionnaire@gov.sk.ca)  
Attn: Review of Trespass Related Legislation

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Related Legislation  
**Date:** Tuesday, September 18, 2018 8:04:27 PM  
**Attachments:** [REDACTED]

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Please see attached response to this questionnaire.

Thank you for the opportunity to participate.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Related Legislation  
**Date:** Tuesday, September 18, 2018 6:46:32 PM

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Thank you for this opportunity I have put my answers under the questions:

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. Advance permission should be in writing from the rural land owner. As seen in the hunting season, too many people ignore signs posted, or snowmobilers, or atv's riders, etc. They don't care if they are driving on your crop or pointing a rifle at a buck, but your kitchen window is on the other side of that buck. They tear up fields, they leave gates down and cattle get out, and in some cases they hunt illegally and leave the carcass in your field. You can NOT "police" these people on your own. They don't listen, then think they have a "right to be there"...although they do not appear on the title nor do they pay the taxes on the land. There also is no one to call that will come when all this is happening. It is a menial call to many services and that has to change. Protection should be available to everyone in this province.

Q. How should permission be sought and granted?

I think anyone wanting permission to access a certain parcel of land should do so at the RM office or ISC office. The landowner would be contacted by that office only, protecting their privacy and the landowner would have to electronically sign a form giving permission to that particular person to be on their land, for a certain period of time. for a certain activity. The who, when, and why should be up to the landowner. The recipient of this permission must electronically sign that they understand the limitations of this permission and that if they violate any part of this permission they will be reported and fined.

This could all be done through an app for land permission through ISC. or the RM office.

All of the above should be policed by the Conservation Officers. If there is a problem, they should be called and they should be the ones to remove the offender and fine them. NOT the property owner. Nor do we need to overwhelm RCMP with this issue.

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 not be any distinction between any types of land. You should be required to gain written permission to be on for ALL land in Saskatchewan.

Too many take advantage of the words "Crown Land"...meaning that they are a Saskatchewanian and therefore they own these and have the right to be on them. However they do not hold the "lease" for this crown land, nor have they pay the taxes on the Crown land, nor have they cared for or improved this Crown Land. ...they should have written permission to be on it.

Many people who have cabins on Crown Leased Land and pay a lease for that land, (Regional Parks) put up with people showing up on their dock, their boat lift, their front lawn because people think they have the right to be there....because it is Crown Land. This attitude needs to change and the only way to change this is to change the laws and enforce them.

Q. How should permission be sought and granted?

I have answered this question above. Written permission should be gained through the RM office or ISC....the only contact with the owner of the land, will be from that office. Protecting the landowners privacy as well as bringing a consistent process across the province. whether a hunter, a snowmobiler, an atv enthusiast, or anyone else.

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

No, too many abuse lands with snowmobiles and ATV's in areas that are not meant for this purpose. There should be "designated trails" for snowmobiling and atv's in the province provided by the private sector - such as those provided at facilities such as Elk Ridge, or Madge Lake, or others.....this is what is done in other provinces - BC - Revelstoke ...in some areas old rail line areas have become ATV pathways.

We need to protect the lands and prevent others from damaging them. However, Saskatchewan has been *behind* in this process for many many years, trying to give too many people their historic freedom they have always had to go wherever they wanted. But our society has changed, we can no longer "trust" everyone that shows up at our doors, or in our yards, or on our roads, or our land.

Those laws are no longer working. It is time to move forward and give the rights to the people who own that particular property. who work that land and pay the taxes for that land.

Just think.....If this was an urban problem, would you allow a stranger to drive on anyone's front lawn, go in their back yard, or look around in their shed.....No you would not..... why are you allowing this in a rural setting? Time for change.

Thank you .

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Related Legislation  
**Date:** Tuesday, September 18, 2018 5:51:30 PM

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Hello,

In response to the review of this legislation, please accept my comment for consideration.

Please consider that contact with the property owner and/or renter is very different in rural Saskatchewan versus the urban setting of developed land. Most a acreage is not occupied where an individual can seek consent from the owner or renter of a property. In some circumstances the owner or renter could be many kilometres away from the property and not easily identified or accessible to grant permission.

Therefore be it resolved that should the province move in a direction where advanced permission is required to access the property the land(s); that land should be posted with a legible and current contact name, phone and physical address to provide such consent.

This provision could be waived, provided that the land owner is physically residing on the property.

Thank you,

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Cc:** [REDACTED]  
**Subject:** Review of Trespass Related Legislation  
**Date:** Tuesday, September 18, 2018 1:00:45 PM

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To whom it may concern;

As a farmer in rural Saskatchewan I regard the land that I farm, leased land and land that I own, as my families livelihood. In other words if the land that I farm becomes compromised in some way it would have a devastating impact on my family's ability to earn an income. It is my feeling that people, be they hunters, snowmobile/ATV enthusiasts, tourists or Saskatchewan citizens, have very little understanding or respect for this simple fact. I truly believe that the law **as it is written today** has not only caused this lack of respect but is encouraging it.

Until a few years ago I regarded the influx of hunters and other tourists as a good thing and would happily have given my permission for these tourists to enjoy the land as I felt that it was good for our local economy. We had two simple requests; first and foremost was that they (the tourist) treat the land with respect (pick up garbage, don't rut up the land etc.) Second was that the tourist inform me of when they were done with their activity so when the next person called I would be able to give them permission. These two conditions were more often than not, not met. I found myself refereeing disputes between people over who had use of the land coupled with the fact that garbage was being found more and more I decided that no one would have access to my land for any purpose.

After this decision was made I posted, as per the regulations, my land. This was 2 years ago. After finding signs torn out of the ground, signs filled full of bullet holes, or animal guts left right beside signs I began to feel more and more frustrated. Since then I have had several verbal altercations with tourists I have found on my land without permission.

Recently, bio security (i.e. clubroot) has become a huge concern, again I will mention the ability for my family to make a living is tied directly to the viability of the land that we farm. Another issue is liability. I am concerned with the fact that someone can go around tear out signs go on my land (without permission) hurt themselves, or others, and still sue me.

I do not paint all people looking to use my land with the same brush. There are good respectful people and organisations who respect land owners wishes. In fact I would hold up the Saskatchewan Snowmobile Association and its members as an example of this.

Please find my input on the questionnaire regarding the 'Trespass Legislation Review'.

**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. As a land owner I would not consider using land, that I did not own or have a lease agreement for, for anything without permission. If I was planting a garden I would not plant it in**

the neighbor's yard without permission so why would a hunter or atv enthusiast feel they should not have to obtain express permission from owner or lessee to access land? Also without express permission given and received when there is a dispute between parties wishing to use the land in question how is it resolved?

**Q. How should permission be sought and granted?**

Permission should be sought verbally either via phone or in person and given in writing. If an enthusiast wishes land access *that badly* it is not an inconvenience to track down the legal occupier of the land. Every RM office in Saskatchewan has updated maps of who the registered land owner is and if more research is required to find an absentee land owner I would argue that it is the responsibility of the person wishing to use the land to find them.

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

No. It would however force recreational enthusiast to treat the land, and the people who have the privilege of making mortgage or lease payment on it, with a bit more respect. Again land represents the ability for my family and I to make a living and the law should reflect the fact that this right supersedes the right of a recreational enthusiast to access land without permission.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Related Legislation  
**Date:** Tuesday, September 18, 2018 10:28:06 AM

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I am writing with regard to the current review of trespass legislation in Saskatchewan. Along with my family, we own a number of parcels of land that we occupy with our home and land that is located remotely that we rent to a local livestock owner for grazing. During the last decade we have seen a significant increase in actions that demonstrate a lack of respect for the land and for our rights as landowners. With the increase in All Terrain Vehicle (ATV) and snowmobile use, the abuse has escalated to a point where we are giving serious consideration (at a significant cost to us) to fencing land that we have in cultivation, in order to restrict access to the land.

Unfortunately, the provisions of the ATV Act that require landowner consent prior to entry onto private land, don't appear to be respected by some and there is a very apparent lack of enforcement. Consideration needs to be given to an amendment to the ATV Act to require All Terrain Vehicles to be registered and the registration prominently displayed.

The Snowmobile Act is antiquated legislation and doesn't reflect the current prevalence of snowmobile activity and places the onus on the landowner to post the land to restrict access. The onus should be on the operator of the snowmobile to obtain written permission for access prior to entry onto the land. We regularly have snowmobiles that cross land that we have seeded to alfalfa and impede growth the following year. We have snowmobiles that travel across our land next to our yard rather than at the far end of the field where they would be of less consequence.

The Wildlife Act and The Migratory Birds Convention Act have provisions that require hunters to obtain consent for access to land only where the land is posted or within 500 metres of an occupied dwelling or stockade. These pieces of legislation again place the onus on the landowner to post the land to restrict access. The duty should be placed on the hunter to be diligent enough to pursue consent prior to entering onto the land and not on the landowner to post the land. Amending these Acts and Regulations to reflect this requirement would better align with our neighbouring provinces and would still allow hunter access with permission.

Consideration for liability must also be built into this discussion. With implied consent, as landowners we could find ourselves defending a liable action through no wrongdoing of our own.

We recognize that many landowners concerns are generated by a minority of people and the requirement and provision for individuals to obtain consent prior to entering onto the land prior to accessing is the most appropriate course going forward. If there is a mechanism that could allow access by individuals for passive activities (ie. bird watching, hiking etc.) that didn't negatively impact our rights as landowners by providing separation distances from a residence, yard site etc., I would encourage consideration of this type of concept. Unfortunately, many landowners experience with ATV's, snowmobiles and hunters continue to be quite negative and we would support a requirement for prior consent from landowners prior to conducting any of the activities on occupied (where a residence is located) or unoccupied private land.

Saskatchewan has a significant land base of Crown Resource, Crown Agriculture and Fish and Wildlife Development Fund (FWDF), Ducks Unlimited (DU), Nature Conservancy Canada (NCC) land where public access is permitted with special provisions including restrictions established in conjunction with the Saskatchewan Wildlife Federation. Discussions should involve the entities with oversight for these lands to determine how they could offset any changes to legislative amendments regarding access.

The underlying message should be the need to respect rural landowners rights in the same fashion as urban property and the intent of any change is not to prohibit access to private land but to ensure it is done with consent.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Related Legislation  
**Date:** Tuesday, September 18, 2018 8:25:09 AM

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Our comments on the following as land owners;

#### Advance Permission

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. Most definitely.

#### Type of Rural Property

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?

A. Treat all land the same.

#### Method of Permission

Q. How should permission be sought or granted?

A. In person with a copy of the vehicles licence plate and each hunters photo drivers licence.

#### Impact of Change

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

A. No.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Related Legislation  
**Date:** Sunday, September 16, 2018 9:04:36 AM

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I would exempt hunting from the legislation:

- How would you obtain permission from landowners, if you don't know who is the landowner?
- If First Nations are exempt for hunting privileges because of Treaty Rights, why should everyone else be treated differently?
- What would be considered acceptable permission from landowners? Would this have to be renewed yearly?
- Crown owned land allows hunting by foot, and why would private land be treated differently?

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Related Legislation  
**Date:** Saturday, September 15, 2018 5:15:14 PM

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My response follows:

1. All access by the public to rural property should require the express advance permission of the rural land owner regardless of activity.
2. This requirement should apply to cultivated land and fenced property. Open pasture land could be excluded as it is hard to differentiate from public land
3. Permission should be written or via video recording. Everyone carries a cell phone these days so permission could be granted via a cell phone recording of the owner giving his permission.
4. The well-being of the rural property( ie. Protection from disease, foreign pests, habitat destruction, etc) takes precedence over recreational activities so can't be considered an onerous impediment.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Related Legislation  
**Date:** Friday, September 14, 2018 10:48:58 PM

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I believe that the existing laws in regard to rural trespass are more than sufficient as they are.  
No changes are necessary.

thank you

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Related Legislation  
**Date:** Friday, September 14, 2018 2:50:52 PM

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Hello,

The acts expressed under this review were probably developed out of Hind Sight, taking and modifying the current to satisfy the few.

The issue is real and I do not see an easy portrayal.

However, if I drove my truck onto a lawn in the city so I could eat my lunch in the view of the Green Space Park across the street, I would be in trouble.

The simplest version of this and should instill cooperation is mandatory permission in person, phone, writing, mail, email, texting, faxing, etc. today.

All this can be done in an instant and from a great distance away.

There is no excuse not to be able to communicate, preferably ahead of the hunting season.

And yes communication has always been the key to progress.

The size of farm operations is getting bigger and this will continue. To reflect a maximum or minimum size is short term view on this subject.

Our farm operation 55 km from point to point.

To expect all persons to try to be respectful, the request needs to be very simple and consistent across all.

**All hunters and explorers ( tourists ) should have to get permission to walk, ride, fish, hunt and camp, etc.**

This would appeal the liability suppliers and the hunt and fish farms.

[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Related Legislation  
**Date:** Friday, September 14, 2018 2:26:37 PM

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## 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?

Yes – access by members of the public to rural property should require the express advance permission of the rural land owner. I believe if the rural property does not belong to you, you have no right going onto that property for any reason other to seek help if you have an emergency situation.

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. The simple matter is that if the property does not belong to you, you have no right being there. All land being used for agricultural purposes should be treated the same. It doesn't matter if it is cultivated land, fenced property or open pasture land –if it doesn't belong to you, stay off it.

Q. How should permission be sought and granted?

If someone wishes to gain access to a property that does not belong to them then they should be required to go to the nearest town hall and what area they are asking to gain access to – perhaps showing the exact location on a map. The town can then determine if that property is in their area. If it is, the person requesting access to the property, must complete a request form indicating their intentions, which would then be forwarded to the property owner. This would ensure the property owner contact information remains confidential. If the property owner then then respond to the request by contacting the person who expressed the interest.

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

Why should a property owner be required to allow any kind of recreational access to strangers? If I own property why should anyone think they should be allowed to hunt, snowmobile, fishing, fruit picking, or any other kind of activity, on my land. This is my property. If anyone wants access to anyone's property they must get express written permission. I can't believe that this law doesn't already exist.

I cannot believe the rural property owners have not had this right all along. Property owners shouldn't have to post signs. Common sense should rule. If you don't own the property, you don't have the right to any kind of activity on the property without written permission of the owner.



**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Related Legislation  
**Date:** Friday, September 14, 2018 11:48:47 AM

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As a land owner in the [REDACTED] [REDACTED] I firmly believe that ALL person's wishing access to my land require verbal and written permission for whatever reason . More than once I've had altercations with hunters, people on quads and snowmobiles ( cutting fences ). RM maps have land owners names. Call the land owner to make arrangements. Thanks for the opportunity to voice our concerns .

[REDACTED]

From: [REDACTED]  
To: [LSBQuestionnaire JU](#)  
Subject: Review of Trespass Related Legislation  
Date: Friday, September 14, 2018 8:53:19 AM

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Please find my answers for the questionnaire that is on the provincial website.

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

Yes

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

All agriculture land should be treated the same

**Q. How should permission be sought and granted?**

Come to my house, knock on my door and ask. Phone, text, fb message, etc.

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

No, if you do not own property to do recreational activities, you need to ask permission. I would not just show up to your yard in the city and lead my cows around because it is fun.

Hope it was ok to answer this way, easier then mailing or scanning and e-mailing. It's too bad it is not an online survey, I know many more people who would participate if it was.

Thanks!

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Related Legislation  
**Date:** Thursday, September 13, 2018 11:50:40 PM

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I would like to preface my response with the fact that I am a rural land owner and reside on this land. These changes appear to be another knee jerk reaction to events that would infringe on our traditional freedoms as Canadians. I feel it is highly unlikely that these changes will have the outcome those proposing them hope to achieve.

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.** Our current system works very well in the vast majority of cases. It is not onerous on landowners that want to limit access to their land. Restrictions like this infringe on our traditional rights as Canadians to access lands and waters for the purpose of hunting fishing and other recreation. I do understand that there are some that abuse this right, but those who feel the use of their land are free to take the minimal effort to post their 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?

As there should not be a change to this legislation this should not matter.

Q. How should permission be sought and granted?

Permission should be sought by the lack of posting of the land. Contacting the correct landowner is a big part of the problem. It is nearly impossible to determine who owns the land and the land owned by people living close by and easy to contact is decreasing at an ever increasing rate. Today many land owners are not readily accessible. It makes far more sense to keep the requirement for posting land. To reduce the burden on the landowner, signs for posting could be made readily available at a reasonable cost to rural landowners.

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

Absolutely **YES.** The difficulty in determining who owns the land and the vast amount of land owned by absentee owners who do not make themselves easy to contact would make it very difficult to find land to undertake your recreational activity.

I would also like to make a general comment on the format of this consultation questionnaire. The text preceding and around the questions are biased to a pre-determined outcome. When reading this one gets the very strong feeling that you have already made up your minds and the questions are only being asked to pretend the public is being fairly consulted. If you want honest feedback about what should happen, it should not be prefaced with a sales job on what you feel the changes should be. I do not feel that this type of consultation is fair and highly expect that the you will proceed with the changes as you propose.

[REDACTED]  
[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Related Legislation  
**Date:** Thursday, September 13, 2018 7:12:49 PM

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Dear Sir or Madame,

My name is [REDACTED] and I operate a small cow calf operation north east of [REDACTED] Sask.

I am writing to you about the the question the Saskatchewan Provincial Govt has asked to rural landowners, about changing the legislation on access to rural lands.

As a land owner and cattle rancher I find this subject to be most upsetting. I have seen first hand the disrespectful and malicious nature of trespassing, and trespassers. Over the years I have had my fences cut, my gates left open, and my horses and cattle released or stolen. Wether it be hunters in the fall (indigenous or white), common thieves, or the general public out for sight seeing tours that cause the damages often remains a mystery. Since the incident at the Gerald Stanley's farm, I have begun locking all my main gates into my property, including my home residence! The aggravation of having to carry keys everywhere I go on my property is beyond words, but it is the only sure method I have to keep people out!! I have put No Trespassing or Hunting signs basically every 25 posts or so along my fence lines. My neighbours used to think I was nuts, but I have noticed as of late some are taking to locking their gates, and putting up no trespassing signs. I am not trying to look like some wacko out in the woods trying to fight civilization, I just want to be left the [REDACTED] alone!! Many rural residences and property owners in my area have the same sentiments of wishing to be left in peace. Most landowners are afraid of trespassers out of plain fear of bodily harm. Just look what is happening in Manitoba as of late. A landowner called police about a trespasser on his property. When police arrived on the property, the suspects opened fire on the police, seriously injuring one officer. This kind of activities by trespassers only adds to the fear and resentment of many landowners. I fear what the future of rural Sask will become if something doesn't change. The question I put to most people is, are we destined to forever be afraid of our fellow man?

When it comes to dealing with the idea of changing the trespassing legislation, it would be best to keep in mind that feelings and emotions are running very high in rural Saskatchewan. Many rural land owners will resist even the idea of other people crossing their property. With agriculture being an already stressful industry with all the financial and physical burdens, public relations is not often high on the priority list.

If the sign on the property reads No Trespassing, that is exactly what should happen, people should stay off. For land that is not posted no trespassing, the rules get hard to understand. For the public that shouldn't mean access to a property is granted, but in some cases it maybe hard to determine what is private land and what is public. I have talked with landowners who are beside provincial parks who fight this problem every year. Often people access private land with no fault of their own. Moose Mountain park north of Carlyle Sk is a prime example. People often come out to enjoy the countryside and a public park, only to find out that not a everything is accessible to them. A fence maybe down or a road may end at a park boundary but continues onto private property. Damages to fences, livestock, roads and other property can easily happen. The old saying, good fences make good neighbours, but only when the fence is there to see and a sign is there to read! If a landowner doesn't want the public or someone else having access to their land, the land must be documented to be off limits. This way there can be no mix ups or excuses when it comes to trespassing.

This all being said, I myself have an agreement with crossing another landowners property. The agreement has been built on cooperation and mutual respect for each other's property. I have to cross his land to get to my land, and he must cross my land to get to his land. We have an unwritten agreement between us, and it has worked to both our benefits so far. To try and do this with people that are unfamiliar with each other, would not be the best idea. If there ever was a conflict, it would boil down to who said what to whom, and what was ever agreed on.

It is my opinion that for people to have access to private property, that person must have written documented permission by the landowner to have access, cross, or occupy a property. The permission document should contain:

- a date of asked permission to access
- legal land description
- name of person or persons wishing to have access
- name of landowner or landowners

- addresses and phone number for both parties involved
- purpose of wanting access to property
- activities that can or can not happen on the property
- expiry date for the access document
- both parties MUST have a copy of the access document
- both parties MUST sign the access document

For people who may not know who the landowner of a certain property is, most municipalities offices often have the names of landowners, and an address in which they can be reached at. This way no one can use the excuse that they didn't know who to talk to about access. People who fail to receive permission or whom break an agreement should have penalties of some sort. Wether it be fines, revoked access documents, or reparations paid to the landowners is something that will have to be figured out.

When it comes to the rights of the landowners, the law becomes somewhat hard to understand. In my opinion, the land belongs to the landowner, and he or she should have first and final say on who or what can have access. The landowners after all are the ones who likely paid for the land, and it is their hard work that must be respected.

It is my hope that I have given some incite and advice on this subject. It is my hope that the Sask govt will do what is best for the landowners and their property. The Sask Party is by far the best at looking after the rights of landowners, and it is best to try and work together to solve this problem.

Sincerely,

A solid black rectangular box used to redact the signature of the sender.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Related Legislation  
**Date:** Thursday, September 13, 2018 2:54:54 PM

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In response to your request for comments and recommendations by members of the public.

**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?**

Emphatic, YES. As a landowner, and long time hunter, it is just common courtesy to respect private land owners.

**Q. How should permission be sought and granted?**

The best is to approach the landowner (or whomever may reside on the property) and talk to them. The local RM offices have easy to use maps that detail the owner of every quarter within the boundaries of the RM. I also think making the landowner email address available thru the RM offices is a good idea. This allows urban dwelling hunters, snowmobilers, or anyone else looking for access, to set up a time and place to meet, if necessary. That would be up to the landowner. It's really not that complicated.

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

It would require a little more planning and thought. I don't think that is an unreasonable request. It would avoid those individuals that think they can just hop into the truck and drive all over someone else's private land. When I am hunting on my family's land, I don't appreciate trucks or snowmobiles blowing past me and disturbing my hunt, on land that I have every right to occupy, and they show no respect towards me or the private land they are occupying.

Thanks for the opportunity to provide my input.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Related Legislation  
**Date:** Thursday, September 13, 2018 2:16:45 PM

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To Whom it May Concern:

I am writing in regards to the Review of Trespass Related Legislation questionnaire.

In regards to your question " **Should all access by members of the public tor rural property require express advance permission of the rural landowner regardless of the activity? "**

My answer to this question would be yes.

Our farm is located near [REDACTED]. One edge of our farmland borders the [REDACTED]. Where we live we have high numbers of people who come to our area to hunt, quad, snowmobile and enjoy many of the amazing recreational opportunities our province has. We grain farm as well as raise cattle and sheep. It doesn't matter how many "No Trespassing" signs we put up on our fences or our farm land people still feel that they are entitled to use our land. We have no trespassing signs on all our land and yet we still have people open gates and snowmobile through our pasture land or quad over fields that are posted. We have had people go into our pastures or come onto our home quarter to pick wild saskatoon berries without permission. People will go right by no trespassing signs and we can do nothing about it. We have had hunters go out into closed pastures that have proper signage on them to hunt. In the fall, during hunting season we won't even allow our kids to go our into the pasture to check cows in fear of the possibility of someone being out there hunting without permission. We can not take our horses out in the fall for fear someone will mistake them for a moose. Our kids play outside with orange toques and shirts on in the fall as we never know who may be on our posted land. For the most part when we ask people to leave our land they are respectful but there are always a few who feel the need they have every right to be on the land that we work incredibly hard for and pay taxes on. Both my husband and I also work off the farm so that we can make sure all our land payments and farm bills are paid. People in Urban areas would not like if I came and drove my quad across their front lawn or cut holes in their gates to get through them. We worry about what happens when someone who is snowmobiling through my posted land hits equipment that is buried under the snow. What about quads spreading diseases to our crops. Although farming isn't our only income it is an important income.

For your question " **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? "**

I do NOT feel there should be a distinction between land, I feel all agricultural land should be treated the same.

If we were to properly post our land, having a no trespassing sign every so many feet and on all corners and at every entrance we would have to have over a hundred no trespassing signs and we are just a small farm operation. If there is one law for all lands it would decrease confusion as to what land can be used and what land can not be used. Saskatchewan boasts some of the best snowmobile trails in the world. We have a trail a few miles from our house and yet people feel the need to snowmobile through our pastures, farm land and home quarter. I have had a group of snowmobilers actually snowmobile past the no snowmobiling sign in my yard and snowmobile through the yard of our home quarter by our house. We have tried putting no snowmobiling and no trespassing signs on our alfalfa and people still will snowmobile over top of it. I know farmers who have winter wheat planted and have had a sign every 10 feet, No snowmobiling, winter wheat and yet there ended up being snowmobile tracks all over that field. Even with our best efforts there will always be one or two people who will not respect other people's property.

For your question **"How should permission be sought and granted?"**

If a person would like to use your land for recreation or hunting I feel they should have to contact the landowners and obtain written permission.

Permission should be obtained by phone, mail or email and kept in a written form (hard copy). RMs will usually have a map of who owns what land. We have had people obtain our information this way. We have had many people come to our door and ask if they can hunt on our land or ask if we know of people who allow hunting and if we can provide their name and numbers. Perhaps there could be a website on the the government page or the hunter/trapper page of names and number of people who will allow hunting. There could be an interactive land map on a website that landowners can access and approve or decline permission for people to be on the land. There could perhaps be a predrafted agreement/form for permission that can be printed off of a website that people can just fill their personal information into. Both parties should have a copy of said agreement. Outfitters in the area can also be a great source of information. As to the recreational use of land that may be a little harder. As I have said there are alot of amazing quad and snowmobile trails throughout our province that all interconnect. People really do not need to come down farm roads and go through land.

For the question **"Would making consent and express prerequisite in all circumstances represent an unreasonable impediment to recreational activities?"**

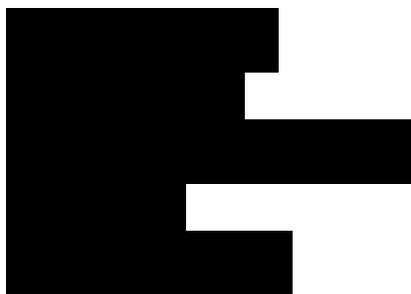
I feel that no matter what you should have permission to go onto someone's land for any

reason.

As I have previously stated the province has many amazing recreation trails for snowmobiles and quads. All of our land is posted and people will drive right beside the no trespassing / no snowmobiling sign through gates, our fields and our home quarter. I enjoy recreational activities as much as the next person and I am able to enjoy them without going onto landowners personal property. I have been snowmobiling and quadding for many years and not once have I gone on someone's land without permission from that person. As a landowner we quite often worry that someone may hit an unknown hassard, whether natural or equipment buried under the snow, while snowmobiling and be hurt. We would never want to see something happen to somebody on our land. I also worry about crime. Allowing people to snowmobile or quad through our land allows people quick access to assess what we have on our property.

I appreciate your time in this matter. We do worry about people being on our land. I would never be able to sit on the street with a gun by someone's house in town or the city. Yet in the country during hunting season that's what happens. I would also never be able to drive my snowmobile across a lawn in an urban area, but with the current standards it is okay for that to happen on my farm. My husband and I work incredibly hard for what property we do own. We pay taxes on the land. We buy insurance for everything we own. We shouldn't have to work this hard so that other people can enjoy our land.

Sincerely,

A large black rectangular redaction box covering the signature area of the letter.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Related Legislation  
**Date:** Thursday, September 13, 2018 12:49:17 PM

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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?**

A. There should be no distinction. All private land, whether it's used for agricultural purposes or not, is private land and any unauthorized use should be considered a criminal offence.

**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

**Q. How should permission be sought and granted?**

A. Either by hard copy (written) or digital (SMS message from the property owners registered mobile device to the requesting party's registered device providing name and date range)

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

A. Impediment of recreational activities is irrelevant and does not supersede protection private property.

**Q. Should owners of rural property have reasonable authority to protect their property and/or persons from trespass or threat?**

A. If the arrival of duly appointed law enforcement exceeds the owners perceived period for expectation of safety the owner may use any force necessary to ensure their safety or protection of property from threat.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Related Legislation  
**Date:** Wednesday, September 12, 2018 8:29:03 PM

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My comments:

1)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.

2)Permission should be in written form. It should be signed by both parties and a copy kept by both parties. All individuals covered by the permission should be listed in the permission. Permission should be sought by attending any on site inhabited residence by the most direct route from a main access point only or by phone, mail or email.

3)Requiring written permission will not stop use of rural land by members of the public, but will be a major step in curtailing rural crime and land abuses.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Related Legislation  
**Date:** Wednesday, September 12, 2018 1:32:21 PM

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**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. No, Many landowners are corporations or large landlords, who rent out their land to farmers. Lots do not even know what piece of land they own or are needing to give permission to. How would the average hunter, Sasktel, Saskpower, Gasline, SAMA or Weed inspector even know how to contact these individuals in a timely fashion?

**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?**

A. All land should be treated the same.

**Q. How should permission be sought and granted?**

A. It should not need to be however if it is, it needs to be clear who is giving the permission. The land owner? The renter? The tenant? The hired man? The acreage owner adjacent to the property? How would I as an individual contact the owner? Most RM maps now barely have any names that anyone would recognize. There are lots of numbered companies or large land owning companies. I have personal experience and connections with many large groups like: Max crop, HCI Ventures, Robert Anjelic, Bonfield, just to name a few and would be able to contact these groups, however the average citizen would not.

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

A. Yes, This area would get very grey and distorted. As a [REDACTED] who manages over 100,000 acres for local farmers. I see first hand how difficult this would become. My ethics allow me to make a conscious decision to enter or not enter the land due to the field being to wet, or standing crop, or cattle nearby. This is common sense and we do not need to create more laws around this. As for the spreading of diseases like clubroot etc, I feel that the people making these decisions are extremely uneducated here. Clubroot is a problem don't get me wrong however by having rules in place around land entry is not going to change the outcome of these crop diseases being spread. Sometimes the farmers and the landowners are their own worst enemy and are looking at some way of placing blame on so called "trespassers". Animals are our biggest risk of spreading this disease of club root by moving soil on their legs and bodies and this cannot be controlled. Wildlife is also one of our provinces biggest resources, please do not limit the opportunities for outdoor enthusiasts to appease a few noisy rural land owners that already have means of regulating property entrance, but choose not to.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Related Legislation  
**Date:** Wednesday, September 12, 2018 12:57:06 PM

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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. No the way the law is gives a good balance between owners and those that wish to use 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?

A. No the way the law is gives a good balance between owners and those that wish to use the land

Q. How should permission be sought and granted?

A. make maps more available with owners contact information

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

A. I think activates that where would make consent an express prerequisite would see a noticeable decline in participants.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Related Legislation  
**Date:** Wednesday, September 12, 2018 9:56:57 AM

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I would like to provide a comment to your questionnaire, in particular the following question:

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?

I believe that this would be an unnecessary overreach of the Legislation. As an amateur photographer, I travel rural Saskatchewan for the purposes of landscape photography. When I access rural property, I leave only footprints in my wake. Having grown up on a farm, I understand that one doesn't walk or drive into crops and that gates are to be kept closed to make sure livestock doesn't escape. I never enter land that has been posted "No Trespassing" unless I get permission from the landowner.

Being aware of the sensitivity of landowners nowadays, I've purchased RM maps and also tried to contact landowners before entering non-posted land. This is where the greatest problem lies. RM maps provide only names and not contact information, often making it impossible to find a phone number for the landowner because of unlisted numbers, etc.

Should the government decide to tighten up the Legislation to access un-posted private land I think RMs should simultaneously be required to list contact information for all landowners on their maps.

Thanks for the opportunity to provide my input.

[REDACTED]

From: [REDACTED]  
To: [LSBQuestionnaire JU](#)  
Subject: Review of Trespass Related Legislation  
Date: Wednesday, September 12, 2018 8:53:54 AM

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Hi

Here are my answers to your questions regarding trespassing on private land.

[REDACTED]

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.

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?

A. All land being used for agriculture should be treated the same.

Q.

How should permission be sought and granted?

A. You should get written permission from the land owner.

Sent from my Samsung Galaxy smartphone.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Related Legislation  
**Date:** Tuesday, September 11, 2018 9:50:47 PM

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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**

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? **There should be a distinction**

Q. How should permission be sought and granted? **In this age of unlisted cell phone numbers, getting permission is difficult. If permission is going to be required, contact information would have to be available from an RM office, and permission should be written, by text, or by email.**

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

Landowners can continue to post their land as "No Trespassing or Hunting". That is simpler than requiring express permission to access all land.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Related Legislation  
**Date:** Tuesday, September 11, 2018 9:49:30 PM

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Good day,  
My answers to the asked questions.

[REDACTED]

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?

My answer: NO.

I would suggest that any access to rural land that is growing an active crop, access to fenced land containing livestock, or any type of vehicular access to rural property, except to retrieve big game, require the express advance permission of the rural land owner. Access by foot to land where the crop is already harvested, or to empty pastures where there are no livestock does not damage the property and should not require express advance permission of the rural land owner. Direct access to recover big game should not require express permission either.

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?

My answer: There should be a distinction between the types of land and there should also be a distinction between vehicular (car, truck, ATV or snowmobile) and foot access as demonstrated in my above answer.

Q. How should permission be sought and granted?

My answer: Permission would have to be granted in writing, or else via a printed email – how else can the person who has received access demonstrate to an officer that they had permission? I have been involved in a couple challenging situations where I had the owner's permission but could not demonstrate that to the land-owner's neighbour or the land-owner's hired help. Cell phone coverage is sometimes absent making it difficult to phone the land owner to confirm I had permission.

Having email addresses in RM offices is one thing, but I can foresee landowners being inundated with emailed requests. I would be surprised if current "privacy legislation" would permit the listing in RM offices. And I can foresee landowners simply not responding and deleting the incoming email requests. I can appreciate

that landowners don't get a lot of benefit from giving access permission. I would not support a system where landowners can charge a fee for access. I have often mused that landowners should be denied compensation for wildlife damage if they have prohibited access for hunters.

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

My answer: Making consent an express prerequisite represents an impediment.

I have always sought to obtain permission from landowners. It is becoming increasingly difficult to find the landowner of a particular property. RM maps indicate the owners, but when the owner is a numbered company, or another corporate name it is impossible to find the telephone number of the owner. In those cases where the RM map lists an owner's name it is becoming increasingly difficult to find the telephone number of the owner because more and more people are using cellphones with unlisted numbers. Lots of land in southern Saskatchewan is foreign owned; contacting those land owners is practically impossible. If RM maps can be produced with the contact information of the land owner that would be helpful.

There are numerous occasions when I am out hunting, that on my way to land that I have permission to hunt on that I see game on non-posted land. My last bull moose was shot on a harvested pea field that I saw when driving by. The only driving I did on that land was to recover the moose. The pea field was unfenced, ie no livestock, and not posted; but I do not know the land owner even though I have the RM map. With the proposed change it would have been illegal for me to take that moose. That would have been a very frustrating experience.

I firmly believe the proposed change to require express advanced permission will negatively affect hunting in this province and result in a loss of revenue for wildlife programs. There is so much negativity in society towards hunting and this proposal just adds to that negativity. The province needs to prepare policies that will encourage hunting, or at the very least, not diminish it.

If you require additional information or clarification of my replies please send a reply email.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Related Legislation  
**Date:** Tuesday, September 11, 2018 8:56:39 AM

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

Type of rural property – no distinction between cultivated land, etc. should be required. If the land doesn't belong to you then you are trespassing.

Should be written communication to grant permission – text,email, mail. RMs should be able to give out a phone number or email address.

Impact of change – this should not matter. The rights of someone to trespass on a snowmobile should be less important than the rights of the individual who owns the land. In many cases this won't matter as the neighbour who enjoys snowmobiling probably has an arrangement to ride across his neighbour's land. What it will stop is the urban population from going across farm land and cutting barb-wired fences because they believe they have the right to do so.

First Nations hunting and fishing rights should be reviewed. Treaties need to be obeyed both ways. For those who were camping in Wascana Park, they were breaking the law. I thought Treaty 4 said they would obey the laws of the land. The farmer who owns the land needs to have the right to protect his family and land from anyone who is trespassing.

**From:**   
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Related Legislation  
**Date:** Wednesday, September 05, 2018 9:32:48 PM

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Hi I think the legislation is ok the way it is but I would change that during hunting season you should not be allowed to drive off roads in fields in all zones except to retrieve legally kill game and if you want to drive on a persons land for baiting or to place blinds you should have the land owners permission and if the land owner wants no vehicles on there land it should have a hunt on foot sigh and that should apply to retrieving game by foot only and if the legislature does change rm maps should be up to date and have the land owners name and phone number and all conservation officers and there offices should have rm maps for all of Saskatchewan and for the snowmobile act should stay the same.

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Related Legislation  
**Date:** Sunday, September 02, 2018 9:43:37 AM

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These are my thoughts on this matter. Thank you for your consideration. [REDACTED].

**Q1. 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, there must be express advance permission prior to any access. This can take the form of verbal or written.

**Q2. 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, the issue here is trespass, not trespass on what type of land. Makes it simple - all land is treated the same way.

**Q3. How should permission be sought and granted?**

To find out who owns land, get RM maps on line (will give name, person has to find contact information) or ask ISC to place a **FREE** query tool online that will supply name and contact information when a land location is given.

If a person is physically present at the land location with a home on it, then most direct route. Any other land type, get permission prior to entering land.

**Q4. Would making consent an express prerequisite in all circumstances represent an unreasonable impediment to recreational activities?**

No, most reasonable hunters, ATV<sup>1</sup>ers or snowmobilers are already getting permission. Again, this is simple and clarifies the rules - same rules for everyone.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Related Legislation  
**Date:** Saturday, September 01, 2018 3:02:25 PM

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To whom it may concern,

I fully support changing Saskatchewan legislature to require members of the public to attain express permission prior to accessing private land. As a land owner in Saskatchewan, it is unfair to require landowners to pay for signs and take time off of work (often in the middle of harvest season) to post land that was bought and paid for by the land owner themselves. No urban dweller needs to post their own land in the city to keep people off, and rural landowners should receive the same rights. If I, and I alone, paid the \$100,000 for the land, why should someone else have the right to access my land without permission? Similarly, why would I, having spent \$100,000 on a quarter of land, also be required to buy signs and post my own land?

In addition, requiring permission would likely, in the long term, create better hunting opportunities for larger trophies; the trophies that Saskatchewan was once known for and which have been sadly lacking across much of the province in recent years. Protecting land owner rights will also have the added benefit of creating opportunities for hunting of larger trophy animals.

As a hunter, I am in full support of legislation that promotes hunter-landowner relations and results in potentially larger trophies. As a landowner, I am in support of legislation that protects my property rights, the same as any city-dweller. As a farmer, I am in support of the legislation change because I am tired of dealing with hunters driving through standing crops to shoot an animal, then claiming that they somehow missed seeing the 30+ signs on my land. As a biologist, I am in support of this change because it has the potential to have a significant positive effect on animal populations and trophy size.

I understand that there will be backlash from some of the hunting community, however, I have discussed this very issue to great extent over the past years, and have been surprised by the overwhelming support from hunters and landowners alike. Furthermore, I would suggest that when backlash from hunters is recieved, that it be pointed out that this is not removing access to private land, simply requiring permission ahead of time. Those farmers who do not mind hunting will be happy to grant permission. Personally, I would far rather receive numerous calls each day asking for permission than deal with dead animals and ruined crops.

Implementation could be as simple as requiring written permission. Frequently updated RM maps made available online with landowner contact information would help make the transition simpler for hunters seeking permission each hunting season.

Thank you for your consideration,

[REDACTED]

[REDACTED]

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Related Legislation  
**Date:** Monday, August 13, 2018 1:16:22 PM

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Good morning, the Saskatchewan Snowmobile Association has two positions on this

1. **Access for snowmobile trails**, the process for access for snowmobile trails is one of receiving written permission from all land owners/operators. Member Clubs have volunteers that visit the land owners/operators to receive and get the form completed. This works well and in most cases the land owner/operator signs with the stipulation that permission would be revoked by means of the land owner/operator contacting the club. This saves the club volunteers contacting the land owner/operator annually. This procedure has no monetary process, the permission is given free and clear.
2. **Access for snowmobile use no snowmobile trails**, This would be snowmobilers accessing private property. In the past ten years (seasons) the SSA has put into place a public education program to bring attention to riding snowmobiles on private posted lands. Several years back we saw complaints rising of landowners/operators about snowmobiles on posted lands. In talks with many of the land owners it was learned that snowmobile use on posted and non-posted lands was getting mixed in with ATV/UTV users. Not saying here that snowmobilers aren't an issue but the SSA felt a public education program was warranted. In the past few years that crops didn't get harvested we have also seen complaints and the SSA along with partners Farm Credit Canada, Saskatchewan Crop Insurance and Saskatchewan Agriculture provided signage and a bill board education campaign.

In my personal opinion most snowmobilers will access farm lands without permission with the feeling they are not doing any damage and in most cases they aren't. Once the crop is harvested and the land is snow covered they feel they can access the property. In the case of snowmobilers accessing posted lands is one of disrespect on behalf of the snowmobiler. My opinion is the snowmobile thinks the lands are posted for hunters only and again total disrespect on the snowmobilers part. A big problem is the snowmobile leaves a track mark and this is an invitation to other snowmobilers. From personal experience if I tried to contact land owners with no success only to find out they are away on extended vacation for the winter months, I have followed up in spring and have had success in getting permissions. This can pose an issue with receiving land permissions, lots of land owners are away for the winters. Finding land renters can pose issues as well.

Policing is an issue now and making change could bring added expectations of the land owns/operators.

The SSA is advocating SGI to change from a tin plate to a hood decal, this would give some hope of identification. Now the tin plate is mounted in a location covered by snow, the operators leg or the sled owner won't mount the plate.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

From: [REDACTED]  
To: [LSBQuestionnaire JU](#)  
Cc: [REDACTED]  
Subject: Review of Trespass Related Legislation  
Date: Thursday, September 20, 2018 3:39:33 PM

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

A. No. 99.9% of the public are law abiding citizens (the .1% has no regard for any past or future laws)

With or without a NO TRESPASSING sign will make little or no difference. There must be exemptions. You do not want to punish a law abiding citizen because of a handful of others.

Q. Should there be a distinction between lands?

A. No. All lands should be treated equally.

Q. How should permission be sought and granted?

A. An internet data page created with all the information tools needed for a law abiding citizen to contact land owner for permission. Included, should be current updated maps of municipality with legal land descriptions, owner/person in charge email address, phone number, cell number, mailing address, a generic fill in the blanks "requesting permission" form. Along with any thing else that would make the request accurate and flawless. If I receive permission, what about the people that are joining me in the recreational activity?

Q. Would making consent be an unreasonable impediment?

A. Yes. To enjoy recreational activities it would be impossible to contact all involved to secure a path of any length from A to B.

If land owner has a concern and you do not want any one on land, post it as such.

If you want to know who is on land, post with "Hunting with Permission Only" along with phone number. because of size of farms, it is near impossible to track down owner/person in charge.

At home I have a security camera to record unwanted intruders. At cabin I have trail cams recording activities on and around cabin. This method of security is available to land owners also.

It can be so easy to say NO and refuse permission for no apparent reason, many times it is just saving wildlife for only family and friends.

I might not be hunting, I may be taking photographs of the wildlife this great province has to offer.

Recreational activities injects a huge amount of dollars into the economy, especially in rural Saskatchewan. Do not make it more difficult than it already is.

I am one of those law abiding citizen, just out with my dog enjoying the day while legally participating in recreational hunting.

This is just one more of many obstacles facing the next generations

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Cc:** [REDACTED]  
**Subject:** Review of Trespass Related Legislation  
**Date:** Friday, September 21, 2018 10:51:01 AM

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Greetings from [REDACTED]

Thank you for your initiative in this matter

I look forward to a more detailed online survey in days to follow

In Summary as a resident in [REDACTED] affected by inappropriate RV traffic for many years:

- 1) Access to both rural and urban private and public property needs to be reviewed regardless of the activity
- 2) Method of Permission at any on site inhabited residence or by most direct route from main access point required to first seek permission by affected registered land owner in writing
- 3) Making consent an express prerequisite in all circumstances would not represent an unreasonable impediment to recreational activities in designated areas.
- 4) Adequate and immediate enforcement options need to be initiated and implemented as well as fines to deter failure to comply

My vote is that updated Provincial legislation will supercede Municipal bylaws which fail to conform

Sincerely

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Related Legislation  
**Date:** Saturday, September 22, 2018 9:02:10 PM

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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. Absolutely. Rural land owners, whether farming or not, have a right to know who is on their land and why they are there. Farmers and acreage owners have a purpose in owning the land and they need to know that trespassers are not at odds with that purpose. Much of the time, maybe most of the time, the land owner only finds evidence of trespass such as rutting, garbage, crop destruction, theft, but the trespasser is long gone. Times have changed – the population has grown, the urban-rural split has changed dramatically, vehicles have changed significantly and ATV's are very popular, hunting has become a sport more than a need. The general public does not understand that farmers make their living off of the land and when they destroy it they are actually stealing from the farmer. There is very much an attitude of 'I can do it if I want – whose going to catch me? Besides, so-and-so does it all the time. Nothing ever happens to him.' It is very difficult to deter trespassing with the current laws. A camera with a motion detector may show someone on your land at a single point but is unlikely to cover the whole area sufficiently. Also, it is a lot of extra effort for farmers to have to patrol their lands and borders – time they probably don't have with all of their other duties. When there is a lot of land involved, it is very difficult to post it all, and very easy for a trespasser to destroy the posted sign before entering. It is often not clear where one chunk of land ends and another starts. Posting may have been more applicable 40 years ago when people were less mobile, farms were smaller, and people were generally more respectful. The general public is not educated about private land, and the problem is growing.

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?

A. All land should be treated the same. The general public is not educated enough to know the difference between land that is cultivated and land that is not. One might think it is obvious if there are a bunch of willows growing in a low area that it is not a crop; but, as I said before, the general public is not very smart and if you showed them slides of different lands, would likely not know what was cultivated and what was not. There are crops grown for hay or seed that don't look like conventional wheat and canola, but that doesn't mean they aren't a crop. Not all crops are nicely squared out – they can be divided throughout a quarter into 3, 4 or 5 chunks – maybe more. Who is to say the strip running through the field that has a creek in it should be accessible to the general public, or that nice meadow in the corner. Some land is seeded in drier years but not in wetter years.

Q. How should permission be granted?

A. Ideally the individual seeking access would approach the land owner and/or current renter. This is not an onerous request. It may require some advance planning on the part of the individual. The bulk of this work is done the first time the individual is looking for permission. After that, the

individual has the information they need for easier and quicker contact. The seeking and gaining permission from landowners could be beneficial to both parties, especially if the individual makes and receives repeated permission. The individual could become an extra set of eyes on behalf of the land owner. Some landowners prepare a farm map indicating which crops are seeded on each field and where sloughs or lakes are present for waterfowl congregation during the day, also fences, stone piles, washouts, access roads etc. are indicated.

I would prefer that 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. The individual can also get a copy of the RM map describing names of ownership. RM offices are generally familiar with persons owning and/or renting land in the area. I disagree with using email as the conjures up a whole other bunch of problems.

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

A. I don't think so. Snowmobilers in the winter tend to go anywhere and everywhere. Sometimes crops are still laying in the fields when the snow comes and snowmobilers can damage them. Snowmobilers often damage fence lines when they are travelling which can be buried under snow (especially electric fences). There is also the possibility of ice lenses forming in compressed snow causing damage to alfalfa fields and winter cereals.

.....  
I operate a farm near [REDACTED], SK. Hunting season, big game in particular, is a problem. Trespassers recurrently drive around on my land. I give permission regularly to outfitters, resident and non-resident hunters looking to shoot geese and ducks. No big game hunters have ever approached me for permission, and I have never given permission to anyone to hunt big game on my land as there are several residences within the danger zone of a high power rifle. I think those people who say our culture is one of 'access unless expressly denied' are delusional. I have lived on a farm most of my life and that has never been part of the culture. However, it has also never been 'access if expressly permitted'.

[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Related Legislation  
**Date:** Monday, September 24, 2018 9:36:34 AM  
**Attachments:** [REDACTED]

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**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, the public should obtain permission to enter the rural land owner's properties.

**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?**

A. Land used for agricultural purposes should be treated the same

**Q. How should permission be sought and granted?**

A. Permission should be in a form that is trackable. Paper or electronic.

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

A. It could be interpreted that it is an unreasonable impediment to recreational activities, but as a member of a snowmobile club we get permission every year to access private land/property to have our trails cross those properties.

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Related Legislation  
**Date:** Monday, September 24, 2018 10:35:49 AM

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In regards to the proposed legislation i believe that all access by members of the public to rural property should require advanced written permission from the landowner regardless of the activity.

I also don't believe there should be a distinction between cultivated land and fenced property.

Permission to enter private land should at least be given verbally. Although written permission would be the preferred method. With written permission, enforcement of the new legislation would be easier.

Making consent a prerequisite in all circumstances is never unreasonable. There is cell service covering nearly all of the province. There are apps available to tell you what land you are on. Combined with the assistance of municipalities, anyone can ask permission to enter any private land.

Thank you for getting public feedback on this important issue.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Related Legislation  
**Date:** Monday, September 24, 2018 4:07:25 PM

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Dear folks, I agree with your consultation paper, that the culture in rural Saskatchewan has become one of "Access unless expressly denied (posting), rather than Access if expressly permitted." It is this culture that supports the continued lack of respect for property rights of rural residents. If my farm is not posted, I can absolutely expect hunters to be crossing my land, on foot or in vehicles. I can well imagine what would happen if I were to behave that way on ANY property in a town or city. I would urge our government to address this problem quickly and strenuously. At the least, follow the example of our neighboring provinces. For two months every year our area is crawling with armed strangers at dusk roaring around in trucks frantically searching for something to shoot. If land is not fenced they feel they can enter property at will. Often the fence AND the no hunting signs are ignored.  
Thank you

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Related Legislation  
**Date:** Monday, September 24, 2018 8:41:00 PM

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To Whom It May Concern,

Let me start by saying that myself and family own and operate approximately 3000 acres of grain agricultural land in S.E. Saskatchewan. We also own ATV's and snowmobiles. I personally believe as both a landowner and operator of recreational vehicles that the present rules are fair to all parties involved. ATV's can become a greater problem to landowners because certain operators may choose to access land when ground conditions may cause them to leave an unacceptable footprint. We very seldom ride our ATV's on land that we don't own. We would never ride our ATV's if they were going to be disturbing the ground in a manner that would impede the land owner or occupant from growing their crops or grazing their land. I do realize that many urban owners of ATV's may not realize that they are potentially damaging the productivity of the land they are crossing.

I view snowmobiles a little differently. Their operation traditionally takes place when the ground is frozen and snow covered. The chances of leaving damage are greatly reduced. Access for the purpose of snowmobiling should stay as it is now, Access unless the land is posted. We have training that is required by law for the operation of snowmobiles and water craft, but I am unaware of any training required for operation of ATV's. We need a made in Saskatchewan training plan that creates an awareness of landowner concerns and comprehensive lists of do's and dont's that respect the rights of landowners but still allows access to unfenced and unposted areas of rural Saskatchewan. If this licensing/training was mandatory for all operators and owners of ATV's to access private lands i truly believe it would greatly reduce conflictual incidents with landowners and operators. Bio security is becoming more of a prevalent issue in agriculture, and there would be minimal to no risk for transmission of soil diseases and pest while snowmobiling, whereas with ATV's and vehicles that risk of transmission could increase.

With hunting, my view is that it should be common courtesy to seek permission from landowners before hunting their lands, this includes all un-posted land. The issue I see is that they will be discharging firearms on the land and owners/operators have the right to know that this will be taking place. They have the right to know for their own protection that someone may be hunting at the same time they are needing or wanting to perform work in the fields. Walking in the field is likely not the greatest issue, however access with a vehicle or ATV will likely be required if the hunt is successful. Depending on weather conditions at the time, could leave a damaging footprint.

I know many hunters who are very respectful and purchase RM maps to determine who the owners are and seek permission. For them it is frustrating to find out that others just take the liberty to access the land with no permission. It should be the landowners right to refuse permission for multiple reasons including but not limited to:

- Already gave permission to other hunters
- Current ground conditions
- Known field work will be taking place in the area requested
- Don't get a good vibe from the person requesting permission when you lay out your rules for access

I believe these access/permission rules should also apply to Indigenous and Metis hunters as well. We have had crop damage sustained at least 3 different times when they illegally shoot moose out of season in the spring/summer when crop is on the field. Once they shoot the animal they drive out in the middle of the field to harvest the animal causing major crop damage in the area they drive on. Fortunately Conservation officers in our area take these matters seriously and have caught them in the act. However they still seem to come back and repeat their actions.

In summary, I don't see the present snowmobile rules as an issue, permission should not be required for access to un-fenced, un-posted land. ATV operators should be required to complete training that focus's on respecting property owners land rights, showing them unacceptable damage and footprint, also creating awareness. Hunting should be by permission only for all land. I'm not in favour of any plan that simply says all access to land for any reason should be by permission only. Access for different activities needs be considered on an individual basis.

It may be a costly option but a provincial registry for landowners to supply contact information so recreational vehicle owners and hunters can more easily access the owners and operators of the land. A registry like this could utilize existing RM maps and be put online. It could be split into three different maps for snowmobiling, ATV's, and hunting. This would allow land owners the option to choose different levels of permission for each type of activity if they choose to. On each of these three maps there would be three options; permission given (green on map), contact for permission (orange on map), no permission given (red on map). The permission given and no permission given require no contact with the landowner. Only the option of contact for permission requires landowner contact. It would be important to have contact info available of the landowners who choose this option. This would eliminate the excuse that i couldn't find the landowners contact information. It would also be a quick reference for conservation officers to know if hunters should or shouldn't be on a certain piece of land.



**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Related Legislation  
**Date:** Monday, September 24, 2018 5:30:56 PM

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To whom it may concern,

I'll organize my comments in relation to the following questions:

1. 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, as a hunter, I have always respected the land I hunt on (whether public or private). Advanced permission should not be needed for unposted land that is unoccupied and not under cultivation. This is particularly the case for access on foot or driving on pre-existing roadways.
2. 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, cultivated land should be treated differently from pasture.
3. Would making consent an express prerequisite in all circumstances represent an unreasonable impediment to recreational activities?  
Yes, requiring prior consent in all circumstances would be an unreasonable impediment to hunting activities. Distinctions could be made between foot access, vehicle access, and ATV access. Such distinctions are consistent with other provinces that require express permission.

[REDACTED]

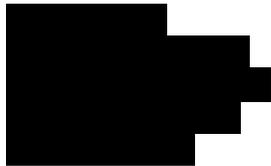
**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Cc:** [REDACTED]  
**Subject:** Review of Trespass Related Legislation  
**Date:** Tuesday, September 25, 2018 9:04:32 AM  
**Attachments:** [REDACTED]

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Good morning,

Please find SARM's submission to the review of trespass related legislation attached.

Best regards,



**Saskatchewan Association of Rural Municipalities**

2301 Windsor Park Road, Regina, SK | S4V 3A4 | (306) 757-3577 | [sarm.ca](http://sarm.ca)

THE VOICE OF RURAL SASKATCHEWAN

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Related Legislation  
**Date:** Tuesday, September 25, 2018 3:30:55 PM

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Hi,

In response to the questions in the review...

*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. I snowmobile with my family in rural areas and enjoy the scenery and time spent doing this activity.

I don't believe we are a threat to landowners or property or livestock.

I agree permission should be required prior to accessing land where homesteads or livestock are located.

*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. Fenced property should be treated the same as homesteads and permission should be required prior to accessing this land.

*Q. How should permission be sought and granted?*

Possibly a standard consent form can be used for scenarios where permission is needed such as hunting.

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

Yes. I live in a city and greatly appreciate the outdoors. We are always respectful of all property and when snowmobiling we use designated trails wherever possible.

It would be very difficult to obtain approval from all of the land owners in the areas we snowmobile.

If we had to receive approval before snowmobiling across rural land we will likely stop snowmobiling and will spend time going elsewhere on trips outside of Saskatchewan.

The trespassing laws need to be clear and rural residents should have the same rights and protection as urban residents in regard to their homesteads and the property they live on.

Thank you,

[REDACTED]  
[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Related Legislation  
**Date:** Thursday, September 27, 2018 11:15:11 AM

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Good Morning!

To the departments involved in working to update these regulations...Thank You!

**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, communication will solve many of the issues we are currently seeing as land owners. Please insure and communicate to the general public and everyone else that it is not permissible to enter others rural property without permission. Maybe we could include our school system in this learning event so the next generation regards private lands differently too!

**Q. How should permission be sought and granted?**

Through Rural Municipalities - they, the general public, could contact an RM office and the RM office could forward a request by phone or email to the land owner.

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

Yes, we have no way of locking our land up as most businesses do for the benefit of making our business secure so that we can achieve our business goals and profit. Most other business can lock their business property with no questions asked!

Thank You,  
Sincerely,

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Cc:** [REDACTED]  
**Subject:** Review of Trespass Related Legislation  
**Date:** Sunday, September 30, 2018 11:30:41 PM  
**Attachments:** [REDACTED]

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To : Ministry of Justice, Legislative Services Branch, Review of Trespass Related Legislation

Please find attached a letter by [REDACTED] to the Review of Trespass Related Legislation. The letter has been endorsed by Public Pastures - Public Interest.

Thank you for the opportunity to comment on this important issue.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Related Legislation  
**Date:** Sunday, September 30, 2018 10:07:34 AM

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Question: Should all access by member of the public to rural property require the express advance permission of the rural land owner regardless of the activity?

Answer: Yes. Access to rural (as like urban) property should required advance permission of the land owner. Individuals should not be free to roam at will on rural property - they are not free to roam at will on urban property. Farmers/ranchers make a living from agricultural land, individuals should not be able to interfere with this.

Question: 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?

Answer: All above properties should be treated the same - required advance permission of the land owner. Cultivated land gets 'rutted' up by vehicles, and required extra work on the part of the land owner to repair. Fenced property is usually fenced for a reason - ie. pasture land and generally will have animals contained with the fence. Driving on grass land will eventually kill it, requiring extra work on behalf of the land owner to repair. Open pasture land - same as fenced land. Farmers/ranchers make a living from agricultural land, individuals should not be able to interfere with this.

Question: How should permission be sought and granted?

Answer: Individuals should approach the land owner or renter in person to request permission. They should state why they are requesting permission, whether they will be driving or walking on the land and who all will be present. Farmers/ranchers make a living from agricultural land, individuals should not be able to interfere with this.

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

Answer: No. There are RM maps available for individuals to use in order to find out who owns the land they are wishing to use. As above, agricultural land is just that - agricultural - not recreational. They are areas that are set aside for recreational purposes, individuals do not need to access agricultural land - farmers are trying to make a living off this land.

[REDACTED]  
[REDACTED]  
[REDACTED]



**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Related Legislation  
**Date:** Saturday, September 29, 2018 1:17:43 AM

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To begin, I would like to thank the Government of Saskatchewan for initiating this long overdue process. My name is [REDACTED], I farm with my father, brother and sons north of [REDACTED]. My sons are the fifth generation in this area. We raise grain and cattle on our farm that covers approximately 9000 acres. Less than 1000 are Crown lease. It includes lots of forest, farmland lakes and creeks. This area is teeming with wildlife. Every species seems to be in abundance. The land is not in a contiguous block and spans a distance of over 20 miles. That's just the reality of what family farms have evolved into. Our farm lies in [REDACTED]. We are ourselves avid hunters, fishermen, trappers and have ATVs and snowmobiles. The issue of access to farmland by hunters and others has long been a hot topic of discussion around our dinner table. As a family we have always strongly believed that permission should be required before a stranger comes on your land for most if not all activities.

To focus on hunting, we are most certainly not against it. We hunt ourselves, when able, and we host many hunters on our farmland yearly. In all these cases the activity is planned ahead of time and we know who is hunting and when. Some land is not available for hunting regardless of who asks. Posting all of our 9000 acres of land is not practical. It is in many different parcels and the signs we do put up are often destroyed or ignored. It has always seemed ridiculous to us that we have the onus to mark our land. My family dreads the opening of big game hunting seasons. Our relatively tranquil surroundings become filled with white and orange suited strangers driving up and down every passable trail looking for the big one. Almost all big game hunting takes place from a truck. Driving around and around seems to be the preferred method. It is rare or very rare to have any of these strangers ask for permission to hunt. Numerous times rifles have been fired into cattle pastures, gates have been left open and people have been found to be hunting too close to occupied buildings. There seems to be a disconnect between urban and rural people at hunting time. That tag that SERM sells seems to bring out at best bad manners and at worse illegal, unethical and immoral behaviour. Add to this the increasing amount of rural crime (especially around here) and the new issue of biosecurity with respect to clubroot in canola and it becomes evident that it is time for a change in thinking. My research tells me that Saskatchewan has the weakest trespass hunting access laws in North America. American hunters I have visited with can not believe how resident hunters hunt. In their home country nobody hunts on private land without permission. Period! As a side note, American hunters who visit our farm to hunt migratory game birds have been the best hunters to deal with by far. They make a point of calling ahead and coming to the farm to meet you personally. They gather information and ask for permission. They also report back about their success. Their gratitude is evident in all conversations, there is no sense of entitlement at all. I wish that attitude was universal.

I believe that all hunters would have a more enjoyable and successful experience if they were required to contact the landowner prior to their hunt. Permission could be granted (often exclusively) and information about animals and hunting opportunities could be passed on. Most activities benefit from some planning. I have hunted in other parts of the province. Talking to landowners and seeking permission was a must.

An issue I hear, often from the SWF, is that farms are really big and some have corporate names and getting hold of the owner is too onerous. I do not agree. Especially where we are. Everybody knows each other. Land information is not that hard to gather around here. A good start is the local RM. Buy a map. Talk to the secretary. Phone a councillor. Do your homework. I have wondered lately if SARM, SWF and the provincial government could not team up to develop a mobile phone app that had landowner contact info on it. People who wanted to participate would have their contact information made available. Maybe something as simple as checking off a box as to whether or not they want to be asked for permission? Who knows but nowadays it is possible to have a lot of information on your phone. If nothing else, reverse the current onus and require land owners who do not care about hunting access to post their land accordingly.

I hope that during this process that you do not grant the Wildlife Federation a disproportionate voice in this forum. I understand their position. I have heard it many times. But times change and hopefully attitudes can too. I could write more but it is late and harvest takes all my time right now.

Even though our farm may seem large it is our home too. And everyone appreciates privacy and respect in their home and for their home. Hopefully your government can bring forth some subtle changes that can enhance that privacy and respect.

Thank you.

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]  
To: [LSBQuestionnaire JU](#)  
Subject: Review of Trespass Related Legislation  
Date: Monday, October 01, 2018 10:26:18 AM

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To the Ministry of Justice:

Please hear my opinions regarding the issue of trespassing and hunting: It seems that society is becoming more desensitized to codes of conduct, rules, and regulations. I don't understand why individuals feel it is perfectly acceptable to tear down signs that specifically say "No Hunting Without Permission" and then proceed to enter and hunt; or to cover up game cameras; or to litter and vandalize. It seems to me that in the past, people behaved in a more respectful manner. Perhaps there were more consequences when it came to the laws of the land!

The information from the Ministry about trespassing is clear to me, but obviously not clear to those who have the guts to come on to private property. If the tables were turned, how would these same individuals react if we came into their backyard or sat in their expensive vehicle or took something from them?? ( I believe we all know their reactions!) It is those individuals who have no empathy, respect or fear that cause the problems for everyone else.

In response to the questions that were posted on the ministry's site, I say:

- a) Yes, people should request permission to enter rural properties regardless of activities
- b) Yes, written or verbal permission is to be obtained (isn't it the law now?)
- c) What about increasing the fines like in Alberta?

Just a few other comments:

- a) Posting private land--It is infuriating to find signs torn down, destroyed or stolen. Not only are signs costly, but the time involved in posting and policing ones property is costly.. Once again, it is the lack of regard for the property owner and lack of consequences for the perpetrator.
- b) Property owners who have considerable amount of bush, trees, sloughs and uncultivated lands are never rewarded for maintaining the habitats required for wildlife to exist. Why not?
- c) Fee for hunting on farm land....just a thought. Something has to be done.

Perhaps more education through the media, more awareness campaigns, more enforcement, more strict fines. People cannot disrespect the land, the wildlife nor the environment.

Thank you for allowing comments and opinions.

Sincerely,

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Related Legislation  
**Date:** Wednesday, October 03, 2018 9:42:30 AM

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Just a couple of points for you to think about in your review.

Will passing more regulations actually stop criminals from trespassing? Do criminals really care what regs are in place? My views on the subject is this will not stop illegal activity.

Will passing more regs on accessing land effect the sales on hunting licences and potential revenue for the province? I believe a huge majority of hunters who are respectful, who don't enter posted land but do on non posted land will not want the hassle of asking every farmer in the RM to go shoot a duck or deer. Revenue from hunting licences wil drastically fall off the map for a foreseeable future.

Will a landowner, who has never posted his land before appreciate countless hunters entering his property to ask permission to hunt at all hours of the day be bothered by this??

Im all for property rights but there are some things to think about.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** review of trespass related legislation  
**Date:** Monday, September 10, 2018 9:19:06 PM

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**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, I think certain activities should be exempt. Growing up in rural Sask and now again living in [REDACTED], I, myself don't want people wandering around my property without my permission. The one exception I feel is necessary would be snowmobiling.**

**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? I think if a section of land is completely fenced in, then permission should be sought for any activity. But again for snowmobiling, if the land isn't posted, access to cross it should remain as it is now.**

**Q. How should permission be sought and granted? There has to be a way to contact the land owner by phone or email to ask permission. I'm not sure what the easiest way to do that would be.**

**Q. Would making consent an express prerequisite in all circumstances represent an unreasonable impediment to recreational activities? Yes, this is where there has to be an exception. The snowmobile act allows us to access unposted land. When we go out riding we often have 100 plus miles per day. Imagine the number of landowners you would have to contact to cover 100 miles cross country. It wouldn't be feasible. When you are out riding snowmobiles you don't know what snow conditions and land conditions you are going to run into, so you often adjust your route along the way, so even if you want to get from point "A" to point "B" you don't always know what land you're going to cross to get there. There are few trails in the southern part of the province so riding open cultivated fields has always been the way we do our riding. I do believe that you should keep a certain distance from a house/yard, maybe 500m or so from houses or buildings. When riding we cross land at a fast pace and are not on an individuals private land for long as we move from field to field. The ditches next to the roads aren't always rideable because some land features don't allow safe riding and also traffic from the gravel roads generates dirt in the ditches that melt and deteriorate the snow, not to mention that the grader often grades way down into the ditch now, removing the snow there.**

**In closing, I think crossing someones private land to get from point A to point B in the snow covered winter on a snowmobile is a totally different situation than someone walking around or driving around during the growing season.**

████████████████████

████████████████████

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of trespass related legislation  
**Date:** Tuesday, September 18, 2018 9:16:03 PM

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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. I don't believe it should, If the property owners home location is nearby then be courteous and knock their door prior to entry but if there is an area that has no visible signage or property or livestock on it and its been harvested if applicable then access without permission shouldn't be an issue.

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?

A. Yes there should be a distinction, If the land is cultivated but not harvested then respect the landowner and don't enter until harvested, If the property is fenced and posted then no entry if fenced and not posted entry should be fine if no livestock or property is near, Open pasture should be accessible unless posted.

Q. How should permission be sought and granted?

A. Permission if required should be either asked face to face and written once agreed or just a well written permission request be mailed to the applicable land owner.

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

A. I think it would not only impede recreation activities but also become a tiresome affair for the landowner, Imagine having many hunters knocking on the same door in one day and then over the hunting period more and more asking for permission.

In respect of this issue

"Having different access and posting rules for different activities as noted above may well be contributing to confusion as to the rules for access."

A. Post the land for "Foot access only". No access for vehicles,ATV's or snowmobiles. I wouldn't even consider putting a vehicle on unharvested land and at most i only ever pull my truck in to the approach and walk in no matter how far.

In respect of this statement

" Land owners may also face fire risk and the increasing need for bio-security against crop diseases that can inadvertently be spread by even the most conscientious visitors. For example, Clubroot is a soil borne disease that can significantly affect yield in crops like canola with few options for control. The disease can be spread by soil being transported by agricultural or industrial field equipment, vehicles, tires, animals, and shoes. Invasive species such as downy brome or leafy spurge can reduce of the productivity of grasslands and crop land and can be spread by vehicles, clothing, shoes, pets, etc."

A. This seems a ridiculous statement to use as a lever for bringing in access restrictions, Any wild animal could bring a soil borne disease on to another property,Deer,Moose,Ducks,Geese etc to name a few and also not to mention the natural elements of the wind blowing cross contaminants along roadways,approaches and open pastures. How would this be stopped !! by building a fortified fence line with single entry and exit points with dip tanks to walk or drive through to kill contamination, but that still wouldn't stop the elements or airborne feces dropping down.

If this was to become law then make it law for all people that includes indigenous peoples too. It all seems geared up to put the land up for auction by way of the highest payer gets sole access and a nice under the table payment for the landowner.This would also have an impact on insurance claims and payouts ! If less land access is available then animal population would flourish and cause more crop damage which in turn would increase claims which in turn would increase premiums.

Lets have a simple common sense approach to land access and be respectful to the landowner,land,property,livestock.... Don't drop garbage, Don't discard cigarettes,Don't scare livestock, close gates, remove harvested animal 100% and if a vehicle is used to retrieve game don't tear up the land.

I oppose a complete access restriction on private land.

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Related Legislation  
**Date:** Thursday, September 20, 2018 8:07:10 AM

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Dear Sir or Madame,

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,

[REDACTED]

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass related legislation  
**Date:** Friday, September 14, 2018 9:17:14 AM

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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, in particular if landowners do not have the land posted as NO HUNTING or NO TRESPASSING express advance permission should not be required. This would be to the benefit of hunters and landowners.**

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?

**There should be no distinction. Any lands that require restricted access should be posted NO TRESPASSING and require express advanced permission in those cases only.**

Q. How should permission be sought and granted?

**Access to posted land could be done in many creative ways including posted contact information on NO TRESSPASS signs that might include e-mail, phone, text, or perhaps a sign-in boxes as is done in Montana. This could also include appropriate hours for contact (ie 9am-5pm, Monday to Friday)**

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

**Yes, this could severely harm hunting activities in Saskatchewan. I believe many landowners who allow hunting and would rather not be contacted would likely be annoyed with new activity. Also, many landowners are not easily contacted because they live in nearby cities rather than on the land. Despite having RM maps with landowner information, many no longer have "land Lines" and have cell phones numbers which makes finding contact information near impossible. Providing a contact directory at RM offices (for purchase), on the RM maps, or online through the RMs themselves may help with attaining permission and alleviate landowner-hunter relationships.**

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass to Property  
**Date:** Sunday, September 16, 2018 9:31:01 AM

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As per the request for public input regarding to access to private property, please note response as follows:

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

- All private property should be treated the same in that permission needs to be granted by the land owner.

#2 –How should permission be sought and granted?

- Written permission would ensure the consent has been given; with the understanding that use of private property is at the risk of the individuals accessing the land with no obligation or responsibility (liability waiver) to the land owner.
- A database held by the rural municipality containing land owners legal land locations/contact numbers/email that would require individuals to have permission from the landowner and a signed waiver from both parties to be returned and held by the municipality.
- Access could be verbally obtained from the landowner, via rural municipality, for permissions to access direct/main driveway of land owner for the purpose of obtaining the signature granting approval for land access.
- Landowners being able to notify municipality in advance should they choose to deny of right of access to the public (ie: hunting/ recreational) thereby indicating refusal of any contact for permissions.

#3—Would making consent an express prerequisite in all circumstances represent an unreasonable impediment to recreational activities?

- No – further, recreational activities should not have the right of way over land owners property; liability concerns would be one issue.

Thank you for your attention to this matter.

[REDACTED]  
[REDACTED]  
[REDACTED]

Sent from [Mail](#) for Windows 10



**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass  
**Date:** Monday, September 17, 2018 12:05:56 PM  
**Attachments:** [REDACTED]

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[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of trespassing act  
**Date:** Saturday, September 01, 2018 2:29:33 PM

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I believe Saskatchewan is one of the very last places in the world that offers such an amazing and unique opportunity to hunters and outdoorsman. There is chances for Saskatchewan residents to hunt in places and for species that are not offered anywhere else in North America, and this is why I love Saskatchewan so much. I believe that the laws and how they are enforced should stay the same as they are right now.

Thank you,

[REDACTED]

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespassing Legislation  
**Date:** Tuesday, September 11, 2018 2:27:37 PM  
**Attachments:** [REDACTED]

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Please find attached our responses to your questions regarding Trespassing legislation.

We live on a acreage near [REDACTED], SK, southeast of [REDACTED] and have had problems with people trespassing on our land in the past. I think requiring people to ask for permission to come onto our land is the best approach. Maintaining a data base for contact information with the local municipal office would be a good method to allow recreation users to ask permission.

Thank you for your consideration.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespassing Legislation  
**Date:** Friday, September 14, 2018 9:58:06 AM

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I am a land owner with 160 acres. Land is used for hay and not cultivated in [REDACTED] [REDACTED].

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?

Access to lands by the public should require advanced permission for any activity for the safety of the public. Lands may contain unknown risks that the public is not aware of. Due to the reduction in the farming community there are abandoned homesteads that may have cellars, wells and foundations which are covered by growth over the years.

There may be hidden issues created by nature including sink holes, uneven ground, dried up sloughs that may also create a safety hazard. The safety of the public should be paramount and allowing access without permission puts the public in danger.

Allowing the public freedom to enter will make the owners correct items for the implied safety of the public at the owners own expense. For the safety of the public, there should be express permission to access any land including the homestead.

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 lands should be treated equal and not specific to what is on or perceived to be on the land. The lands may be void of specific crops; however, they may be in a transition to be cultivated. Do not blur these lines.

Q. How should permission be sought and granted?

Permission should be sought by phone to the landowner. This information is easily obtained by the RM map and looking up the owner through media (yellow pages, Google.) In the past I have been contacted by one person who, without the need for legislation and using common courtesy and sense, called me to ask permission to access my land. It can be done and I was more than happy to allow access.

Permission should be specific and include name, number of participants as well as day and time of stay. This will keep the specific permission to a specific time and eliminate any implied permission for future.

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

No, it will not impede recreational activities. Advanced planning and permission is just common sense and courtesy. At no time prior to this inquiry or after should anyone assume they have the rights to enter any lands or properties without permission.

I have water on my land and the ice is getting thinner and thinner all the time (climate and ongoing drought). I have had non residents almost go under the ice because they assumed the ice was the same in all areas – it was not.

\*\*\*\*\*

I purchased this land for my use and willing to share, but expect common courtesy and respect. I want to be sure those that enter my land are safe. I want to be sure they do not harm the area by mistreatment and/or lack of knowledge.

[REDACTED]  
[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespassing Regulations  
**Date:** Saturday, September 01, 2018 4:31:11 PM

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Do not change anything. I live in rural Saskatchewan and the current permission system works.

Thank You,

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of trespassing.  
**Date:** Friday, September 14, 2018 6:07:53 PM

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I don't feel permission should be required if land is not posted for any reason

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review of Trespass Related Legislation  
**Date:** Thursday, September 20, 2018 12:23:01 PM

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Question 1: 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?

Answer: Yes, and it should be written permission. I have had trouble for the last decade now with hunters driving across our posted home section, through our yard and never stopping, even though we are standing on the deck watching them drive through and the dog barking at them, head down driving through. I even have my phone number on the 'No hunting or Trespassing without written permission' signs. We also get ATV-ers coming onto our land to play in the mud and rut up our fields without ever asking permission.

Question 2: 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?

Answer: All agricultural land should be treated the same. Some land owners have crops left out over the winter or winter crops seeded, some have cattle running in pasture late into the season and over winter. I believe if you not paying tax on the land or contributing to the tax (ie rent), you should need permission to go onto said land, posted or not.

Question 3: How should permission be sought and granted?

Answer: I agree with the most direct route from main access point. Driving across my land to get to the yard is trespassing and ticks me off. RM offices have maps with all land owners on it. Open up a phone book and call before driving around. I have my phone number on my signs and the hunters still drive through pleading stupidity and getting 'lost'.

Question 4: Would making consent an express prerequisite in all circumstances represent an unreasonable impediment to recreational activities?

Answer: Not on posted land. When the land owner takes the time to put up signs, they should be respected for all activities. Snowmobiling may be the only exception as the ground is covered with snow preventing most damage.

In regards to the First Nations hunting and fishing rights, I feel that they should also get permission for the sole purpose of letting the land owner know that they are out there. There may be a crop out there or some other danger that they should know about.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review trespass legislation  
**Date:** Friday, September 28, 2018 8:17:55 AM

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As a land owner and holder of crown land grazing lease, located along south sask river for many years I believe access to these lands should require permission for any activity by the public. This should be done by the public contacting the land owner or lease holder. The reason this is important is livestock could be located in one area with bulls or cows that could be safety hazard for public. Also the fire hazard was severe this year and many other years. I have witnessed urban people not realizing how serious this can be doing activities that could cause fires that are very hard to deal with due to the difficult terrain. We post our land and if we are asked for hunting access we will allow after we make them aware of livestock location and fire hazard. It is very important land owners and lease holders have the ability to communicate with public on access.

[REDACTED]

Sent from my iPad

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Review  
**Date:** Friday, September 14, 2018 12:51:24 PM

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I sympathize with Land Owners who are affected by persons who come on their land to cause damage or chase livestock etc. They need to have more protection or it must be easier to prosecute those who are causing damage. At the same time I am a responsible snowmobiler who enjoys being able to cross property. It would be impossible to ask permission of all property owners. I trust you will attempt to come up with a solution that is semi-acceptable to all stakeholders.

[REDACTED]

Sent from my iPad

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** review  
**Date:** Saturday, September 15, 2018 12:10:00 PM

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Sent from [Mail](#) for Windows 10

The present regulations on trespass should continue. Legal activities that are presently allowed should continue. This should particularly applied to licenced Saskatchewan hunters. Permission should be encouraged but not required. Many land owners do not want to be bothered by providing hunters permission , particularly during harvest which often coincides with hunting seasons.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** revised trespass laws  
**Date:** Thursday, September 13, 2018 9:06:25 PM

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Q 1. Should all access require advance permission? Yes, I feel all public members must receive advance permission from the land owner before entering on their private land. It has come time that anyone, except the land owner, his immediate family, or an employee must receive prior permission before entering on the land. The public ( except a utility worker such as Sask. Tel, Sask. Energy, Sask. Power, when doing maintenance to the said utility ) has no purpose of being on private land with out the land owner's permission. Bio security is becoming a very important issue, and one very simple way of helping prevent a problem is to simply restrict all access to private land.

Q 2. Should there be a distinction between cultivated land, fenced or open pasture? No there shouldn't be, as all private land must be treated the same with regards to trespassing.

Q 3. How should permission be granted? Anyone looking for permission to be on private land must be obligated to contact the owner, either by phone, e mail, etc. In order to receive permission. If the public wants to personally contact the owner, they must use the most direct route to the residence ( directly down the drive way ) If no one answers the door, but someone is CLEARLY visible at one of the out buildings, then the person seeking permission should clearly make them selves obvious, by either calling out or honking a vehicle horn before proceeding any further into the farm yard. When seeking permission the owner has every right to determine who and how many people he is giving permission to enter his land. If the owner is hesitant to grant permission for any reason, the owner must have the right to refuse entry with out giving any reason for refusal.

Q 4. Would consent be an unreasonable impediment for recreational activities? Having to obtain prior consent is not unreasonable, as the recreationalist is there for their own enjoyment, and may not realize that they are in fact, on private land. ATV-ers are VERY MUCH a problem, as some feel they have a right to drive where ever they feel, regardless of ownership. To answer all the above questions, I would like to hear from urban land owners, their response to this problem. I'm quite sure they have a different attitude should they find someone just wondering around their yards, using an excuse of they " didn't know who owned the property, or they didn't think their would be a problem if they were on this property" .

Just to sum up here, I can't begin to say how frustrated we are to continually see either ATV-ers, horse riders crossing newly seeded land or the " mud boggers" tearing around in the fields. The answer is always the same, either they didn't think there would be a problem, they didn't know who owned the land, or just because they can. Calling RCMP has gone absolutely no where, as these trespassers are always gone by the time police arrive, or police need the landowner to appear in court if the trespasser is caught. Landowners don't want this to happen, as they have just opened themselves, and their property up to all kinds of future harassment, or vandalism. The concept is very simple here : Do you own this property? If the answer is no, then you have NO BUSINESS being on it without permission of the actual owner. No Trespass signs are either torn down or shot threw. We need this to change ! In regards to the statements about someone truly needing help, there is a huge difference with one person walking down a driveway, or someone entering a farm yard in a vehicle, then only ONE person needs to exit the vehicle to ask for help.

Thankyou for your time, I await your response.

[REDACTED]

Sent from [Mail](#) for Windows 10

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Revised trespassers act  
**Date:** Thursday, September 27, 2018 11:37:30 AM

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Advanced permission would help in making people respect rights more. The Ontario version is right with a \$10,000 fine immediately, no compromises and no jail time for trespassers. Hit them in the pocket book.

There should be no distinction, land is land and private property is private property. Permission should be sought by phone call or written permission, no exceptions. Look on a map & figure out who lives there, like hunters have done for years. The thieves have to be stopped and put at bay. The law for criminals have to be stiffer.

In regards to recreational activity, it should be stopped or monitored because the trails and roads aren't maintained. in our area the roads and trails are tore up for vehicle use. People are coming from 4 to 6 hours. They wreck our roads for the locals that are trying to use them and have no respect for the farmers that are leasing land ( not closing gates, tearing up patures and hay fields).

We should be able to defend our property and right to bear arms to make people leave our property. The law needs to change, no getting out on bail waiting for court dates or jail time because they never seem to show. Very frustrating for the police.

I guess in short, private property is private property. Doesn't matter if you are in town or out of town, no one should be on your land or property without your permission.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Right of access to private property  
**Date:** Wednesday, September 12, 2018 3:55:46 PM

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I believe that our property rights legislation should be amended to address some of the many concerns those of us who live on rural property have found troubling. I would encourage our government to require that any person, or groups who seek access to Privately held land require the expressed permission of the land owner ,regardless of The activity that may take place.

I also believe that it is in-material what the description of the land is, if it is owned by A landowner, it should all be treated the same.

Permission of access is not difficult. A phone call, a personal request at a residence, As long as it is at a reasonable time ( not in the middle of the night), and in a respectable manner will most often be met with success. The request should of course Inform the land owner what reason the guests have for asking access, and what time frame the access is being asked for. As long as the applicants identify themselves, A verbal response by the property owner should be sufficient. If the applicant requests a written consent ,then it should be considered, or at least the name, address and phone number of the property owner should possibly be provided.

I cannot believe that these changes will cause an unreasonable restriction of any Recreational activity. However it will take a bit of forethought and planning by recreational groups, and why should it not? In our case,we have snow mobile clubs who have marked trails through our property each winter. They arrange for permission To cross our fields before the trails are marked, and we seldom see where these Privileges are abused by any people using these trails during the winter months.

I have noted on the news reports that the FSIN spokesperson, Bobby Cameron has Complained because they have not been consulted about this possible change. I would suggest that any indigenous person can respond to this request for input, just as I have And would observe that as far as I know the FSIN is not responsible for either establishing the laws of our province, or administering them. I would encourage all indigenous people to join the mainstream of provincial citizens, and not hold themselves apart. Is not that what racism is? Thank you for your request for input. I applaud your actions.

[REDACTED]

Sent from my iPad

From: [REDACTED]  
To: [LSBQuestionnaire JU](#)  
Cc: [REDACTED]  
Subject: Right of trespass questionnaire  
Date: Sunday, September 16, 2018 4:42:08 PM

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To who it may concern:

Firstly i grew up on a farm and was a rural land owner , having two quarters (now sold) of farmland in [REDACTED] [REDACTED]. This land was rented out to others who farmed it (wheat , peas, canola, barley) The renters never experienced any incidents. Access was a private road off of highway 240. This land also had a forested creek bed.

I have for many years been a city resident [REDACTED]. I am an AVID SNOWMOBILER !

My observations and comments:

As a land owner , i never posted or fenced the land. Ducks Unlimited approached me to sign (which i did) an easement, as the creek was part of a downstream project. There was minimal trespassing on the land. However i do know some individuals hunted on it (without permission), In fact there was a hunting fatality on my land which i found out about after it happened. There were a few Christmas trees removed also , as well as the odd snowmobile, and pick up truck that may have crossed it. I never had any issues with these events. If anyone would have ever approached myself to gain permission for a snowmobile trail to cross it, i would have agreed, and signed the easement.

My comments on what you are suggesting for new legislation :

As a snowmobiler it would become impossible to ride long distances across country, on now which is unsigned , (not posted) or fenced land. I never go on posted land, or land enclosed by fences, unless there is a gate, and no other way out. I always close gates behind me. I have NEVER cut a fence ! In other words if permission must be gained by each landowner anywhere you ride ,then snowmobiling would become impossible as we now know it. Conversely under strict enforcement, ( i have no idea how that would be possible) then snowmobiling would be only possible, on private lands, if many more proper, legal snowmobile trails are established.

Not such a bad thing ?? There would certainly be a movement to establish more trails if that was the only legal alternative to ride on private land. But in reality is this even possible in many areas of Saskatchewan ??? And how (what resources?) could this be developed or enforced? As of now, i see very little enforcement of the current Snowmobile Act. How and where would the extra resources come from? It is just not practical.

As far as hunting , ATV's ,4x4's or other forms of trespassing , i will not speak on these as these are activities i am not involved in.

I understand the good intent of this legislation , as I see the lack of respect given to rural land owners, also the levels of crime, and frustration by rural residents. However is this not just further opening up a can of worms, with no real solution ?

Respectfully committed by

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Road allowances  
**Date:** Friday, September 21, 2018 7:57:14 AM  
**Attachments:** [REDACTED]

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I feel that trespassing which damages crops near a road allowance should be penalized. Road allowances should be clearly marked. At the present time rural municipalities are responsible for indicating road allowances . This is not a satisfactory situation as rural municipalities are small and the members usually have vested interests and can not render an unbiased verdict. Evaluators should be provincial employees . Once the road alliance is established than penalties should be imposed as required. To often rule of the Wild West is the procedure.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Ruin hunting  
**Date:** Sunday, September 16, 2018 9:29:49 PM

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It would ruin hunting for a lot of people. You would spend half the day trying to track down the land owner. They will be annoyed by how many people are coming to ask for permission and probably say no because of it. If the land owners don't want hunters on their land they have the right to put up no hunting signs and that's that. It would put a huge damper on hunting for a lot of people.

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Rural land  
**Date:** Monday, September 17, 2018 5:28:37 PM

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People need to stay off of private property unless they have permission to be on that land.

[REDACTED]  
Sent from my iPad

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Rural land entrance  
**Date:** Tuesday, September 18, 2018 6:31:23 AM

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Must have permission to enter land....any land....for any reason. Plain and simple.

[REDACTED]

Sent from my iPad

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Rural land rights  
**Date:** Sunday, September 09, 2018 9:03:56 AM

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1)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.

2)Permission should be in written form. It should be signed by both parties and a copy kept by both parties. All individuals covered by the permission should be listed in the permission. Permission should be sought by attending any on site inhabited residence by the most direct route from a main access point only or by phone or email.

3)Requiring written permission will not stop use of rural land by members of the public, but will be a major step in curtailing rural crime and land abuses.

Thanks in advance for your attention to this!

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Rural land use  
**Date:** Friday, September 14, 2018 9:11:24 AM

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There are a lot more of what he called 'absentee landowners' in Saskatchewan who don't live on the property. He feels there's an understanding that if these landowners are OK with hunting, they don't post their land at all.

Crabbe explained even with the ability to access RM maps, it's been more of a challenge to contact landowners over the last 20 years, many who don't have landlines anymore.

"That is one of the leading issues right now. We can go get the maps from the RM but to actually track a lot of these folks down is getting increasingly difficult," said Crabbe.

He also questioned how permission would be obtained if it was required. Would it need to be written, verbal or through a text message?

The Saskatchewan Wildlife Federation does not believe hunting is a major concern by property owners when it comes to the access issue. Crabbe said this questionnaire is an opportunity to address the issues that are concerning landowners while not disrupting much on the ability to hunt.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Rural Land  
**Date:** Monday, September 10, 2018 10:29:33 AM

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Good morning,

I live on a farm southeast of [REDACTED], Sask. About a half mile behind our house, in the middle of a canola field, there is a treed area (a large slough, when it's wet), that is home to a lot of ducks, deer and moose. It's a tempting location for hunters, and we frequently find them back there. We have our land posted "no trespassing without permission", and we will grant permission to hunters who ask politely. However, we often find people hunters back there who have not asked permission. Despite the fact that our home is clearly on the same quarter section, and it's pretty obvious we are the landowners. Sometimes my husband will ask, and they'll claim they "didn't see the sign." To be fair to them, it's difficult to put up enough signs on an unfenced area of two sections of crop land. I don't think I could possibly put up enough signs to ensure someone on a quad always saw one.

I understand that city residents might want to take a walk, or shoot a duck. Just, please, ask first, or let me know your going back there. I'd like a chance to warn you about a tricky-to-spot dugout, or let you know someone else is hunting moose back there. Or that my 11-year old might also be taking a walk.

As the reader, imagine you get up one morning, look out into your backyard in Regina, and see a guy wearing a full camouflage outfit, an orange toque, and carrying a gun. You've never seen him before. He's just stepped on a flower. It's not ideal.

Asking permission is an issue. I'm not always home. We've cut off our land line, so it could be tricky to find our cell phones. I suppose you will have to legislate that every landowner must get in touch with their RM office and either:

- provide a blanket "yes" or "no" answer for each parcel of land, or,
- provide a contact number so people could ask.

Given the risks of spreading clubroot, trespasser injury (thinking of that dugout), or problems while hunting, we really have to tighten this up.

[REDACTED]  
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[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Rural land  
**Date:** Friday, September 14, 2018 10:54:41 PM

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My thoughts as a rural land owner are first this land is owned or leased by a person or corporation. When i decide to have a picnic I don't go to town and find a yard I like and spend my day there. My second point is for the hunters. This is looked at as a sport. Every other sport pays for a field or arena to play their game but for some reason land owners get nothing.

Sent from my Samsung Galaxy smartphone.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Rural Property Access - questionnaire response  
**Date:** Sunday, September 23, 2018 12:24:41 PM

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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! We purchased this rural property to own no differently than anyone who purchases property in a city or town. Would anyone on a city lot like an ATV, snow machine or off-road vehicle rutting up their grass? We maintain this property and damage to the ground/grass can also damage the equipment used to maintain it.**

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?

**A. All land should be treated the same and require advance permission to enter/access.**

Q. How should permission be sought and granted?

**A. If a person does not have access to the owner's telephone information, any person requesting access should come into the yard via the existing driveway and verbally request permission. I am not in agreement for the RM to provide private and personal contact information. RM's already provide area maps that specify owner names. If owner permission cannot be obtained, there should be no access.**

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

**A. Perhaps; however, that is not my concern. I own the property and no individual and no government body can determine what that property is used for without confirming that with me. If an owner does not want recreational activities on their land, it is likely for good reason, and that should be the owner's option.**

[REDACTED]  
[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Rural property access  
**Date:** Tuesday, September 18, 2018 6:22:25 PM

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Good evening.

I live in a small town and engage in both hunting and fishing and have so for many years. I strive to be an honest and ethical in my outdoor activities. Being responsible to landowners is a large portion of ethical behaviour.

For myself and people I hunt and fish with, we respect when land is posted. If its posted no hunting or no trespassing then it's a no go area. If its marked with permission only, we seek permission and to let the owner know when we will be around. If land is not fenced and unposted and not seeded then we may respectfully enter that field. We do not go into farm yards, whether unoccupied or not. We may go into a clearly abandoned and cleaned up farm site to bump the bush.

We always respect the wishes of landowners and do no damage and leave no debris behind us. Rarely have I ever gone into a farm yard to call on a farmer. Usually only if I find his cows are out or something like that. I just feel I'm invading their privacy. I would call instead.

Would a change in legislation affect what we do? Probably. Hunting zones cover a large area. I cannot imagine how we would call every landowner in a zone to ask permission. There would be hundreds of them. If it becomes an impossible task then I imagine it would make hunting for the most part impossible.

I also wonder if the landowners are prepared to be deluged with calls from hunters. Those could run into the hundreds as well. Talk about annoying.

I don't think these changes would result in a good outcome. They certainly will do nothing to increase anyone's security. People just need to have more respect for each other. Especially for land owners. Posted land is posted and off limits. End of story. If a land owner is ok with hunters accessing his land in a respectful fashion then leave it unposted, if you want people to get permission, post a phone number to call or text. Seems a simple system.

For what it's worth, this is my perspective on this issue.

Thank you.

Respectfully yours,

[REDACTED]

Sent from my Samsung Galaxy smartphone.

From: [REDACTED]  
To: [LSBQuestionnaire JU](#)  
Subject: rural property owner re trespass laws  
Date: Tuesday, September 18, 2018 7:17:17 AM

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Our answers to your questions are below:

**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, especially for non-residents/non-workers in that rural community. The part about 'regardless of activity' must have an element of common sense. ie - if my cows get out and into the neighbors crop, I do not want to have to find him first before taking action to get them out! BUT if I decide I want to dig pits on the neighbors land to hunt geese, I would need his permission to do so.

**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. All land should be treated the same. People can be unaware what the land is being used for - case in point, we have goose hunters driving all over our fall grazing stands right now (it looks like stubble to them apparently)! We also own a gravel pit (non-agricultural) that some young kids think is just a big motocross area...

**Q. How should permission be sought and granted?**

Written permission annually, given by either the land owner and/or leasee. We have done this for years - it includes a waiver and our expectations of those people accessing our land ie - no vehicular traffic off specific trails, garbage in, garbage out etc. We also ask for a vehicle description so that both parties know what the other is doing.

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

Not in our experience. It is usually hunters we deal with here and most are very willing to have contact with the landowner/lease. It also gives them confidence that they are being supported by us. We have always appreciated this 'face to face' exchange as everything becomes more transparent to both parties involved.

Our operation has over 100 miles of fence, just on our pasture land, not including our cultivated land of close to 10,000 acres. It is an almost impossible job to post signs indicating no trespassing or no hunting and keep that maintained. We deal with people who think they can drive anywhere, tramping on crops, leaving gates open, driving through fences and leaving them broken, etc.

**As landowners and leasees, we would appreciate having consent as a prerequisite for any access.**

Just put this in perspective - if you live in the city, would you like it if someone decided to start camping or decide to 'hang out' doing whatever on your front or back lawn without your express permission?



**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Rural Property  
**Date:** Friday, September 14, 2018 8:57:05 PM

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We feel that the landowner, who has to maintain and pay taxes on the property has the right to disallow the public from accessing owned land. City landowners would be horrified at people trespassing into their property. Rural landowners are no different. For people wanting permission, ask the landowner.

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

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

Q.

How should permission be sought and granted?

By direct contact with the owner

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

No

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Rural Trespass Rule  
**Date:** Wednesday, October 10, 2018 10:53:31 AM

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Hello,

It says the questionnaire is now closed. We have been very busy with harvest and moving and I would really like my voice or response to be heard. If there is any way to still complete the questionnaire please let me know.

In the event, this is not an option, I am sharing my views via this email.

As a landowner, I strongly oppose trespassing on my land by anyone. I have worked extremely hard to be able to purchase land, I pay for it, pay taxes on it and maintain it and therefore it should be up to me if and when someone accesses my land. I firmly oppose hunting and prefer my land to be a safe place for wildlife. I also value my privacy and would be very concerned/frightened by a stranger coming onto my property.

Thank you for your time and consideration,

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Rural Trespass rules  
**Date:** Thursday, September 20, 2018 3:09:39 PM  
**Attachments:** [REDACTED]

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Ladies and Gentlemen:

Please find attached my response to your questionnaire regarding the review of Rural Saskatchewan Trespass law.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** rural trespassing  
**Date:** Friday, September 21, 2018 10:38:21 AM

---

I was never aware that property in rural areas was open to allow anyone to enter the property without permission. This is the same as anyone can go into the backyard of a city property owner & use the bar b q or swimming pool. When people have paid for their property & pay taxes on that property it is theirs & theirs alone. So it should stand to reason that permission has to be given first. No one in the city would allow a hunter to start shooting on or around their home. There are children, pets, livestock, other property. To have laws that rural property is open for anyone is a huge safety issue.

Whether First Nations & Metis have hunting rights or not, when there are property owners (meaning they spent a lot of money to purchase & maintain their property) it is only respectful to obtain permission first & is only right that the property owner is advised of the dangers of guns being shot. The owner can then be aware when they work in the field, protect his family & livestock. There are already too many hunting accidents

But it is not only hunting, my family is has to deal with people coming on our property with a prostitute, drugs, dumping garbage, needles.

If we can't have a government that will help to ensure our safety, what is the alternative?

When is our constitutional rights going to be enforce that a citizen has the right to be safe.

It is all too clear what rural families have to deal with when they are alone to protect their family & property... they become the criminal & they real criminals become the victims. One way to stop this is to respect the rights of the property owner.

The other issue is to have heavy fines, but more important, these laws have to be enforced & it has to be known to the public through the news & social media

There is a sign posted on our road of a \$2000 fine for littering... yet there has never been anyone charged.

I have not always lived in a rural area, but since I moved I can not believe the discrimination of rural people. In my area we have been call leaches to the city, accused of wearing of the lines on roads, using city facilities & not paying for them. We can not get the same internet, TV & especially cell service yet we pay the same fees & taxes.

The crime rate has skyrocketed mostly due to the fact that these lowlifes are not given jail time. As I said, they become the victim & are released to commit more crimes

This law has to be changed

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** rural trespassing  
**Date:** Friday, September 21, 2018 7:46:16 AM

---

I think the law should be toughened on rural trespassing, people should have to ask for Permission to be on your land. I had my winter tires stolen by someone who stopped by Inquire about a vehicle we had sitting in the yard, just an excuse. I've watched people Stop in our driveway to watch the house to see if someone is home.  
I don't know how the permission should be received, if they have no reason to be on your Property they shouldn't be unless you have invited them or know them.

Sent from [Mail](#) for Windows 10

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Sask. Trespass Laws  
**Date:** Friday, September 21, 2018 11:42:50 AM

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To the Sask. Ministry of Justice

I own a farm [REDACTED]. My crops have been driven on, garbage has been left on the land, a washer and dryer were blown up with tannerite, requiring a great deal of work picking up small metal pieces to avoid wrecking the combine, my truck was stolen from our yard and burned, pasture fence has been torn down, gas stolen from tractors and combine, tractor stolen to get stuck trespassers vehicle out, and to date not one person has been held accountable for all this.

Private property in rural Sask. MUST be protected, by making all private property covered under the Trespass law whether land is posted or NOT. Written permission by the farmer or landowner must be required stating name, address, Drivers lic. number, vehicle description, license plate number, and expiry date and time, signed by landowner. R.M. maps listing landowners are easily available. Good hunters develop a good relationship with landowners and are welcomed back each year. Anyone who doesn't have permission is usually up to no good. by requiring written permission, ex. from a govt. online form, a police officer, RCMP officer, or Conservation Officer can check, and charge the offenders with trespass. The fine should be a substantial discouragement. Any less than this will only add to landowners/farmers troubles when trying to earn their living. If we have gotten through to you just how bad the situation is in rural Sask., then times it by two. its now YOUR turn to fix this.

[REDACTED]

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Saskatchewan land use  
**Date:** Sunday, September 16, 2018 3:37:00 PM

---

Quick answers to the survey questions as a rural land owner

Q1

I do not think that land use should require express permission

Q2

There should be a difference between cultivated land that currently has crops on it pasture land and fenced land fences and closed gates should require permission to cross

Q3 permission should be granted in writing

Q4 pre consent would be a unreasonable impediment for recreational use

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Saskatchewan land use  
**Date:** Tuesday, September 18, 2018 3:33:56 PM

---

Quick answers to the survey questions as a rural land owner

Q1

I do not think that land use should require express permission

Q2

There should be a difference between cultivated land that currently has crops on it pasture land and fenced land fences and closed gates should require permission to cross

Q3 permission should be granted in writing

Q4 pre consent would be a unreasonable impediment for recreational use

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** SCA response to trespass consultations  
**Date:** Friday, September 28, 2018 3:29:27 PM  
**Attachments:** [REDACTED]  
**Importance:** High

---

Please find attached SCA's comments on the proposed changes to the Trespass to Property Act.

If you have any questions or concerns, please contact me.

Sincerely,

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** SK Stock Growers Trespass Act Submission  
**Date:** Friday, September 28, 2018 3:10:41 PM  
**Attachments:** [REDACTED]

---

Good afternoon,

Please find attached a copy of our formal submission for Trespass Act review.

Thanks

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Cc:** [REDACTED]  
**Subject:** Sk Trespassing Response  
**Date:** Thursday, September 13, 2018 9:29:15 AM  
**Attachments:** [REDACTED]

---

To whom it may concern,

Attached response,

Saskatchewan rural land owner.

Thank you.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Stricter Trespassing Laws  
**Date:** Tuesday, September 11, 2018 7:26:33 AM

---

I think our laws should be stricter as the onus should be on the trespasser not the landowner. We have fencing around all our land, that should be enough of a hint that it is private land without posting it too.

Sent from Windows Mail

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Subject: Review of Trespass Related Legislation  
**Date:** Monday, October 01, 2018 8:56:07 PM

---

[REDACTED]

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

**Subject: Review of Trespass Related Legislation**

I offer my answers to the questions put forward:

**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, I think that requiring express advance permission for access is reasonable. I am a farmer and find that the onus on me to post my land is unreasonable. When I have taken the time to properly post land, the signs are ignored, or they are defaced (like cutting the “No” off of No Hunting), the signs are damaged, destroyed or removed. The proliferation of ATVs has made things worse as well, with some operators thinking that they can go ANYWHERE with them, driving through standing crop, driving over swathed crop, through yard sites, etc.

The existing legislation provides for me, the land owner, to be able to ask trespassers to leave or stop a certain activity—but I do not have the time to run around chasing people off/away. Hunting usually coincides with harvest and I prefer to try to get the crop in. The issue for me is one of respecting private property and rural people, safety for me and my family, bio-security for my fields and crops (example: clubroot) and living in a law abiding society.

**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?**

I think that all private land should be treated the same in that advanced permission should be required regardless. In my experience, there are many respectful hunters who do come and ask permission and I feel that this should be a requirement to change the culture of “access unless expressly denied”. In the hunting and fishing guide I remember reading that hunters are urged to ask permission but it was also stated that this was not required. I think that it should be.

**Q. How should permission be sought and granted?**

I think that it would be acceptable for hunters or others to approach me for permission “by attending at any on site inhabited residence by the most direct route from a main access point”. This is what respectful hunters have always done. It is also something that ATV operators have NEVER done. Posting of email addresses through rural municipality offices is another option that was mentioned. This could work.

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

Having respect for landowners and our livelihoods is not an unreasonable impediment. As I have mentioned previously, respectful hunters have always asked for permission. Recreation should not come before respect for private landowners.

The ATV question is also important as the existing legislation prohibits their operation on private land without permission, but at least where I live it is absolutely ignored. The threat of diseases like clubroot are REAL. The ability to perform prohibited activities while using ATVs and other off road vehicles is also REAL. Bigger fines, more enforcement and maybe some education at point of sale could be deterrents.

The biggest deterrent may just be changing the culture and attitudes by REQUIRING PERMISSION.

Thank you for taking the time to read my answers and comments. I would have written more, and sooner, but we have been having quite the battle with the weather and trying to get the crop in.

My regards,

A black rectangular redaction box covering the signature of the sender.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Survey for private land entry  
**Date:** Friday, September 14, 2018 9:27:08 AM

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I am looking for this survey and can not seem to find it. But I don't see why it would change as a hunter it would as far as I am concerned completely ruin hunting for generations to come. I firmly believe if it is posted you either get permission or stay out even if its stay out that's fine every animal needs a place that should be safe. I enjoy the walk and the nature the way farming is now land is owned in allot of cases by people or corporations that are even in the province or lack of contact information. Land lines are almost a thing of the past as well. I understand the reason you folks are looking at this but to blanket it across isn't the right answer. When we are hunting there is no reason to be in a farm yard looking through buildings and if you are then that is just plain out wrong. I do believe we need to be tougher on the people that are out there the up to no good. But to penalize those of us that just enjoy hunting and feel we play by the rules put in front of us doesn't do anyone any good. I have hunted for 28 years and I have never ran into a landowner that gave me grief for walking across there land and I have never understood driving across it because there is no way anyone can tell me they are able to exit the vehicle and legally shoot anything. I think any hunting should be foot access only unless written permission has been obtained. I am afraid changing the rules on this will end up creating privatized hunting and take the fun right out of it for me and many others.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Survey response - Trespass  
**Date:** Sunday, September 16, 2018 7:29:12 AM

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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! This land is our home. No one should have the right to enter it without our permission.**

**Just like we cannot just go into someone's house in the city.**

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?

**There should not be any distinction. We own our land, and we don't want anyone else on it.**

Q. How should permission be sought and granted?

**They should knock on our door, introduce themselves and ask permission. Written permission should be given for specific access and specific dates/times and specific purpose, on specific land. The Province should create a form for this purpose to ensure consistency.**

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

**People need to respect other people's property and homes. Why should quadders or snowmobilers have a right to go onto anyone else's property? How would they feel if we drove our tractor onto their front lawn? The land is our livelihood, we don't care about others recreational activities. Buy their own land if they want to. There are lots of snowmobile clubs that have their own trails, so use those.**

**The Trespass laws in Saskatchewan need to be improved. Our land should not have to be posted, in order for people to be charged with trespassing. It should be automatic, just like break and enter is. The Province of Saskatchewan needs to support rural land owners, and provide the RCMP with some laws that have some teeth, so they can enforce properly. For too long, there has been the perception that farmland is everyone's playground, this must stop. The consequences for trespassing need to be**

harsh

enough to be a deterrent. People who ruin equipment and fences, hurt or terrorize livestock, run them through fences etc., cost producers thousands of dollars, with no consequence at present, this needs to change.

Thank you for inviting participation in your survey. If you are forming any kind of focus group etc. for this purpose, I would welcome the opportunity to participate.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Survey response  
**Date:** Sunday, September 23, 2018 6:30:50 PM

---

1. Absolutely!
2. Should be treated the same.
3. Land owner should be contacted by phone or in person.
4. No.

I feel strongly about this. If I came on to someone's property in the city without asking I can bet the home owner would feel violated and call the police. People should have to have permission to come on private property. And we should have property rights.

Sincerely

[REDACTED]

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Survey response  
**Date:** Thursday, September 13, 2018 1:48:03 PM  
**Attachments:** [REDACTED]

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I have copied and pasted the survey and responded in the body after each question. I feel very strongly that all private land and residence owners should have their privacy upheld, and that posting of land is absolutely not necessary, feasible, or desirable as a means of keeping out trespassers. All land should be considered private and treated as such, unless otherwise verified.

## Review of Trespass Related Legislation

Saskatchewan's great prairies and parklands represent both a public and a private resource. Reasonable public access to these areas constitutes the foundation for extensive cultural and recreational opportunities. At the same time, over 90% of Saskatchewan prairie land in the southern area of the province is used for agricultural purposes.

These public and private interests are not irreconcilable; however, they do require balancing to maintain an appropriate relationship between those seeking access to private land and the rural private landowners. This balance is jeopardized by the reported abuses that landowners see by those accessing their property. A further complication is the need for increasing crop biosecurity from invasive species and diseases spread by random access.

At the common law, trespass has always been a civil wrong. Legislation has been passed in Saskatchewan to modify the common law to provide guidelines regarding trespasses as well as offences and enforcement provisions where trespass occurs.

The Trespass to Property Act creates an offence of trespass. Under the Act, it is an offence to, without lawful authority:

enter onto posted or enclosed lands or other premises without the consent of the owner or other occupier;

enter onto lands or other premises, even if not posted or enclosed, after being requested not to do so by the owner or other occupier;

engage in prohibited activities on the premises without the consent of the owner or other occupier;

fail to leave lands or other premises after being requested to do so by the owner or other occupier;

fail to discontinue an activity after being requested to do so by the owner or other occupier;

after leaving a premises or discontinuing an activity pursuant to the request of an owner or other occupier, re-enter the premises or resume the activity.

An individual in contravention of the Act will be liable on summary conviction to a fine of up to \$2,000 - in most cases, the individual would make a voluntary payment of the amount set out on the ticket rather than going to court.

The owner or occupier can:

ask the individual to leave the land or premises or discontinue an activity on the land or premises; or,

give written notice to the individual not to enter the land or premises or engage in 1

an activity on the land or premises

A peace officer can issue a summary offence ticket and, if the individual does not leave the land or premises or discontinue the prohibited activity, can arrest the individual.

The Trespass to Property Act was not meant to replace trespass provisions dealing with specific circumstances such as snowmobiling and operation of all-terrain vehicles, and such provisions continue to apply. Currently, where there is a conflict between the provisions of The Trespass to Property Act and specific trespass provisions in other legislation, the latter will prevail.

The Wildlife Act, 1998 prohibits hunting on posted land. The Act further provides that the lack of posting does not indicate consent to access for hunting. It also provides that where consent to hunt is provided, the owner/occupier owes no general duty of care to a person hunting on the land;

The All Terrain Vehicles Act prohibits the operation of ATVs on private or Crown land without the prior permission of the owner or occupier, regardless of posting;

The Snowmobile Act provides that, without the consent of the land owner or occupier, snowmobiles cannot be operated on posted private rural land or on private

land within a city, town, village or hamlet (the use of designated trails created under The Snowmobile Act will not be impacted by any proposed changes to trespass related legislation); and

The Provincial Lands Regulations provides that someone occupying provincial lands without authority from the province is a trespasser.

Having different access and posting rules for different activities as noted above may well be contributing to confusion as to the rules for access.

In addition, rural crime and other reported abuses by a minority of those accessing rural property under these Acts has significantly undermined land owner support for public access.

Land owners may also face fire risk and the increasing need for bio-security against crop diseases that can inadvertently be spread by even the most conscientious visitors. For example, Clubroot is a soil borne disease that can significantly affect yield in crops like canola with few options for control. The disease can be spread by soil being transported by agricultural or industrial field equipment, vehicles, tires, animals, and shoes.

Invasive species such as downy brome or leafy spurge can reduce of the productivity of grasslands and crop land and can be spread by vehicles, clothing, shoes, pets, etc.

2

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

(a) that is a lawn, garden or land that is under cultivation, 3

(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**

4

### 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?

**NO ~ 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?

**AS INDICATED ABOVE 'by attending to any on site inhabited residence by the most direct route from a main access point'**

5

## 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.

6

## 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.

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## 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

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Survey  
**Date:** Thursday, September 20, 2018 8:42:00 PM

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1. We truly believe that if the law stated every entry onto private land must be approved prior to entry. This could easily apply to all forms of recreation and hunting. If the general perception was that all access was by permission only maybe then respectful people would make an attempt to get permission. A rural land owner could never sit on his urban neighbour's yard and say he was just scouting for deer. We need to change the idea that you can just do what you want in rural Sask.

2. All private land should always need permission before entry. This would be a very simple law.

3. Either verbal or written permission should need be acquired.

4. The law would need to apply to all forms of rural land enjoyment.

5. We must always remember. This is private rural land. Why must the owner fight to keep people from our property. This would never be allowed in an urban setting.

6. Special interest groups have crownlands and other designated areas that could be used for their enjoyment.

7. I believe that all laws in this regard should be very similar in all three prairie provinces. Keep it simple and easily controlled.

8. When laws are in place Authorities need to give out the tickets to offenders. Why do often police and courts refuse to ticket offenders because they feel it will never stand in court. This attitude must change. Let the courts decide who is guilty or not. They need to ticket for the offences. If they don't it seems that no problems exist in rural Sask.

9. Fines need to be greatly increased. In raising the amount not only deters the offence but also goes to help with the costs of policing.

10. People need to respect rural property. If no fines or charges are ever laid, things will never improve.

I hope some of these ideas help. Local authorities are run ragged during hunting seasons. The little bit of revenue the province makes from a few hunt tags, is nothing compared to the costs of policing. Larger fines and more time served would prevent a lot of the petty crimes that occur.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Survey  
**Date:** Monday, September 24, 2018 12:10:32 PM

---

No one should be allowed to trespass on land in rural Saskatchewan without the permission of landowner or authorized person to give such permission.

Permission should be granted in writing, but is up to both parties to establish that

Sent from my iPad

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Survey  
**Date:** Friday, September 14, 2018 11:24:02 AM

---

All private property including in rural areas should be off-limits to everyone unless they receive express permission from the owner to enter the property. Permission could be in person, by telephone or in writing. This should take precedence over recreational activities.

[REDACTED]

Sent from [Mail](#) for Windows 10

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** survey  
**Date:** Friday, September 21, 2018 12:44:37 PM

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1. No
2. No
3. Phone or in person
4. yes

Sent from [Mail](#) for Windows 10

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** The law should be that private property is just that, not public property. This should mean the owner has the exclusive use of it, no matter the race, color or creed of others. It has always dumbfounded me that I need to post "no trespassing". CHANGE T...  
**Date:** Tuesday, September 11, 2018 10:28:29 PM

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Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** The no passing laws going to be bad for hunters it's a big country and if you see something to shoot and you don't know who owns the land how do you get permission and by the time you do The animal I will be long gone  
**Date:** Thursday, September 13, 2018 11:14:55 AM

---

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** The proposed trespassing law  
**Date:** Monday, October 01, 2018 12:24:59 PM

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I strongly oppose the proposed trespassing law because these new rules will violate the right of individuals and limit opportunities for leisure and recreation activities. In addition it will begin to restrict citizens especially from urban areas to access natural resources and giving landowners the unfair advantage to profit from commercializing access to their land.

I urge the Saskatchewan government not make changes to the existing laws but to focus on education on the issue.

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** The Trespass Property Act  
**Date:** Sunday, September 30, 2018 4:45:46 PM

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Dear Legislators: In regards to the Trespass Property Act, I would like to make these points:

It generally seems that more people need to put up cameras to protect their land, their home yard **and their own reputation!** I don't like that Stewards of the Land are being taken advantage of by a few hard core criminals, kids out for kicks, bored urbanites, and so called antique hunters who just want to trash places. I don't care for the idea that we have to protect ourselves by using cameras, which usually don't provide much to go on. It is only a mental deterrent to people who might have a semblance of a conscience. Hard core or determined criminals just hide out of range or cover their faces.

I don't like the idea of guns being used ever! However the question is, how many crimes in Saskatchewan in rural areas are a result of guns having been brought onto someone's property in the past? If a stronger trespass law isn't brought in then we may start to see more organized crime from urban centers move into the rural area. Long stretches of dark roads, homes getting farther apart as larger farm factory corporations/land block investors buy up land and farmsteads make the rural landscape more prone to criminal activity. This leaves the multi-generational farmers who have stuck to the land more susceptible to "unknown", "unfriendly" travelers.

There seems to be more of a general disrespect for rural landowners. If a creek runs through the land, it is something to be driven through by Quads or all-terrain vehicles. Fence lines are cut or dragged down and gates are left open. Families along Highways have always had problems with gas theft, some people are kind enough to leave money, some take what they want including the Gas jug.

I would like to see more clear rules about Posting that dogs are on the premises, specifically for Farms. From what I understand you can post a warning about a Dog and if the dog bites someone the owner is liable. If the Dog is in protective mode then it shouldn't be the land owner who is responsible for trespassers getting bit. Especially if there is signage, or if the Dog is in any building or behind a barrier fence/gate!

Right now the laws seem to favour everyone except the landowner, the farm yard owner, the equipment owner, the rural acreage. The landowner seems to be liable for everything. They are given excuses when they lose equipment to theft, arson, vandalism. Even rural families who post their loses on the internet may never find their items again, as they are just a small fish in a big pond of criminal activities. Farmers generally carry large deductibles to help bring down the cost of their insurance. So, not only do they lose their personal property but they have to pay a large deductible in order to replace the items, and sometimes some items are irreplaceable or irreparable.

I would like to see a "No Need to Post" law wherein vast expanses/tracts of trees/fields/meadows/pastures are protected from trespass unless given written permission. In the Autumn we see people driving across pastures and fields or parking on the highway edge and

walking in all the time. They have a hunting license and believe that that entitles them unfettered access to rural Saskatchewan. I have no problem with hunting. My family hunts, but there are always those urbanites who don't understand respect for rural land owners.

I realize this proposed law is less about hunting and more about the problems north and east of Saskatoon. We weren't happy to see that any rural landowner/farm yard owner was placed in a position where they felt the need to threaten to use violence to protect their home place. We weren't happy to see the News bias place blame only on the landowner. There were two stories there and unfortunately marketing of "violence" and the unfortunate death of the young man was used as a political and social tool to promote anxt in the province and country. The story should have been frozen by the Courts to not create bias on either side. Yet despite the fact that bias was marketed by an out of province lawyer taking the whole incident to a different level and the land owner was sentenced according to the crime; there is still the marketing and political maneuvering still being used to achieve various agendas that have nothing to do with the trespassing of a vehicle load of kids into various farm yards before a death resulted.

What needs to be an outline of what is constituted as a "fear for safety" before R.C.M.P. prioritizes rural responses: A car load of unknown or suspect people who are walking all over your property? Two large men in dark clothing carrying any kind of threatening object? Anyone forcing locks or doors/windows? Vehicles backed up to loading gates, shops, grain bins, equipment etc., that shouldn't be there? Watching your equipment/vehicles drive away down the road by someone you don't know?

There needs to be stiffer penalties for theft of farm equipment. Equipment can easily cost 1/2 to 3/4 's of a million dollars or more. The last fellow who stole equipment from farm yards and dealerships in Outlook and Saskatoon had a mental problem or so his lawyer stated and that is why he stole equipment. Yes stealing is a mental problem. "I want it, you have it, it has to be mine!" Mental problem! Aka "stealing"! Stealing someone's TV or bike is not the same as stealing a combine, tractor, swather or grain truck, cattle, grains! These items are how we live, how we survive and how we provide food for the public. It is our jobs that are being disrupted and the provision of food sources for everyone else. If there was a bank robbery, the police would be right there. We are a multi million dollar business, our capital is our equipment, tools and husbandry, grains and the obligatory contracts that we have to fill if there is a theft! We deserve the same protection!

I believe there should be stronger No Trespassing rules with the onus placed on the trespasser's actions before accessing, during access and following access to farm land, farm yards. If cameras and dogs are our only protection, then don't penalize land owners for dogs who "defend and protect". Then make sure R.C.M.P. use footage taken and not dismiss it, no matter the quality. Have signage made leaving the city limits stating, that "Surveillance cameras may be in use in Rural areas. Respect land owners rights." In Europe and Great Britain land access is protected due to concerns over disease and vandalism. Just because Canada has a larger land base doesn't mean farmers shouldn't be protected for the same reasons.

No one wants an Orwellian system of protection, especially in the rural area. It's bad enough the city scape seems to be inundated with cameras where ever you turn, inside and outside of buildings.

I also do not want to see that the Government demands that “Surveillance” must be posted as that is just a forewarning to criminals and they look for ways to hide themselves or override the system.

**Create a program in the school system of “Rural Respect”.** The education system is trying to acknowledge what farm to table means. They need to expand it more to explain “farmers are stewards of land and bush and waterways”. We protect what we can. Wildlife depends on the open spaces and the protective cover. We don’t just farm, we care about the wildlife around us and provide spaces for them, respect waterways, and provide bird houses, farm around marshes, etc. Just because there is a road into a place doesn’t mean it is for public access. Don’t ride vehicles through water sheds, creeks or across fields. Disease and damage could create harm to environment, species and possible loss of food production. Loss of food production creates higher cost of food in the market. ETC.! Farm land sometimes is sprayed with chemicals that have a residue to kill bugs and can be harmful to humans and pets. Don’t trespass!

Stopping to make a bouquet of flax, sunflowers or wheat heads is theft! Walking through fields to take pictures of yourself causes damage to crop and you could be bringing in disease from somewhere where you walked previously. Stay out of the fields! Ask a farmer for permission before accessing rural land. Dropping off cats, dogs, garbage, rugs, beds and furniture on the edge of fields or farm yards is not tolerated! We have our own pets and your animals may contain disease or may cause serious damage to birds and amphibians in the area due to over population of cats and dogs. Cities provide garbage and recycling and reuse centers, use them. We don’t want your garbage! We have to take time out to move it and dispose of it, if we are lucky enough to see it before it causes damage to expensive machinery! All these points need to be taught in school rooms from an early age to teach “Respect, Reflection about Land Stewardship, Recourse of Actions by humans to environment”.

We have had problems with semi-trucks sliding off the highway in winter and embedding themselves in our fields. Once the tow trucks get them out, we are left with the deep tracks and ruts in our fields. We have tried to make claims for our time and work to repair the rut damage to the parent companies but they just dismiss us. There has to be a “recourse” for farmers to claim damage to the land! If there is a spill where is the recourse? The Government may clean it up, but the farmer has to deal with the mess after and it is time and money out of their pocket! Our time is worth money the same as the Tow truck drivers, the Fire department and R.C.M.P. who all respond to the incidents. For your information Farmers don’t want to submit an insurance claim for this type of damage. There needs to be an onus on the parties who do the damage to pay for repairs to the land. If someone drove into a building, the cost of the repairs would come from the “driver”! The same rules should apply to landowners who deal with inadvertent or purposeful trespass where displacement of the land results in a need to relevel, refill or loss of crop or crop potential.

Our neighbours have problems with people who think a field approach is a parking spot where they can meet up with another driver and leave their vehicle all day/every day! Then when they leave they do a turn around in the field (cropped and non-cropped which packs the soil)! The neighbours have left signs on the windows asking nicely and explaining that this was their equipment access to the field, they have posted signs and they have had to block the approach. The people just move to a different approach. One neighbour who doesn’t farm, made a parking area at the end of his driveway to help out the farm neighbours from these type of trespassers. Other farmers may not

have a neighbour who will do that.

Farmers are generally not hard to get along with. We usually have an upbeat attitude and are generous with our time and our contributions to community! "Ask First!" should be the motto for anyone who wants to access any part of a farmers land base. Ask to park on a field access and what the rules are. Ask to be "given" a few flax flowers, sunflowers or wheat heads. Ask for permission: to hunt and what are the rules about where to drive and where to walk and where the boundaries end; if they can dig and understand they always have to fill in holes they make, replace gates they take down, to never cut a fence and report if a fence is accidently broken. Just general respect is what we ask for. Just because our farmyard is bigger than a city lot and isn't surrounded by a fence doesn't mean you are welcome to enter and walk around it, unless you are invited or should you have farm related business to do. We don't walk around the inside of a bank vault or the personal office of a business or your living room without being invited, please extend that courtesy to farmers.

These are just some ideas to contemplate while you develop the No Trespass law.

-Posted land – What needs to be posted? What does signage have to say to protect the farm owner from liability claims from trespassers and anyone given permission to be on land?

-Posted land—Does a one time verbal permission allow for continued trespass? Should a written form letter be made available for hunters?

-Will there be an onus of liability on the property owners/lessors/lessees if someone trespasses and there is no signage/no visible signage/no access to signage to where someone crossed into land and there is a claim of injury or damage to their property?

--Will there be a rule about how close Treaty peoples and all other hunters can hunt near buildings, homes, farm equipment, grazing animals? I have no problem with hunters as long as they respect the privacy and safety of farm yards and all capital property on the open land: Farm Machinery in the field, Irrigation equipment, grazing herds of cattle, bison, etc.

--If someone trespasses on your land and there isn't signage, what loopholes are open where liability is upon the land holder in regards to natural lay of the land eg: sloughs, old fence line bluffs, sloughs, old equipment left on the land? Eg: Trepassed on by Snowmobilers, Quad drivers, Motorbikes.

--Will there be a "recourse" rule written in for land owners to claim damage against deliberate or inadvertent trespassers or anyone who causes damage to the lay of the land, crop potential, or fenced barriers?

Thank you for taking into consideration our concerns.

[REDACTED]  
[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** The trespass to Property Act  
**Date:** Sunday, September 23, 2018 8:19:48 AM  
**Attachments:** [REDACTED]

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Attached is the questionnaire. It would have been appreciated if it was a fill in the box straight forward document. Due to how it was formatted, you should appreciate that the responses are important to the people that are returning it.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Tougher trespassing laws  
**Date:** Friday, September 14, 2018 9:39:43 AM

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My name is [REDACTED] residing at [REDACTED].

The purpose of this email is to make my point known that there comes a time where there must be respect for the life of the person who has spent a life time building a lifestyle. There comes a time where the attending officer treats a theft of property as little more than an insurance claim. The time has come to give some power to the people, with laws that gives honest hard working folk a chance to have a direct control of a sort, in who comes onto private property.

I used to farm an never had any problem because the land was posted no hunting. Today I would have to add or trespassing.

There are more and more people with less values all the time.

Snowmobiles in the dead of winter is not the problem, it is those entering onto private property to do harm or steal.

As far as treaty rights, there is enough of Canada out there, they can go somew here else.

My point  
[REDACTED]

Sent from Samsung tablet



**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass  
**Date:** Wednesday, September 19, 2018 12:07:13 PM

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I believe that written permission should be required for entry on any private land in the province. As a farmer I am tired of people driving over my land and through my crops causing damage, not to mention the risk of transmitting diseases like clubroot which directly affect my ability to make a living. Hope you make the appropriate changes.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass  
**Date:** Friday, September 14, 2018 8:40:42 AM

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People must have written permission of the landowner before entering private property!  
Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass  
**Date:** Saturday, September 01, 2018 8:43:58 AM

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I agree that "any person entering private property requires prior authority of the landowner"

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass  
**Date:** Friday, August 17, 2018 7:42:27 AM

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The Supreme Court has said that lack of signage does not give someone the right to trespass. In the same case they also stated that private land is just that, private and cannot be accessed without permission. I think it is time our laws reflect what the court has already determined.

[REDACTED]  
Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass  
**Date:** Friday, September 21, 2018 8:11:20 PM

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I feel that snowmobiler's should not be required to get permission unless the land is posted!

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass ..  
**Date:** Wednesday, September 05, 2018 10:28:28 AM

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Permission should only be needed if the land is posted no aces or no hunting or no trespassing

That's my thoughts if u need permission for every piece of land its going to Americans  
nowhere to hunt unless u can give cash.

No signs by land owner no permission needed

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass  
**Date:** Thursday, September 20, 2018 7:14:16 AM  
**Attachments:** [REDACTED]

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My position is that all access to all or any type of rural property should require advance, oral or written permission before entry on to it--thank-you-[REDACTED]

Sent from my iPad

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** trespass  
**Date:** Saturday, September 22, 2018 3:26:59 PM

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- 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**
- Q. Would making consent an express prerequisite in all circumstances represent an unreasonable impediment to recreational activities? **YES**
- Q. How should permission be sought and granted? **VERBAL, ELECTRONC, or WRITTEN**
- 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**

**Pastures with no livestock and harvested fields that are not posted or close to occupied buildings should be accessible.**

[REDACTED]

From: [REDACTED]  
To: [LSBQuestionnaire JU](#)  
Cc: [REDACTED]  
Subject: Trespass /permission/questionnaire  
Date: Thursday, September 20, 2018 10:36:14 AM

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Sept. 20, 2018

Response to inquiry: Trespass /permission/questionnaire

<[saskatchewan.ca/residents/justice-crime-and-the-law-review-of-trespass-related-legislation](http://saskatchewan.ca/residents/justice-crime-and-the-law-review-of-trespass-related-legislation)>

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?

First: there shall be a Police record check (data base) of persons who want to be applicants and proceed through evaluation for access to land. The evaluation shall be kept on file (data base) / shared with Rural Municipalities, and utilized in granting future access to an applicant. Police Record check will include; gun violations, crime, robbery, violence, domestic abuse etc. A rating scale shall gauge the type of land-access activities, for which the person might gain approval.

Yes; Permission, in an identifiable form should be required in all cases.

This can involve letter, e-mail. text, with time and date,

\*\*stating who is authorizing person,

\*\*stating person authorized,

\*\*and time limited duration of time that this is valid,

\*\*and number of people /

\*\*and number and type of vehicles /

\*\*and type of activities /

\*\*\*and statement that activities are legal.

.....

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 distinction in land use: agriculture land, residential land, Industrial land , development land, rights of way, shall all require permission.

.....

Q. How should permission be sought and granted?

Required permission shall be obtained by: e-mail or electronic means, or in writing:

\*\*\* Applicant shall identify land by land location (SEC-TWP-RGE-W-of-Meridian)

\*\*\* Applicant shall submit identity of land by land location (SEC-TWP-RGE-W-of-Meridian) and complete list of people and activities to the Rural Municipality.

\*\*\* The Rural Municipality shall contact the land owner of land by land location (SEC-TWP-RGE-W-of-Meridian) and forward the complete list of people and activities.

\*\*\* The owner of the land may approve / deny approval / revise conditions / of the application and advise the Rural Municipality.

\*\*\* the Rural Municipality will rule on whether the activity creates conflicts with road-work, fire-safety, other work in the area.

\*\*\* The Rural Municipality will send conditions / or approval / or deny access /to the Applicant.

\*\*\* After an access has been completed, the land owner shall send to the Rural Municipality, an evaluation of the access. The evaluation shall be kept on file (data base) / shared with other Rural Municipalities, and utilized in granting future access to an applicant.

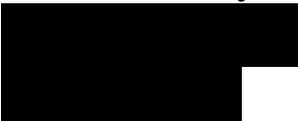
.....

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

No.

.....

Submitted by



**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass act review  
**Date:** Friday, September 14, 2018 4:13:54 PM

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No urban person as any right to have a say in this survey as they have no vested interest in the land.  
As a land owner I have taken a mortgage to purchase my land to make a living off this land. So someone that fells they are entitled to do what to other peoples property with no recourse.

We have had illegal hunting on my land destruction of my hay land by so called recreational vehicles.

If a non land owner wishes to grant access to land to hunt or explore thru written or verbal permission with land owner but if stopped must be able to provide phone number and location of land owner to verify story.  
Conservation officers should be making more stop checks on land. I am a avid hunter and have only ever seen one conservation officer in my area.

Just to fix the cost of a recreational user in a quad could cost me upwards of a 1000\$ just to make the land useable to grow a sustainable crop again.  
So where is my recourse, where is my repayment in my time and machinery  
I cant claim that as a loss now can i.

Thnx,

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass Act survey  
**Date:** Saturday, September 22, 2018 9:13:22 PM

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Here are my responses to the questions:

1. All access to rural lands should require Express advance permission by land owner.
2. There should be no distinction between different types of agricultural lands regarding access. Pasture, crop, hay, and summerfallow should be protected whether fenced, posted, or not.
3. Permission should be obtained verball in person when witnessed by a 3rd party, otherwise in written form (email, text, or paper form). Once permission is given, it should be revoked in both verbal & written form to ensure both parties are aware and that law enforcement have documentation required to enforce future violations.
4. It is not unreasonable to expect land access permission be obtained before hand.

Thank you for addressing this issue. Updating the Act will reduce misunderstandings & protect all parties involved.

[REDACTED]

Sent from my Samsung Galaxy smartphone.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass Act Survey  
**Date:** Sunday, September 16, 2018 11:40:01 AM

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Please find attached our input [REDACTED] as it relates to this issue and review.

To provide a bit of context to our position we now live in town but our roots are rural and based in ranching and farming. We are land users and despite having access to family owned property (farms and ranch) we also use other peoples property to conduct a multitude of recreational activities including hunting, ATV riding, hiking and fishing. Despite having “forever permission” each year before hunting season, out of respect for the land owner who is a family friend, we will ask for permission. Every year we are told “you don’t need to ask” however as said its about respect for those who work that land.

We have had people “trespass” both intentionally and in some cases by accident. Most did nothing that would be considered unlawful or criminal .... some did. Generally, we believe that in the past people in this province were far less concerned for the use of their land by others without permission. It also was because people however seemed to respect the properties of others and use it and care for it as if it was there own. It was really a “no harm no foul” type mythology.

Unfortunately this trend seems to be waning or decreasing in frequency as fences get damaged and land torn up by poachers and vandals. These are not however the majority. Sadly .... again we see a situation (as with gun control) where a few are impacting the larger law abiding and respectful population and now who appear to be paying for the sins of those few.

In any event, here are our thoughts.

**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:** We believe in general access to all private property including rural property, or more specifically the ability for a land owner or leasee to control access to unwanted person needs to be established in law. That said, there needs to be some reasonable ability for residence of the province to be able to access rural and farmlands and use those lands for recreational activities. Some activities however are more invasive and impacting than other activities. For example use of off road vehicles such as ATV or snowmobiles have a potential to impact the lands used for cultivation and livestock. That said, activities such as hiking and hunting are very low impact to the land and any livestock or residents on that property.

It is our position that any legal framework that may be established must balance the fact that recreational activities are part of what makes Saskatchewan a great place to live and play and particularly in the south regions of the province where over 80 percent of the land is privately owned excessively burdensome regimes as it relates to use of land would impact the ability of citizens to participate in activities that both enrich the way of life in the province but also contributes to a very healthy economic injection to local business and citizens of the province.

From my perspective, and as it relates to the more impactful activities such as off road vehicles the need to gain explicit permission should be required. That said, any regime that would be implemented needs to accommodate the less impactful activities including hunting, hiking, geocaching, bird watching and a host of other very minimally intrusive activities.

**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?**

**A:** We would suggest that whether land is fenced, cultivated with crop or open pasture there is no significant difference and the expressed rights of the owner/leasee are relevant. Notwithstanding, there should still be a requirement for land owners to have prominently displayed the necessary contact information at a point of normal access and egress from the land. While important to have the rights and common law authority of any land owner recognized there also need to be the ability for those following the law, without excessive or exceptional effort, be able to also follow the law and have the ability to gain the permission for right of access. This means in my opinion that a prospective user of the land must have access to the information in order to be able to contact the owner.

If this access to the OWNER or LEASEE is not easy it will create a situation that would lead many. Likely in frustration, to “risk it” and not contact the owner or leasee to obtain the permission due to the lack of ability to determine just whom is the owner. There should also be multiple ways to access this information. For example, the law requires (mandates) simply that a sign containing the name and contact info (phone number or email address) be present at the place of normal access/egress of the property. In addition, the RM’s are required to produce and make available some form of PUBLIC registry of land owners and/or leasee that in turn can be used to identify and contact the land owner. This perhaps could include a “pre-authorized” list where a land owner could identify that they allow access and perhaps what activity they allow (i.e. hunting and hiking). This list would be updated annually.

In closing, any law the province implements needs to be able to balance the rights of the land owner vs. The rights of the citizens of Saskatchewan to enjoy the land of our province.

**Q. How should permission be sought and granted?**

**A:** The ability to obtain permission must be reasonably easy and effective to ensure that the rights of land owners and users of the resources/land are respected. Any regime or scheme needs to ensure that some obligation exists for farmers/ranchers and land owners are contactable and identifiable. There should be at minimum a need to have updated contact information available to facilitate the contact of the land owner. In addition, Rural Municipalities need to be an active participant both in providing the access/contact information but also ensuring that this info is up to date.

Permission could be sought through personal contact with the land owner or leasee and/or the RM’s. There may be some ability to utilize technology in this regard. The contact point could be the RM

if direct contact was not desired by the land owner. That said, the law just can't impact the users but there needs to be some obligation on the land owner and RM's to facilitate the process.

We would also suggest the use of "pre-authorized" lists that would allow land owners to pre-indicate their specific position on the use of their land and for what activities. This would be perhaps maintained by the province but populated by the RM's. This would allow those whom desire the access to "check" without needing to contact the land owner directly. If the database indicates "access allowed" then the user would simply enter. In this system the land owner could also indicate what activities are permitted. For example it may indicate "access allowed" ... activities of hunting, hiking and snowmobiling.

As far as how the [permission is granted this seems to relate to several areas:

1. Proof of permission
2. Duration of permission
3. Activities permitted

The reality is that many land owners and leasees are not employed in entities like gov't or industries where legal frameworks are a daily routine. The use of a "permit" in a written form will likely be a foreign concept and that will lead to many interpretations of what this documentation may look like. It may be wise for the Act to provide a simple template as to what a "permission document" would look like. Currently, hunters and others often receive permission from establish gov't and NGO to hunt in a variety of locations. This means generally they receive a letter or perhaps email that implicitly provides permission. That however is NOT generally the case with those who approach land owners directly. Often the permission is no more than a verbal agreement. This of course makes the validation of the permission difficult by peace officers or others with the authority to ensure compliance with the current law. It may be difficult, in the absence of a specified model, to ensure permissions are PROVABLE unless there is a requirement for such a document to be in the possession of the land user. We would suggest that this needs to be somewhat flexible as some folks simply will not use a form provided by the government for such a traditional process of saying "Joe can hunt on my land". Many conservation officers or police officers are used to the response of "Jim told me I can hunt here" and not being able to establish this because "Jim" is not able to be contacted.

Closing comments:

Although many could potentially impacted by changes to the Act, there is a need to enhance the ability of land owners and their agents to protect their land owner rights. It can not however be lost that the land of Saskatchewan is just that, the land of Saskatchewan and should be able to be used by citizens, within reason, for recreational and lifestyle activities. As we see it we need to recognize certain activities are more impactful than others and that land owners should be able to restrict some activities more than others.

The largest group to be impacted is also one of the most recognized as being respectful and concerned with land use, specifically hunters. Given that over 8 percent of all land in Saskatchewan is privately owned there is a special need to recognize the need to ensure this specific group is

neither unduly impacted and that the law imposed is to what amounts to be “unworkable”.

The law needs to ensure that not only land users need to take the steps to gain authority to access private land but that the land owners and RM’s are required to ensure the prospective users can easily and effectively gain this permission. Otherwise it will just lead to an environment that will encourage non-compliance with the law.

Lastly, thanks for the opportunity to provide some insight into this. Many believe this is simply a “small” issue and that simple changes are all that needed. That is simply NOT true. There needs to be well thought out FAIR and REASONABLE regimes put in place that BALANCE the rights and needs of multiple concerned groups and stakeholders. Nobody need unreasonable law and restrictions.

Best of luck on the review.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** trespass act survey  
**Date:** Monday, September 17, 2018 4:13:19 PM

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**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. Private land should be respected. Currently the onus is on the land owner to post every corner and every access point. But trespassers claim they came across other lands that weren't Posted. Ignorance should not be a defense.

And Regardless of Activity. Find the land owner and let him know what you would like to do. Good communication can solve many misunderstandings.

**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?**

For each type of property I could list a reason to talk with the land owner. Potential Property damage is a common concern to land owners. But in today's world, Even the potential risk to the trespasser. Old buildings, Protective Dogs, Pesticide sprayed on the land.

**Q. How should permission be sought and granted?**

RM maps list owners of the land. If you need to access to the land do your homework. I hunt and I phone and visit landowners before I go hunting.

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

I have so many sarcastic remarks I could make to this question. We are talking about personal property.

NO...NO.... If a land owner has no problem with people accessing the land then no complaints would be heard.

But with land owners with concerns or a history of problems and want people to simply ask to come on their land, then the process is in place to fall on the side of the land owner.

You spend \$160,000, or \$300,000 or up to \$600,000 on a 1/4 section of property, and then say it is ok for anyone to come on the land and do whatever they want.

[REDACTED]



Virus-free. [www.avast.com](http://www.avast.com)

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass act  
**Date:** Friday, September 14, 2018 12:16:13 PM

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It's time to treat it like Alberta permission should be required to access any private land. No matter who you are or what your status is. I am a land owner and I was told by hunters last year to get off my own land because I was ruining their hunt. It's time to get s grip on this issue.  
Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass act  
**Date:** Sunday, September 09, 2018 11:20:06 AM

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No entry into any poster had without written permission. Make provision so land owner upon proof can have a constable charge offender. Eg trail cam or CCTV footage.  
Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass act.  
**Date:** Saturday, September 15, 2018 4:36:44 AM

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Yes, the act should be changed. If someone wants to go on my land all the onus should be on them to get permission from me.

I have had ATVs tearing up my fields for years. People go on and hunt without permission. How would people in towns and cities react if I drove a ATV across there lawn.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass act  
**Date:** Friday, September 14, 2018 6:52:00 PM

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Since there is no online questionnaire to fill I am sending this email to answer the questions to your PDF questionnaire

1. I don't believe that express permission should be required to access rural property as our present laws that restrict activities to outside 500m respects both the privacy and security of the owners.
2. All land should be treated the same except for pastures containing livestock where activities could disrupt movements, cause loss of productivity to the owner or injury to the animals. This already a protection that is present.
3. Permission for access if required by law should be verbal or written.
4. The requirement for permission to access is nearly impossible to obtain in many circumstances as
  - (i) Many landowners do not live anywhere near their property so personal contact is nearly impossible to obtain.
  - (ii) Municipal property maps give names of the owners but not any contact information so contacting the correct person to obtain permission is problematic.
  - (iii) Most people no longer have landlines so obtaining contact by phone is near impossible even knowing the name of the landowner.
  - (iv) Some activities such as upland bird hunting requires a large general area to locate and hunt birds, for example the area I hunt pheasants in is over 700 square miles requiring hundreds of calls to individuals that you cannot in all likelihood find the phone numbers for.

In conclusion I believe the proposed changes would move wildlife to the ownership of individuals and not the residents of Saskatchewan. Perhaps many issues could be resolved by making access on foot only removing the possibility of vehicular damage or contamination. Regardless of legislations thieves will still steal and the irresponsible vandalize .

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass Act  
**Date:** Thursday, September 20, 2018 8:05:49 PM  
**Attachments:** [REDACTED]

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please find questionnaire attached.. THANK -YOU very much for this!!

Respectfully,

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** trespass act: people (including Indians) should have no right to be on a person's private property, unless granted permission to do so. it is PRIVATE property that was paid for.....  
**Date:** Tuesday, September 25, 2018 2:10:45 PM

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**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** trespass change  
**Date:** Sunday, September 23, 2018 11:16:58 PM

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1 - Advance permission

Yes everybody should get advance permission before access is allowed ,  
whether hunting  
or rec use . People do not know the dangers on the property .

2- Type of rural property

Should not matter what type of property , we have had occupied pasture  
being used and wires cut  
and the threat of ex; clubroot on cult land (our land is posted and it dosn"t seem to  
matter to the majority )

3-How should Permission granted

By entering yard directly to house or by phone , there are many ways to get  
permission .

4- Consent a prerequisite

Yes , goes back to people not knowing dangers on property or danger for the  
land owner

ex; night hunting

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass changes  
**Date:** Thursday, September 13, 2018 4:09:58 PM

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I think you should require permission to access any private lands. I'm certain it would help the police with theft and other criminal acts, if you're caught on private land without permission you'll be charged with trespassing. It should cut down on people snooping around.

If the landowner wants you on their property they'll happily grant you permission.

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass comments  
**Date:** Sunday, September 16, 2018 3:44:58 PM

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- rural farm land is rapidly being consolidated into large holdings, both corporate farms and individuals
- in a number of situations the owner or occupant of the land is difficult to determine, including the problem of absent land lords located in other parts of Canada
- most recreational activities occur in fall and winter when crops are off or grazing has being completed.
- Snowmobiling and hunting are large economic drivers in Saskatchewan. a lack of places to conduct these activities impacts income to the province
- recommendation keep legislation similar to current.
- Land owners who do not wish to have activities on specific parcels of land can post “no Trespassing” signs

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass Consultation Response  
**Date:** Friday, September 21, 2018 11:29:39 PM

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Thank you for the opportunity to comment. This is a complex issue with many implications and I appreciate that my input is being considered. I live in [REDACTED] and access private farmland for hiking and hunting purposes. I respect the concerns that land owners have about access, especially in light of the high level of theft and other crimes in rural SK. I believe that every land owner has the right to post his land as he deems appropriate – “No Trespassing” or “Access by Permission”. If it is not posted then it is implicit that access is allowed within the parameters of provincial law. This seems fair and should meet the needs of everyone.

**Q1. 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. If property owners do not want people on their land then their property should be posted with “No Trespassing” signage, “No Hunting” signage. If access is by permission only is posted then a phone number should be posted on the property at corners of quarter sections and all gate access points.

Rationale:

1. Some of Saskatchewan farmland is owned by absent owners who would not be available for permission.
2. Hunters often are unable to identify ownership. Hunters often set up their hunts prior to sunrise to wait for cervid game species to return from night feeding. Certainly there could be advanced planning and contact for many parcels which hunting is desired, however in the event of a wounded animal, it could enter land where permission is not permitted resulting in wasted game.
3. Many Saskatchewan deer hunters hunt in vehicles accessing many fields through a day. Obtaining permission will end this practice for most of these lazy hunters.
4. There are many areas in Saskatchewan where crops have and will be prone to wildlife damage. Additionally, vehicle accidents involving big game are a significant cost for SGI and injure many SK residents annually. Hunting is an important method of managing wildlife numbers. Due to the complexity of hunting only on permission granted land, and likely being refused often, many hunters will become frustrated and quit hunting (I for one wouldn't be inclined to hunt if I could not access farmland in an open access manner).  
Additionally as Chronic Wasting Disease spreads across the province, interest in “meat” hunting will drop due to the health concerns with CWD further reducing hunting pressure. If hunting pressure drops, CWD, wildlife collisions and wildlife damage to crops and hay supplies will increase. This will cost the crop insurance system, SGI and increase the spread of CWD.
5. While I understand and appreciate the interests of private property, many people enjoy accessing lands for hiking, exercising their pets, berry picking, bird watching, accessing water bodies, etc – not just hunting, snowmobiling and ATVing. Permission requirements may impact these healthy outdoor activities.

6. Clarifying what constitutes permission will need to be established in law. Verbal or written. How do you defend verbal permission if something bad happens and the property owner claims trespass after giving permission?
7. Legislation must waive land owners of liability if someone has permission and something happens as a result of their access, i.e. vehicle damage, injury, etc.
8. Provincial law already exists to address access for hunting and recreational vehicles. "No Trespass" signage has always been an option.
9. It is highly unlikely that criminals will respect no trespass laws if they are stiffened.
10. Spread of club root or other soil borne diseases can be prevented by prohibiting access by vehicles for hunting. This is a fair compromise that will minimize risk.
11. Intensive livestock operations with biosecurity measures in place can simply prohibit access to the land that houses the livestock. This represents a tiny amount of land in Saskatchewan.

**Q2. 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 agricultural land should be treated the same with the proviso that land that is in active agricultural use, i.e. under crop, seeded or housing grazing livestock should not be accessible without permission. If the land is not in use then it should be accessible per question 1.

Rationale:

1. Having varying criteria for access will be complex and may lead to difficult prosecutions. Many people will not understand the distinction between land types. E.g. is a fenced pasture with the gate open now an open pasture? Is a coulee with good deer habitat that is fenced at the top of the valley, but not within the valley, open to hunting?

**Q3. How should permission be sought and granted?**

Ideally permission would be implicit through the lack of any signage prohibiting access. In the event this review process results legislation requiring permission, then it should be via email and phone options. Unfortunately, it is highly unlikely that land owners will want to post these contact numbers on their land. Obtaining permission will be difficult. Many land owners will not be happy with early morning phone calls or unknown people accessing their yards at all hours of the day seeking permission. In a worst case scenario, a hunter or other person entering a yard may be mistaken for a criminal which may end in an regrettable outcome.

**Q4. Would making consent an express prerequisite in all circumstances represent an unreasonable impediment to recreational activities?**

Yes. See comments under question #1. Additionally, it is presumed that this review will include a thorough, targetted consultation process with landowners asking direct questions regarding their

likelihood of granting permission, interest in being approached by hunters and other outdoor enthusiasts seeking access to their land, desire to post their contact information publicly, desire to have permission seekers enter their yard sites to request permission at the door. The responses to these questions should provide statistically valid information on how this will impact recreational access.

I hope this is helpful in your review.

Regards,

[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass Consultation  
**Date:** Saturday, September 15, 2018 12:23:29 AM

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Good day folks.

I'd like to pass along my thought's and opinions for your review, with regards to the 2018 Consultation Paper on Trespass to Property.

I received this e-mail notice from the Saskatchewan Snowmobile Association today (Friday September 14,2018) with the understanding that any and all responses are to be received by October 01, 2018. While I can certainly understand the need to move forward with this review, allowing only 15 days to reach everyone and get their reply's back, is an incredibly tight time line. I wonder how much better a reply could be arranged, IF each and every registered "SSA club" was polled, and asked to submit a review from their membership?

**Please note:** This reply is coming from an individual that is an active snowmobile rider. I help fund raise in my area, put in - maintain - remove provincial trails, and associated shelters. I typically put well in excess of 1,000 km a year on my snowmobile. (ALL on registered snowmobile trails)While I am not directly related to farming, I do in the spring and fall, often pick up service work related to farming. (so I am not totally naive to their issues and concerns)I have never hunted, nor have I ever owned a gun, or any form of an ATV.

**The Trespass to Property Act** - in my opinion, does an adequate job of defining what constitutes an offense under the act.

It spells out quite simply, the Land owner or Lease owner, has the legal right to allow or deny access to the land. Once access is denied,(in any way) it is an offense to occupy the area. To me, that is just how it should be!

The problem is the lack of power behind it. Once an offense is committed, (and an illegal trespass has been undertaken) the owner/operator of the land has to have some recourse to stop a re-occurrence. A monitory fine of up to \$2,000.00 in today's world amounts to nothing more than a hand slap. What about increasing that value significantly, and confiscating the snowmobile, ATV, etc? What about holding the operator legally responsible for any and all damages? (including infringement on a biological containment). In this manor, the land operator has some power backing him.

It's been my experience, that local RCMP have enough on their plate, that dealing with such an issue as this in most cases, is not worth their time. Perhaps IF there is a sufficient deterrent in place, they would view this differently.

**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) absolutely

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

A) I truly don't see why the distinction is needed. Treat it all the same.

Q) How should permission be sought and granted?

A) a phone call, a hand shake, a permission slip, it's all the same to me! The burden of obtaining permission to access the land for what ever reason, should be placed on the individual (s) wishing to use that land.

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

A) I do NOT see where this is an unreasonable request.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass initiative  
**Date:** Sunday, September 23, 2018 5:43:12 PM  
**Attachments:** [REDACTED]

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Q. Require advance permission? Yes

Q. Distinction between agricultural lands? No. Cultivated land and land enclosed to keep animals in both have bio security concerns. Also safety for those entering where animals are kept and liability issues. Some animals are very aggressive with strangers.

Q. Method of permission. Initial contact by phone or email, if access to be granted, arrangements for written permission would be arranged.

Q. Impact of change. No impact. I am an avid outdoor enthusiast and also a land owner. I have arranged consent to access private property prior to activities for over 50 years, it hasn't impeded my activities.

Thank you for your attention.

[REDACTED]

Sent from my iPad

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass law enforcement  
**Date:** Saturday, September 15, 2018 9:58:09 AM

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Problem trespassing is only with hunters and criminals. Trespassing laws won't stop the criminals. Hunters however need to communicate with land owners and particularly residents. I have had to talk to a number of offenders here over the years. All either play dumb or have not read the hunting guide. Trespassing with permission would be great but hunters need to sign off with an exam covering the laws when they get licencing. Somehow that has to include the sport game or roadent hunting that don't fall into licencing .

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass law in Saskatchewan.  
**Date:** Tuesday, September 11, 2018 7:00:14 AM  
**Attachments:** [REDACTED]

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I think to enter any property in Saskatchewan a person or persons must ask permission. I do not own any farm land but I own a home in Saskatchewan and I think if a persons intent on hunting or sightseeing it is imparitive to aquire permission before hand. I have encountered on a couple of occasions people hunting on private property without permission and that makes the landowner upset. My family has always asked permission to access property before entering property and that makes for a good relationship for future access.

Sent from my iPad

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass Law letter 2018  
**Date:** Monday, September 24, 2018 9:57:42 AM  
**Attachments:** [REDACTED]

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**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** trespass law survey  
**Date:** Friday, September 14, 2018 10:56:04 AM

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I would like to see the law changed so that a person would need advanced permission from the land owner prior to entering any private property for any activity.

There should be no distinction as to land use, if it is private property you should be required to have advanced permission to enter the property.

Permission should be in person, telephone, e-mail or text.

With the amount of crown land available for recreational use, changing the law for private property would not affect recreational activities.

Thank-you for taking the time to review the current laws affecting land owners. I would like to have laws in place that don't require land to be posted to keep people from trespassing.

If you require more input or clarification on my opinion, you can call me at [REDACTED]

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass law  
**Date:** Friday, September 14, 2018 6:43:07 PM

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I think the old law was that there was an implied licence to enter private property unless the land owner told you to go. Then the trespasser needed to be given a reasonable time to leave but land owners had a duty of care not to leave anything dangerous on the property such as a concealed abandoned mine.

Before there were lots of roads and hotels in N. America it was also the custom to allow travelers to sleep in barns,

Conditions have changed now. Some areas, after being more settled, are becoming increasingly remote so it is important to continue to be able to seek help eg. If there is car trouble or a tornado. However, people who enter private land without the owner's knowledge or permission are damaging farm land and equipment and creating hazards to farm families. It is one thing to enter seeking help or to do business with the owner. It is another to enter for private purposes without prior permission eg. Skidoing camping , swimming, harvesting wild food or hunting (unless Aboriginal). Consent should be required before using farm buildings or equipment.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** trespass law  
**Date:** Friday, September 21, 2018 9:33:58 AM

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Dear Sir/Madam: The trespass law in the province are sufficient if the land owner does not want anyone on their land POST IT! In the event that this law is passed many spin off business will be greatly effected also when a land owner post's their land they should not be entitled to any claim's against their crop,feed etc. When it is damaged by wild life as population numbers go up. All that is being done here is penailizing the honest person ,soon only a privlage few will be able to hunt as private outfitter's who pay ladowner's for access will be hunting not the resident of the province that pays taxes to keep thing's running here! Thank you for taking time to read this if you would like to talk futher you can contact me at [REDACTED]

Respectfully

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass law  
**Date:** Tuesday, September 11, 2018 8:08:18 PM

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I understand the trespass law, I get it. If the land is posted you must ask for permission in order to enter private land. Instead; why doesn't the SWF insist on hunting on foot only across the province and access with motorized vehicles with written permission only. This new law is going to kill the future sport of hunting and most if not all outdoor activities. I believe that this new law is the future of paid hunting and access on any private land. Further more, using club root as an excuse because hunters transport seedling on their vehicles and equipment is a joke. # I've been in the ag business for 25+ years#a farmer that hunts thought of this weak excuse!

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass law  
**Date:** Monday, September 24, 2018 12:49:27 PM

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You should have to have permission to enter private property, the person entering the property should have either written or verbal permission from the owner or the person controlling the property.

[REDACTED],

Sent from my iPad

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass law  
**Date:** Friday, September 28, 2018 3:35:30 AM

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I don't believe for one that the government should deem all land as no trespassing some of the arguments of the specific soil or people bringing with them other contaminates from other parcels of land how do you stop the deer elk moose coyotes from bringing it in you don't as for your example as Alberta well I have asked a farmer in sask for permission before and was told by him that he really wouldn't have a problem of letting me hunt there except his lawyer informed him that he is liable for everyone he allows on his land to hunt so if something happen to me he would be liable for it so I wasn't granted permission also I have had more than one farmer who figured he owns the animals on his land I have had several ask me how much I was going to pay them to hunt on their land how do you contact these people when numbers aren't listed on rm maps or in phone directories how many farmers want calls at all hours of the day and a lot of problems could be avoided by better policing of rule areas the big problem is the farmers are tired of stuff being stolen from their property's and the sad fac is you guys are going to jam this law down our throats and is it really going to stop the problems no it's not unfortunately it's funny when I hear these farmers whine about the price to put up a sign well when you start making the public purchase more and more rm maps and the costs of phone calls it all adds up to way more than signs plus the public doesn't get all the tax breaks the farmers do and the only real reason we are even at this point is because thieves tried to steal a quad and one was shot and killed there is no reason to even consider making these changes as for your hunting the govt will lose money to revenues because more and more people won't go hunting because their success rate will be lower for previous reason stated

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass law. As a rural tax paying citizen urge the government change laws ho protect the rural citizens. Urban citizens would be outraged if I drove over their property or dumped my garbage on the land they pay tax on. I should not have to post no ...  
**Date:** Tuesday, September 11, 2018 1:44:42 PM

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Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass law. I believe that anyone going onto private land wether rural or or not should have written permission first!!! I myself have given different people access to hunting but I have also had crops wrecked by some including snowmobile riders!! Ju...  
**Date:** Friday, September 14, 2018 7:15:06 AM

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Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass law  
**Date:** Wednesday, September 19, 2018 8:51:18 PM

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The intent of the new trespass law is to prevent situations like what happened where a person was shot while trespassing on private property. I agree that rural people need better protection because rural crime is on the increase largely due to less enforcement personnel on duty and light sentences handed out by the courts. Our jails are full because nobody is afraid to go to jail these days because they are treated so well while in jail. Jails need to be a place where they lose all their privileges and NOT be a place they want to return to. First time offenders should be given a chance but repeat offenders need some harsh reality.

The new trespass laws also create another problem. As a hunter I travel several miles to hunt and do not know any of the locals. If this law is passed it will mean that I can only hunt on road allowances, Crown land or Wildlife owned land. Often landowners live several miles away from land they own or lease and people have no way of contacting them to receive permission. I respect all landowners rights to post their land because some have livestock or crops planted. This law would also create another problem. Hunters numbers would drop creating less revenue for the Government and an increase in wildlife numbers. [REDACTED]

[REDACTED] there is a large number of acreages, most property is posted for No Hunting resulting in large numbers of wildlife. Several meeting have been held with DNR as to how to solve the problems created by these large numbers. They have been told that as long as they refuse to allow hunting there is nothing that can be done as it is the hunters that help control the population. Making it harder on the hunter will mean lost revenue for a lot of businesses and the Government.

Somewhere there has to be some middle ground found to prevent the criminals from trespassing and the hunters being allowed to hunt on land that is not posted.

Another problem is enforcement. As past Vice-President of our local Snowmobile Club, we have had several meetings with the local detachments about enforcement of the laws regarding snowmobiles and were told "We do not have the time, personnel or resources to enforce any of these laws". That is the reason probably 75% of the snowmobiles in this province are not licenced.

I have the following questions. Would permission have to be in writing? Would Landowners have to post contact information? If a person has permission to hunt on one property and wounds an animal that crosses to another property how do you legally retrieve it? The law states you need the landowners permission or you need to contact a Conservation Officer (who may be miles away) because you are not allowed waste meat.

The intent of the new law is great in protecting landowners rights against the criminals but also has its draw backs. The wildlife population of waterfowl, deer, moose and elk would grow because the number of hunters would drop, therefore creating another problem.

I hope that before such a general law is passed more thought is put into what the results would be to all parties involved.



**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** trespass law  
**Date:** Thursday, September 20, 2018 7:59:54 AM

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As a livestock (bison) owner the public access to any of my lands should ONLY be by permission!!! The public feels that they can drive (any vehicle), walk on my land as their right. If landowners entered urban or other peoples land they would be VERY UPSET! Therefore, I hope the government will pass a Trespass Law where permission is needed to access ALL Lands.

[REDACTED]  
[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** trespass law-a NO go  
**Date:** Thursday, September 13, 2018 9:05:07 PM

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Do not introduce any new trespass laws in Saskatchewan ,as all previous laws in place are more then adequate. Police agencies will be run off their feet if new law is Introduced,as every time somebody sees a vehicle or person on a field a call will come in.A new trespass law will create a few 'vigilante's ' to take force against other People on their land or other peoples land.Land that is posted no trespassing is adequate and obeyed by all people,except a few.There is more concern about livestock Crossing fences,or wandering at large onto other land with crops.I think some people have become perinoid and may have a political agenda,just like APAS.Thanks

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass laws  
**Date:** Tuesday, September 11, 2018 11:26:00 AM

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I think every one should have to ask permission before going on privately owned land.  
Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass laws  
**Date:** Friday, September 14, 2018 8:59:57 AM

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Land owners should always have the final say on who can access their property, when they can access it, and what they can do on it.

“No Trespassing” should be the default, assumed status of all private land. The landowner should not have to post their land. It should be up to those who want access to request it.

As above, Land owners should not have to post “No Hunting” signs. That should be assumed for all private land. It should be incumbent on hunters to request permission in advance.

Land owners should be encouraged to call police to deal with trespassers, but they should also have the right to defend their property from trespassers when the police are not available when needed. Land owners should have the right to use lethal force if necessary.

Penalties for trespassing should be severe enough to discourage trespassing and should include compensation for the owner for any damages caused by trespassers. Damages could include, but are not limited to, the following:

- damage to gates, fences, etc.
- compensation for injuries or death caused to pets, livestock, etc.
- compensation for stolen berries, plants, fungi, etc. (e.g. unauthorized berry or mushroom picking; stealing plants (e.g. crocuses or wild roses)
- compensation for stolen topsoil or rocks (e.g. to be used by the thief for landscaping)
- damages to land, crops, water, foliage (tire tracks, pollution, etc.)
- cleanup of damages or pollution
- crop damage
- vandalism
- replacement cost for stolen or damaged property, e.g. vehicles or vehicle parts (e.g. batteries, fuel, parts, wheels and tires)
- full compensation for any insurance deductibles the owner has to pay to claim for damages
- 2nd and subsequent offences should include significant jail time that escalates with additional breaches
- cleanup costs for the introduction of invasive species such as leafy spurge or genetically modified crops (e.g. herbicide resistant canola)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass Laws  
**Date:** Thursday, September 20, 2018 6:56:10 PM

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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, it should not!** In many cases it is difficult or impossible to contact the land owner especially in remote areas.

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!** Distinguishing between the types becomes problematic to the "layperson". Land owners could post their wishes i.e. Hunting allowed but, leave vehicle here!
- If accesses is allowed in some form "contact information needs to be provided"!

Q. How should permission be sought and granted?

- **Permission should be either in person or by phone!** Many farmers/land managers do not live on the land these days so they can be difficult to contact

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

- **Yes, most definitely it would be an impediment!**
- It is often very difficult to contact land owners in remote areas so one can obtain permission!
- It would be another LAW to impede the honest person!
- WHO would be there for enforcement!

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** trespass laws  
**Date:** Sunday, September 16, 2018 4:42:32 PM

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Comments on trespass review

We do need change , have had numerous cases where caught hunters hunting or dressing animals on our posted land , excuse was never saw postings ? The quarter in question has 70 acres pasture with horses with a posting on every approach and between also on the back side from joining land !! I have to comment on a hunter last fall who stopped by about 10 at night (night hunting ) who asked permission from [REDACTED] , gave name and details , give him all credit for his asking .

The next problem , have caught people in yard checking buildings out , excuse got lost looking for directions . Police said can not do any thing . As far as asking for help , have not turned down any body requiring help !!

We were broke into , took appliances , TV , out of house , tools , air compressor , welder and items that you dont miss until you require them !

The house we reported but found more of a hassile , door was smashed open so had to replace door jam and the rest of items we just wrote off , with insurance in our case if under 5,000 doesn't pay to claim. Police asked about insurance so no big deal .

We do need laws so people have no right to be in your yard with no consequence , never mind buildings . Posting land does not work , just a waste of time . Another problem is damage to swaths or standing crop gets driven across , along with problems with club root !

The present laws are too fragmented with differant departments in charge , bottom line we have no trespass laws now , talking to one chap who had numerous warnings and has no quams going where ever

he wants !

Not sure if this will get looked at but at least get to rant alittle . Could write a few pages of goings on , should mention live in [REDACTED] area !

If want any details Please contact [REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass laws  
**Date:** Thursday, September 13, 2018 6:25:37 PM

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I feel the landowner should have the right to deny access to their private land for any reason except for essential services e.g.. Sask power sask tel. If a rural landowner went to the city and tried to have a picnic on someone's lawn the police would be called immediately. Rural landowners deserve the same right.

Sent from my Samsung Galaxy smartphone.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** trespass laws  
**Date:** Sunday, September 23, 2018 8:02:22 PM

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I recently filled out the survey regarding changes to the present trespass laws, but would like to add a few comments. Firstly, I'm not sure asking urban people for their comments, when it is not THEIR PRIVATE LAND that is being trespassed on has any real bearing on these questions. Of the many times that I have caught someone either on ATV, or horseback, or just plain "mudboggling" on my land, nearly always with a crop growing on it, it has been urban people doing this. The answer is always the same: we didn't think it was any big deal, why are you so up tight we are just out for a little fun, we didn't know whose land it was, or we didn't see the No Trespass sign. I can't begin to tell you how frustrating this is, but when my wife is threatened with being run over by a motor bike after she caught some people driving across freshly seeded crop land, then I have no more patience or any use for ANY PEOPLE who have not received permission from me to be on my land. I have given hunters permission to hunt, after they have asked for it, I have given permission for some to look for antlers, either on foot or ATV after they have asked permission, but I am done dealing with people that just think they can come out to a free for all on private property. And yes we have contacted RCMP so many times over the years, we just don't bother any more. Constantly putting up signs, only to have the signs shot or driven over is expensive and frustrating, so that doesn't happen any more either. Unfortunately, there IS A GROWING number of rural rate payers that are at their end, either afraid of trespassers from a safety or theft point of view, or simply from having property damage that it is only a matter of time before there is a bad situation between a landowner and a trespasser. The thinking that "it is only property" has to change. This "only property" mindset costs hundreds of thousands of dollars to obtain, only to see it destroyed by someone who has absolutely no business or permission to be on private land.

To conclude, I strongly urge the Provincial Government to change these laws, to make it an offence to be on private land without permission, to put the responsibility for obtaining prior permission to be on private land. As it stands today, urban residents really shouldn't be upset to find someone just wandering around their back yards, or simply driving a vehicle on their front lawn, but police would be called immediately for this.

Thankyou for your time, as I hope this e mail is actually read, not just passed over.

[REDACTED]

Sent from [Mail](#) for Windows 10

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass laws  
**Date:** Tuesday, September 11, 2018 6:16:32 PM

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I live on a rural farm consisting of 160 acres. I've had kids, middle aged adults and seniors trespass on my land. This despite walking or driving their motorbikes or ATV past posted No Trespassing signs, climbing over barbed wire fences or within 15 feet of round hay bales. Our Rm office provides very clearly marked maps showing which land is privately owned with the name of the owners for each acreage.

Surely all the above mentioned makes it quite obvious that my land is private and trespassers are not welcome.

I want my signs to mean what they say!

I want the public to contact me for permission. I want those who ignore my signs to be penalized. I shouldn't feel sorry that my livestock may gather shot during hunting season. I certainly don't want to have to wrap orange ribbon on my dogs when I want to go for a walk on my land.

Please make there be a penalty for trespassing. Make my signage be taken seriously!

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass laws  
**Date:** Monday, September 10, 2018 6:22:28 PM

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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

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

Q. How should permission be sought and granted?

A. In Writing or text.

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

A. No. Access without consent is an unreasonable impediment on farming and ranching bio security and day to day practices.

Sincerely [REDACTED]

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass laws  
**Date:** Saturday, September 22, 2018 5:56:49 PM

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Hello. I farm in the [REDACTED] [REDACTED] [REDACTED]. On the question of should there be a distinction between farm land and pasture I think there should be. I know in the southern part of the province land owners look at hunters and snowmobiles as trespassers. With cattle and having fences they are always the most upset with anyone new in the area. But in my own farm it's different. It's wide open really no cattle or fences and farmers including myself welcome hunters and anyone else to use the land. To hunt or snowmobile here you might have to ask 6 people to go on a 4 mile drive. With land being rented or owned it really wouldn't be feasible to ask that many people or know who is in charge of the land. Here I still like the idea of posting land if trespassers are not wanted.

As far as permission it would be nice if it was verbal and not written. I know from zone 30 that farmers get annoyed by always signing to give permission. For someone coming from Saskatoon to be able to enjoy the outdoors how can they if they could be trespassing.

Being a snowmobiler and hunter myself I would hate to lose the privilege of just enjoying the land and freedom of Saskatchewan. And as being a landowner I'm happy to see people using my own land. As far as someone driving in my crop it is very rare and the damage is very minimal. When this damage is done this law is not going to change that. Just as I think if someone is stealing from my shop or fuel this law is not going to change anything. Stealing always has been illegal. It's not a concern of the culprits.

I guess my view is I don't like the proposed change or the idea of giving permission but understand if there's an area of the province that is in favour that they can get the allowances they are looking for. But would hate the idea of losing what I enjoy in my own area. For me I'm 4 generation and will be able to do sledding or hunting as I've always basically done being as local as it gets. But I would feel for say a dad mom and 2 kid type family scenario with snowmobiles not knowing where they can and cannot ride them. When there's areas all over where people don't care who is on their land.

[REDACTED]

Sent from my iPad

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass laws  
**Date:** Thursday, September 20, 2018 8:24:00 AM

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Regarding the proposed change to trespass laws, I would like to have things stay as they are right now. Changing the trespass laws will have a negative effect on hunter numbers and will definitely cost the government revenue

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass Laws  
**Date:** Thursday, September 20, 2018 11:33:35 PM

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I don't think trespass laws need to be changed. If a landowner does not mind the public having access to his land, which the majority don't, then it would create more hassle to them as they would have to answer to requests for access to the land. I think most of the current issues that arise are with land that is already posted as no trespassing. People are rudely disobeying these signs which is leading to problems in many areas. Instead of changing the law, more effort should be put towards enforcing the current laws. People caught on clearly marked land should face more severe fines and penalties which would hopefully deter this from happening. It would be shame if everyone lost access due to the mistakes of a few.

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** trespass laws  
**Date:** Tuesday, September 18, 2018 11:19:49 AM

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We already have no trespassing laws and rules that are sufficient. Question # 2-NO  
Sent from [Mail](#) for Windows 10

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** trespass leg  
**Date:** Monday, September 24, 2018 11:07:00 AM

---

I have read your survey, and answered the 4 questions:

#1, YES

#2, all land should be treated the same.

#3, land owner should be contacted, asked permission for access, if given then written permission with specific land location, name, and specific time or date, etc. should be required before entering onto any property.

#4, NO

The current law is not fair to land owners. Who has the time to keep replacing signs that someone tears down?? It is absolutely senseless. I do not go to town & park in a front lawn, pee on a step, crush a beer can & leave it in a garden, then leave deep quad track ruts all over the yard...why should anyone have to put up with such behaviour?? It seems farmers are supposed to put up with all this & take the blame if it's not properly "posted" ...CRAZY!  
from; [REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass legislation  
**Date:** Wednesday, September 19, 2018 11:26:04 AM

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The new proposed trespass legislation is bad for our province. What is going to happen the the farm land, crops and private land when the animal population isn't being managed by hunters? Our crops are going to be destroyed and farmers will be looking for crop insurance for damage. If the government is willing to pay and protect the farmers then pass the new legislation. If the government is going to turn a blind eye then leave it alone. We don't have the population other provinces have so we don't need to enforce this



**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass legislation  
**Date:** Friday, August 17, 2018 9:43:58 AM

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Leave it as is.

Thanks,

[REDACTED]

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass Legislation  
**Date:** Sunday, September 30, 2018 8:06:08 AM

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Good Morning,

I'd like to add my comments on the proposed trespass legislation.

Finally and about time changes are being considered. Very long over due!

I'm sitting at my breakfast table looking at a white frosty -7 and wondering how u get my harvest done and all my other fall work. But I must also worry about careless hunters or stupid teenagers driving thru crops, fences and weather my cattle have been let out. Why because it has happened many times and it's just a matter of when it will happen again. Image driving to your dry field during harvest and someone is driving out the field you stop to ask them what they are doing "oh hunting muzzle load for deer" nice guy no permission from [REDACTED] and drives a 100 miles to hunt without permission a mile from my yard. What's your address I say I'd like to snoop around your back yard!

Putting signs up is a pain they get old fall down, get shoot or knocked down and how do you cover every entrance on 5500 acres?

Please make entrance to private property by permission only.

Thank you

[REDACTED]

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass legislation  
**Date:** Wednesday, September 19, 2018 3:57:56 PM

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I believe that all access by members of the public requires express permission from the land owner or occupier regardless of the activity.

Permission should be granted in person by the landlord.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass Legislation Changes Survey  
**Date:** Saturday, September 15, 2018 8:11:24 AM

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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 own the property.

Regardless of whether it is posted as No trespassing or No hunting, anytime you access rural land, the land owner should be consulted. Somebody owns it!

People seem to think it's a wide open space and no one will care. But there are issues with transfer of weeds, disease, livestock, fires!

And because a building is empty does not mean it is open to everyone to help themselves!! I have heard of people taking items out of non-occupied buildings and keep them as their own antiques, bragging about what they have in their possession, only to have others go, hey that looks like my grandparents old rocker, etc. I know of someone else that caught a Catholic Priest

taking items out of an old homestead that was not occupied. They were approached by the land renter and items were placed back in the home. Unbelievable!!

People steal old wood, windows, items being stored in those buildings because they think it's free reign. Well, it isn't!!!

The property is owned by someone! And those accessing land without permission often drive wherever they want, packing down swaths, cultivated fields, cutting wire fences, opening gates, leaving their garbage behind.

Those who ask permission and respect the land are often welcomed back and build a positive relationship with the land owner, but they ask permission every year!

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?

It should state 'all land' and be treated the same. I'm not even sure why it needs to state 'agricultural purposes'.

Q. How should permission be sought and granted?

Permission should be sought from the land owner. If it is being rented, the person renting the land should be consulted.

They in turn can also consult with the owner.

The RM office knows who owns the land and can provide direction on who to consult.

If an American coming up to hunt can figure out who to consult with before they hunt, then Canadians and people from Saskatchewan can do the same.

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

Does it really matter? If you lived in an urban area, would you want all of your neighbors opening your gate and walking through your garden or yard?

If you own something, you should be able to protect it.

If you are participating in a recreational activity that impacts a land owner, permission should always be sought!

Just be more organized and plan things out better. Respect others property!

I grew up in Rural Saskatchewan. I still have family that farm.

I have seen damage to crops from hunters chasing an animal, with no regard for the damage they cause.

I have heard of people stealing items from abandoned buildings, on private property, which I find totally disgusting. People need to be educated more.

Just because no one lives there does not mean you can help yourself. Just because it's a large open space, does not mean you can travel all over it.

There are not enough members of the police force or conservation officers to help enforce these laws!



**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass legislation changes  
**Date:** Friday, September 14, 2018 9:35:43 AM

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I am responding to this as an acreage owner in [REDACTED]. I also enjoy hunting, fishing, and photography in the province at large.

Property access is an important issue. Farmers should be able to conduct their activities with a minimum amount of interference from the public. Respect for landowner rights need to be emphasized among the general public. As a hunter, I understand that my presence on private land is a privilege that must not be abused. Whenever possible, I seek to obtain permission. When land is posted "No Hunting" or "No Trespassing", I respect landowner wishes.

My concern with requiring permission for all access, is that it will make it very difficult to find game to hunt. When spotting for waterfowl in particular, the birds are extremely mobile. I will drive on land that I have not received permission to hunt on in order to determine if the conditions are right for a hunt the next day. This of course is only done if the land is not in crop or swath. I avoid freshly cultivated lands as well. Finding a landowner to talk to in the midst of a busy harvest can be difficult enough. If absolutely no access is allowed without prior permission, this form of hunting would become next to impossible. Most farmers I have encountered have little problem with me driving over stubble fields. The truth is that I meet very few while doing this, because they are attending to other fields still in harvest. I have been given general access permission by many farmers who simply don't want to have to entertain access requests when they are busy with other things.

This issue is a difficult one to obtain balance on, but I hope that the end result does not serve to alienate respectful and responsible citizens from farmers, ranchers, and large land owners.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass legislation changes  
**Date:** Sunday, September 30, 2018 9:21:04 PM

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As an long time snowmobiler in the province of Saskatchewan the proposed changes could vastly impact our sport of Snowmobiling. The unfortunate part of these changes could make a very high number of us to be now breaking the law doing something that we have always done in the past legally and without upsetting any land owners and us not changing what we are doing. We are respectful to stay off of posted and fenced off properties as well as any fields with remaining crop standing or in swaths. If in fact these changes come into effect it will make it virtually impossible to ride snowmobile anywhere other than ditches or groomed trails if there is any trails in the area we are riding in. The process of contacting all the land owner you would need to contact in order to have a day's ride somewhere would take longer than the ride itself. Even if this where possible the unfortunate part of this is like so many laws that get changed, it mostly effects the law abiding people and the riders that ride wherever and whenever they want will most likely continue to do this as its very hard to police these actions.

A concerned snowmobiler.

[REDACTED]



Virus-free. [www.avast.com](http://www.avast.com)

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass legislation changes  
**Date:** Saturday, September 15, 2018 12:36:29 PM

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I would like to add some input on the proposed trespass legislation changes. I grew up in Saskatchewan, moved to Alberta and then moved back to Saskatchewan. I found the trespass laws in Alberta very hard to deal with during my time there. I am an avid, respectful outdoorsman. I partook in fly fishing, hunting and snowmobiling activities during my time there. The need to contact landowners for access was a constant issue for me. I would call and ask permission, they would grant it or deny it and I would go on my way. The majority of the landowners did not know me and did not give me special instructions for being on their property.

The way it was set up greatly increased the amount of phone calls and visitors the landowners received from people requesting access. I'm sure they got annoyed. I would think putting up a sign on their property would be easier to manage than receiving multiple phone calls and visitors requesting access. It also creates a gray area as to if permission granted was still current and for what activities permission was being granted for. Short of written permission, verbal agreements are hard to keep track of for landowners and people requesting access. My thought was always, "Man this would have been easier for everybody if it was like Saskatchewan and there was just a sign up".

The only owners I contacted were for hunting permission. I found it far too cumbersome to contact landowners for permission to go fishing or snowmobiling. I could not imagine contacting landowners to go snowmobiling. You would potentially be contacting dozens of landowners to go for a 20 mile ride. In areas of the province with no snowmobile trail systems, this would end snowmobiling in the area.

In closing I would just like to say that I understand landowners concern, but do we want to make drastic changes based on a minority of users based actions to the detriment of the majority of respectful users? I hope I'm right in this statement and things are not that bad for landowners currently with regards to destruction of property. I would also like to add that in my experience, a sign eliminates a ton of phone calls and visitors from people the owner's likely don't know anyway.

Concerned outdoorsman,

[REDACTED]

Sent from my Samsung Galaxy smartphone.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass Legislation Comments  
**Date:** Sunday, September 16, 2018 10:41:08 AM

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Express permission to access privately owned farmland should be required for hunters and recreational users. In big game season we don't know where hunters are and we are not sure they know where we are. We shouldn't have to worry about being mistaken for game when we are out working.

Recreational users seem to feel old yards and houses are there for their enjoyment. What may or may not be stored or left in these places is none of their business. If they want to use private land come and see me and we can work something out. I don't believe it is my job to provide people a place to play.

Without more stringent trespass laws, rural property owners have no way to stop problems before they happen, which just results in the police being involved later

The difference between rural and urban dwellers is our farm not just our house is our home. We live and work there and are entitled to the same protections as urban dwellers who usually don't have to deal with unknown and unfamiliar people in their yards.

[REDACTED]

Sent from my iPad

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** trespass legislation questionnaire  
**Date:** Sunday, September 16, 2018 5:09:25 PM  
**Attachments:** [REDACTED]

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**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass Legislation Questionnaire  
**Date:** Thursday, September 27, 2018 11:16:02 AM  
**Attachments:** [REDACTED]

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Questionnaire attached.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass Legislation Questionnaire  
**Date:** Tuesday, September 18, 2018 12:29:51 PM  
**Attachments:** [REDACTED]

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Attached please find a scanned answered copy of the questionnaire. Please advise me if you require further information. Thanks.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Cc:** [REDACTED]  
**Subject:** Trespass Legislation Review - APAS Submission  
**Date:** Monday, October 01, 2018 11:59:12 AM  
**Attachments:** [REDACTED]

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Please find the attached comments from the Agricultural Producers Association of Saskatchewan, responding to the Review of Trespass Legislation.

Sincerely,

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass Legislation  
**Date:** Sunday, September 02, 2018 8:29:20 AM

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No one should enter anyone's land without permission. RM Maps are available at any RM Office so there is no excuse that they couldn't find out who owns the land to obtain permission. In urban areas you cannot enter anyone's property without permission and the same should be in place for all rural property which includes yard sites and all privately owned land.

[REDACTED]

Sent from Windows Mail

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass legislation  
**Date:** Wednesday, September 19, 2018 1:42:42 PM

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I see that there's consideration to change some of the current trespassing rules (for apparently all those but aboriginals?). I fear that we're working toward a system that could take public resources (\*wildlife) and turn them into private resources by giving landowners even more power/control than they already have. I am a hunter as was my grandfather, father, and my children. My goal someday will be to make hunters of my grandchildren! We've been respectful of landowners rights and ourselves have been landowners. I believe the current posting rules associated with keeping people off your property are more than sufficient – if you don't want anyone on your land, simply post it. In all my talks with landowners over my 30 years of hunting I've never found a landowner that didn't feel he already had enough control over who enters/exits/uses/treads upon/etc. their land. If we go to anything stricter, I believe we'll see the same situation that has happened in other provinces – landowners begin to sell the right to hunt or you'll have to use an outfitting guide that negotiates those rights i.e. only those connected or are wealthy enough to pay will be able to enjoy hunting and helping to manage wildlife resources. I love the outdoors, but not willing to risk criminal charges to do so. Notice that I'm coming at this concern from only my point of view – I can't imagine what happens to tourism and the money spent by hunters if these changes took place.

I'm also concerned about the bio hazard comments made in support of this request for change. It sounds like a very poor excuse to strengthen the argument. Surely wildlife, farm equipment, etc would transport far more "hazardous contamination" from land to land than my boots over a few weeks of precious hunting season. There must be a hidden agenda to this request or your bending to the will of a few "large land owners", which in my opinion is the kind of politics that ensures I make every effort to vote against those that are so easily swayed.

In summary: I am in strong opposition to this proposal – and we haven't even gotten into where I might snowmobile, snowshoe, cross country ski, ATV, camp, pick berries, hike, etc. Pursuing changes that take my respectful use of lands and making it so that I'd be a punishable criminal is not invited. I'm lucky someone pointed out this survey to me otherwise it was a very quiet move to sneak through something that on the surface appears harmless but in reality has significant impact to honest and respectful individuals like myself. Please don't change how friendly Saskatchewan has been to nature users/lovers.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass legislation  
**Date:** Friday, September 14, 2018 10:38:16 AM

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To whom it may concern,  
I am a land owner/grain grower adjacent to the [REDACTED] [REDACTED] and I live in [REDACTED] [REDACTED].

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 visitors (even if they have the owner permission to enter) and trespassers must accept responsibility for their safety while on rural property. They must be liable for damage to crop and property. Visitors and trespassers must comply with all environmental laws be held responsible for garbage and hazardous substances or contaminants left on the land.**

**We must change the culture to “access only if expressly permitted” from “access unless expressly denied”.**

**Penalties for trespass should be increased.**

**Penalties for dumping garbage must be increased, even if it is in the ditch of a municipal road.**

**Penalties for creating ruts in the land must be increased for trespassers who joy ride especially when it is wet in rural areas.**

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 agricultural land must be treated the same.**

How should permission be sought and granted? **Email or text communication is ideal because it creates proof of agreement. The person seeking permission must provide all contact information including mailing and emailing address, phone numbers. Dates for entrance to the property, description of activity and names of the others in their party.**

Would making consent an express prerequisite in all circumstances represent an unreasonable impediment to recreational activities? **It would be a reasonable impediment to recreational activities.**

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass Legislation  
**Date:** Sunday, September 02, 2018 7:11:44 AM

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I believe people should have access with permission only to all privately owned and leased land. The fine should be high enough to deter. Minimum \$500 with the potential for higher.

[REDACTED]

Sent from my Bell Samsung device over Canada's largest network.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass Legislation  
**Date:** Wednesday, September 26, 2018 1:40:31 PM

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I am a landowner, a hunter and a snowmobiler, so have interest in the rules for both access and restrictions. I have a brief comment from each perspective:

**Landowner-** I do think there need to be rules that a landowner can rely on/implement in cases where there are biosecurity concerns such as transmittable crop and livestock diseases. These need to be posted on the property involved, not universally applied as this would unnecessarily restrict access to land where it was not required.

**Hunter-** Again, posting seems to be the most logical response that meets landowner decisions and the need to be able to access many thousands of acres of wildlife habitat. If land is posted with a "hunting with permission only" signs, it should also be required that a phone number be included. Expand the present requirement (in some game zones) that the permission be in written form to all game zones (may need to be some exceptions on "remote" areas). As well, if land is posted (except with "permission only"), it should also mean that NO ONE, the landowner included, be allowed to hunt on that land.

**Snowmobiler-** The big difference here is that this activity only takes place after there is snow on the ground and usually occurs only after hunting seasons have closed so concerns about disease transmission and discharge of firearms/anti-hunting should be non-issues. Noise from sleds with modified exhaust systems can be a concern, but this should be addressed by enforcement of sound-restriction legislation as for cars, trucks, motorcycles, etc. Again, landowners should be able to post their land to restrict access if they wish.

Finally, penalties for trespassing on posted property need to reflect what is necessary to make people think twice (or maybe 3 times) and be reasonably enforceable by the landowner- think about current drunk-driving penalties. Since most activities requiring access occur in 2 relatively concentrated times (hunting, and snowmobiling) it would seem logical to launch an annual advertising blitz to educate the target groups about the concerns of landowners and the consequences of trespassing.

Sincerely,

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass legislation  
**Date:** Wednesday, September 19, 2018 9:05:28 PM

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My opinion on this matter is such that written permission stating the length of time such permission is granted should be required to access any privately owned agricultural land of any type before any and all types of activity be allowed.

Obtaining permission would not be an unreasonable impediment to any recreational activity and landowner contact information thru rural municipality offices could be provided with the option for the landowner to be listed as do not disturb/call.

As a side note I find it very offensive and unfair that the deadline to reply on this questionnaire which I first became aware today has a deadline of Oct. 1/18. It appears the landowners opinions may be neglected (possibly on purpose) due to the fact farmers are in the middle of their busiest time of year.

[REDACTED]

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass Legislation  
**Date:** Friday, September 14, 2018 10:01:59 AM

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**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.

**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?**

They should be treated the same. Trespassing shouldn't be based on whether land is fenced or not. It should be if it's privately owned or rented or not.

**Q. How should permission be sought and granted?**

It should be written permission. Hunters or people looking to cross your land for recreational purposes like atvng or snowmobiling make prior arrangements ie booking hotels, or finding out of there is restaurants etc. They can certainly take the time to get permission to cross someone's land.

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

No. You book hotel reservations when you go on holiday or camp site spots in parks. You find out hours of operation if you want to go swimming or skiing. It's not a right to assume you can do as you please on someone else's property. They pose a danger to themselves or to the land owner at some point down the line. Driving where it's dangerous for instance, and most remote areas do not have cell phone coverage.

We've been good stewards of the land and to wild life. Disturbing them or hunting them to [REDACTED] near extinction serves no good purpose. We work with the [REDACTED] [REDACTED] [REDACTED]. Allowing nature to take it's course and help to eliminate weak deer is the solution, killing deer for horns is not. It isn't like these hunters will eat their kill. We have a good sized population of prairie chicken now. It's taken 8 years to get them to this stage. The problem? Hunters sneak in and hunt them. Some use their hunting dogs to flush them out and kill not just one or two, they decimate the whole flock. We have posted our land, refused hunters who only want to hunt chicken, they have crossed their hearts and hoped to die. They still sneak in. And it's not non-whites who do this in our area. I want to make that clear.

A lot of the trails recreationalists use aren't patrolled. They use them in all types of weather and

carve deep ruts which we have to work with in the coming seasons. In some cases the ruts are in the fields. Then they go home after leaving this situation thinking they've done no harm and life is good. They're wrong.

Is asking permission such a hardship? Respect and common sense used to be the norm. Times have changed. So must the laws. Fines and written permission work.

It's time.



**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass Loophole  
**Date:** Thursday, September 13, 2018 7:49:46 AM

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Dear Min of Justice

Thank you for asking for input from farmers on updating the Trespass to Property Act.

Deer season marks the arrival of the truck hunters. Truck hunting as opposed to hunting on foot or from a blind has two advantages.

A truck hunter cruising backroads can immediately give chase when the deer are sighted. A truck hunter can chase the herd cross country until close enough to take a shot without ever leaving the warm cab of the truck.

Secondly, Truck hunter can evade grumpy land owners who may spoil their fun by stopping to ask them who and what they are doing on private property.

Although we see truckloads of deer hunters drive by our farm nobody will stop to ask permission to hunt on our land. Now you know the reality of living in the country during hunting season.

In response to the questions

Advance Permission - YES permission must be granted for any and all access

Distinction - NO any distinction would create a loophole for trespasser to argue they are not trespassing

Method of Permission - First a change in attitude must occur towards the act of seeking permission before the details of asking are discussed

Impediment - The question itself implies the public has some right in using my land for their recreational activities.  
Strongly Disagree

The current Act provides truck hunters with a huge loophole. The attitude is NOT POSTED is OPEN ACCESS. I have approached many truck hunters over the years who claim this defense. They argue that there was no sign where they entered the property. We are posting more land each fall and still find gates left open and vehicle tracks across our land. There is no respect towards the land owner or appreciation for access to the property.

Yours truly

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass of Property Act  
**Date:** Saturday, September 15, 2018 9:20:33 AM

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As a land owner I'm in favor of the law being changed to stay off of other peoples land. Regardless. If you dont own the land you have no right being on it for any reason what so ever. As the land owner I pay all the taxes, up keep and improvements to said land. I find the worst people are the so called hunters. The dont put in the time to tra k down the land owner to ask for permission. Permission should be written out by the land owner if he is going to give permission. These trespassers have no right to be on anyones land. That Daryll Crabbe from the sask wildlife federation should know better than to argue this point. So I'm asking that the law be changed to stay off all property unless you own it. I'm just one mad land owner.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass of property  
**Date:** Sunday, September 02, 2018 1:41:12 PM

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As a rural land/home owner. Speaking for myself, would like some form of security day and night. I would hope this may be a start to helping with theft, break and enter and home invasions. The fact rural people have to live in fear with no recourse is sad.

[REDACTED]

Sent from my iPad

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass on rural land  
**Date:** Thursday, September 13, 2018 6:04:11 PM

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Living and farming by [REDACTED] Tired of attitude of my land is everyone's playground or landfill. My land bought and paid for with blood sweat and tears. Stay the [REDACTED] off unless I give you permission.

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass property act  
**Date:** Monday, September 24, 2018 8:06:53 AM

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Hi there, I doubt my opinion will matter much but I find the proposed changes to access private property frustrating. I speak from a hunters prospective from an area with very little public lands where if this change occurs there is no doubt these lands will flood with hunters. I respect landowners right to post and refuse access (I believe the Sask wildlife federation offer free signs) but to say this is too taxing seems unreasonable. I generally ask permission to access land but to think I would have track down landowners who are not local to lands and don't post seems ridiculous, I've even come across the owner on the RM map being a numbered company, this stumped me but not to run off on tangents this is frustrating too think land owners can't post unless they own so much and have no help.....what's the real goal here? Is it to keep law abiding citizens from accessing a natural resource? Can't see this stopping individuals who don't respect laws from trespassing and if so why not exclude hunter's and leave signage for pursuing access for our resources(game animals)? As a hunter we need landowners to be stewards of these lands but if this goes through it will close doors cause some owners who don't want to be badgered by hunters banging on their door asking permission, or can someone explain another reason why landowners don't post with a minimum of written permission? I'm very sympathetic with landowners who have been violated and in no way wish any harm or cost to landowners by this topic but this is just a way to punish law abiding citizens for the actions of criminals.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass Proposed changes  
**Date:** Wednesday, September 26, 2018 12:45:00 PM

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I am of the firm belief that property OWNERS should be asked for permission to access their land but NOT PROPERTY OCCUPIER if they are not the land owner. Unless you are in an emergency situation and need to access property owner land to obtain help, then you are trespassing in my opinion. This is particularly important for hunting purposes for Crown Land that is in reality owned by the people of Saskatchewan, not the government of the day, and may be leased to someone or a corporation for use such as grazing or other endeavours.

Crown land is my land as much as the government's and I should have the right to access any Crown Land for hunting purposes or other recreational activities unless there are safety considerations such as ordinance or exploration drilling.

Regards,

[REDACTED]  
[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** trespass question  
**Date:** Monday, October 01, 2018 8:35:35 AM

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Sorry for late reply.

I am a farm land owner, have an unattended recreation property, and a home in city. I understand the fear and grasping at options to calm things.

I don't think this will work.

I do think it will criminalize innocent people and discourage outdoor activities greatly.

It is difficult to get ahold of people for permission.

Pedestrians, bicycles, and horses do not damage crops!

There are already laws in place and charges aren't laid and there isn't enough money or officers to enforce laws already in place.

Please don't do more to discourage sask residents from getting outside for hunting, fishing, and any outdoors activity.

The United Kingdom model of encouraging trekking and hiking should be encouraged. There are a lot of great things about this province please don't lock them away and turn us into a police state!

Thanks for allowing public input.

[REDACTED]  
[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass questionnaire  
**Date:** Thursday, September 20, 2018 3:55:23 PM

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1) definate yes

2) All agricultural land should require permission. We should have permission to enter someone's lot in the city.

3) Permission should be sought prior to ever crossing the land. The onus must be on the person wanting access to find out who the owner is and where/how to contact him/her.  
The most direct route by road is the best way .

4) No, snowmobile clubs etc have trails wher permission has been granted . People should stay on those trails.

Trespass laws must apply to all citizens, not just the non minority people

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass questionnaire  
**Date:** Wednesday, September 12, 2018 4:53:43 PM

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I am a landowner of rural property, namely cultivated land for agricultural use, as well as a quarter section of partially cultivated/partial natural parkland upon which my residence is located.

I believe members of the public should require express advance permission of the landowner regardless of activity.

I believe that all land being used for agriculture be treated the same. In addition, I believe that all privately owned rural natural spaces be treated as rural property, in the context described above for trespass purpose.

I believe that permission should be received in person, by seeking via the door of an inhabited residence by the most direct route from a main access point. This permission may be granted in writing or by recording via a smart phone, with explicitly stated dates and duration of permission. Alternatively, permission may be granted via e-mail of a scanned copy of written permission.

Permission as an express prerequisite would not be an impediment to recreational activities any more than the requirements for appropriate licensure or permits would be.

I also would like legal liability of the landowner for injuries or damages to the public, regardless of permission, be removed.

Thank you for your consideration of my wishes.

[REDACTED]

Sent from my Samsung Galaxy smartphone.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass Questionnaire  
**Date:** Friday, September 14, 2018 7:20:34 AM

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- Should Saskatchewan legislation 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 and failure to secure that consent constitutes an offence?
- If so, how should such permission be sought and granted?

In respect to the first question I am responding with no. I get current laws are confusing, considering numerous acts have different trespass laws and it depends on what one is doing to determine which to follow. To put all laws under 1 roof would be better. But to force the public to get permission could lead to a few problems. One I worry about is paid access. It is illegal for the purposes to allow access for hunting. It already happens though and if stricter trespass laws come into play I worry that paid access will get worse. Hunting laws are made in part to ensure equal opportunity and I feel this could lead to less equal opportunity. So I answer no.

**From:**   
**To:** [LSBQuestionnaire JU](#)  
**Subject:** trespass questionnaire thoughts  
**Date:** Sunday, September 23, 2018 10:10:39 AM

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Q1-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 activity is important, digging for herbs, picking wild berries, taking pictures, ATV riding, dirt bike riding, following a wounded animal, getting in position for a duck shoot, - are not equal in urgency, nor potential damage- and all members of public are not the same, those in distress are not equal to berry pickers, pit diggers, blind builders are not equal to photographers. Handicapped with permits to shoot from vehicle are not equal to ATV joy riders

Q2-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- one year it may be open range pasture, another, fenced , another grass, it would require contacting every landowner every year prior to hunt day to be sure the character has not changed.

NO - TREAT ALL THE SAME, NO PERMISSION NEEDED UNLESS PROPERLY SIGNED

Q3 - How should permission be sought and granted?

I relate to changes to zone 18, when prior permission was a new thing , I spent \$100's on postage, and fees, to contact - a- RM for name and address ( \$1.50 per name, \$2.00 with address or phone. Sending requests to farm, city, out of province , - phone call thankyou's, and follow ups, I was told - don't bother, not needed, -- come hunt in the yard deer are doing damage, don't shoot coyotes, hunt only if you also shoot coyotes, , some gave permission and said no future permission needed, others said yes but if you see livestock there - no hunting then,

You can not set one type of permission for all situations, email, written, verbal, from landowner or occupier, or hired hand or son, wife, neighbour, If I drive to the building site and someone says yes, do i need to double check that persons authority? That would be reason enough for some to change their mind and say no

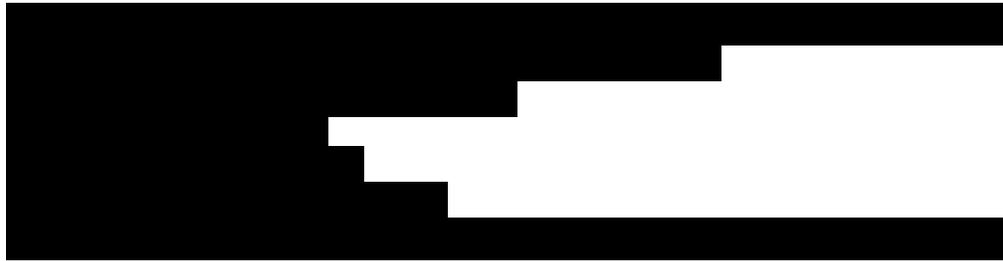
If a landowner, occupier says no, I leave! If I tell a game warden I have verbal permission he should not be able to force me to stop unless acting on a complaint  
Land holding are getting very large, ownership is hard and expensive to determine, If access is not to be assumed, post it, with email and phone number

Q-4 - Would making consent an express prerequisite in all circumstances represent an unreasonable impediment to recreational activities?

definatly YES - I , as a disabled hunter would have to just quit, I can not afford to hire a full time assistant which I would need to visit far flung farmers owners

Duck damage, deer damage, gopher damage, wild hog damage, coyote, wolf etc will become a bigger problem  
these recreational hunts would not be joyful so they would cease.

IN SUMMARY - The permission would not prevent law breakers, the chances of getting caught are so remote that regulations would be ignored. Lawful trespass with express, current permission will force many to quit to quit their recreation. It is unreasonable to use Alberta's rule about - land owner occupied within a mile  
It would do nothing to adding safety for farmers from theft by criminal element - law breakers don't and wont ask permission



**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass questionnaire  
**Date:** Monday, October 01, 2018 8:31:53 AM  
**Attachments:** [REDACTED]

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Good morning - I am forwarding this on behalf of my brother [REDACTED] as his internet service is not that dependable. Thank you.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass Questionnaire  
**Date:** Monday, September 17, 2018 9:06:23 AM  
**Attachments:** [REDACTED]

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[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]

From: [REDACTED]  
Subject: Trespass Questionnaire  
Date: Tuesday, September 11, 2018 9:32:33 PM

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Thanks for the opportunity---My input as follows:

**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**

**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**

**Q. How should permission be sought and granted?**

**SOUGHT IN WRITING AND LANDOWNER RESPONSE BACK IN WRITING**

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

**NO**

**OTHER COMMENTS:**

WE HAD GRAVEL RESOURCES STOLEN AND ENVIRONMENTAL DAMAGE ON OUR LAND BY A LOCAL CONTRACTOR. TOOK IT TO CRIMINAL AND CIVIL COURT. RCMP IN [REDACTED] INDICATED WASTE OF TIME FOR THEM TO INVESTIGATE FOR TWO REASONS:

1. TRESPASS ACT IN THIS PROVINCE HAS NO "TEETH" AS THE FISCAL PENALTY FOR TRESPASSING IS NOT WORTH PERSUING

AND BESIDES

2. OFFICER AT THE [REDACTED] DETACHMENT INDICATED THEY HAD BIGGER ISSUES TO DEAL WITH GIVEN ALL THE INDIAN CHALLENGES AND CRIMES IN THE AREA

Spent lot of money on lawyer, Justice Dept would not proceed with the Criminal charges. We did a Civil Settlement with the Contractor.

If you as Gov't are going to make changes to this Law – PUT SOME "MONETARY TEETH" INTO IT (like New Brunswick) so it becomes more of a detriment!!!!!!

**I would be pleased to provide you, and my neighbor over at Parkside (Premier Moe) with more details of this case.**

[REDACTED]  
[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass Questionnaire  
**Date:** Tuesday, September 11, 2018 8:46:23 AM

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#### Advance Permission

- Yes members of the public should be required to obtain prior permission from the land owner regardless of the activity.

#### Type of Rural Property

- Regardless of the type of rural property in question, all land should be treated the same and require prior permission from the landowner.

#### Method of Permission

- I think permission should be via email or phone which would be available through the local phone books and/or property tax system (SAMA). I would not want strangers approaching me in my yard, especially if I am alone.

#### Impact of Change

- Making consent an express prerequisite prior to access would not be an unreasonable impediment. Strangers should not be on my land without my consent to begin with. I have had snowmobilers open gates and not close them behind allowing my livestock to escape. I have also had them cut my fence line so that they can snowmobile on my property. If there were new laws stating that consent must first be obtained some of these occurrences may be reduced.

I pay the taxes, take care of the land, animals, etc. Why should a complete stranger be allowed to enter my property for hunting, fishing, or recreational activities without me knowing about it or providing my consent. I don't see them contributing to my tax bill.

Regards,

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass questionnaire  
**Date:** Tuesday, September 18, 2018 2:58:34 PM

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I think the law is fine the way it is. If there are active yards or residence around I get verbal permission or without permission I can go somewhere else. it is one of the things I like about living here is to be able to have access for recreation. Posting land is an option but landowners can also tell you to leave if they don't want you on there land even if it is not posted, I can respect that. Also all active yards are restricted to no hunting within 500m, without posting. Thanks

Sent from my iPad

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass Questionnaire  
**Date:** Monday, September 17, 2018 12:35:33 PM

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Hi

I found it extremely difficult to respond to the article in the leader post dated sept 14, page2. I hope this email gets to the correct address.

I was born and raised in Saskatchewan and have lived here all my life(65 + years).

There are so many things that i would like to say against any changes to consolidate all these acts into one. And I strongly believe that speaking to someone who so deeply cares about Saskatchewan as I do, is 100% better then a typed email. Why don't you set up a town hall meeting so people can voice and not type there concerns.

I am a hunter and to expect me and my buddy to try and get consent to hunt pheasant on land in this province for an area that spans from Estevan to Lake Alma in the southeast and goes from the USA border north as far as Weyburn would be overwhelming not only to me but the landowners as well. Not to mention the size of the area from Assiniboia to Val Marie and stretches again from the USA border to Hodgeville.

If this were to happen these access consent rules in effect would result in my hunting days, which I looked forward to in retirement would be done.

If you are a hunter you know what the laws are, if you ride a quad you know what the laws are, if you operate a snowmobile you know what the laws are, if you don't know what the trespass act is you are just plain ignorant.

Lumping all these acts into a consent rule is not going to solve the problem of the threat to home, property, life and limb. And the enforcement of such is not going to be any better then enforcing the current laws because police help is still in some cases over an hour away.

The breaking of any law by the smallest minority should not be the reason to change existing laws.

If this change goes ahead the majority of law abiding hunters will not be out there watching for the lawless individuals and thereby protecting the rural landowner.

Thanks feel free to call

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass Questionnaires  
**Date:** Friday, September 14, 2018 7:24:55 PM

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Access my property only with permission otherwise face the consequences is my opinion, whether rural or urban.  
Give the property owner full right to protect property, family, workers and themselves with whatever means necessary

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass questions  
**Date:** Sunday, September 02, 2018 8:38:45 AM

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I am a landowner, rented out to a larger local farmer.

My family are all avid hunters. We hunt on our own lands, crown lands, and private lands. We ask permission to hunt on private lands as a courtesy. Part of the hunt is finding out who owns the land.

I want people to ask permission before entering private lands, and I want it enforced, and tough penalties to go with it.

Once the law is in place, people will develop the ways and means to ask permission properly. The way that it is done should not be legislated to make it onerous.

I believe some kind of written permission is necessary to avoid prosecution. This could be as simple as an electronic text or email, or a simple standardized permission slip, stating the time, or even just the day permission is granted for.

There have been many occasions where my own friends and family have had hunts ruined by others who scoff at landowners, and go where they want.

We are surrounded by crimes each year because people can enter and snoop on private lands without risk or real threat.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass questions  
**Date:** Sunday, September 16, 2018 11:17:34 AM  
**Attachments:** [REDACTED]

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I have attached the 3 pages requiring my answers and/or opinions.

--  
[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass Questions  
**Date:** Monday, September 17, 2018 6:50:17 PM

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1. Yes, all members of the public should be required to obtain advance permission from the land owner, no exceptions.
2. All land should be treated the same...permission required. Land owners pay taxes and the public needs to ask to go on people's property.
3. Permission should be sought in person. Explicit Written consent (printable form that is uniform for all the province) confirms that the procedures were followed. If there is a place to indicate what activity was allowed then there is no misunderstanding between land owners, the public and law enforcement.
4. People can plan ahead and seek permission for all activities. Farmers, ranchers and land owners have to plan ahead to plant and use their land. People doing recreational activities can and should do the same.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** trespass questions  
**Date:** Monday, September 17, 2018 8:25:10 PM

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

No .most RM maps are out of date as to who owns the land and do not tell who is renting the land if rented.

Q.How should permission be sought and granted ?

Permission implied if land is not posted no trespassing

[REDACTED]

From: [REDACTED]  
To: [LSBQuestionnaire JU](#)  
Subject: Trespass regulations  
Date: Saturday, September 22, 2018 3:10:06 PM

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To whom it may concern:

Here are my thoughts about the trespass regulation questionnaire:

**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. I believe that self-propelled transit/transport should be allowed (with exceptions). Self-propelled transport would include any form of transport that is human powered, such as: walking, running, mountain biking, snowshoeing, skiing, etc.. Exceptions would include transit through standing crop, trampling over swaths, chasing of livestock, or other malicious activities. In many cases the recreational activities may be spontaneous, so acquiring permission could be quite problematic. For example, in the spring of 2017, snow conditions were not good close to my house, but I noticed conditions were excellent a few km away in the next RM. I just went ahead and went cross-country skiing across several quarter-sections of land - no harm done.

**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, at least I think so, but it may be hard to make the distinction clear. Land that is clearly not being cultivated or pastured (such as bushland or marshy areas) could be exempt from the rules regarding pasture or cultivated fields. Active yard sites (not abandoned) should be assumed to be off-limits, but at least in that case obtaining permission could be as simple as asking the owner in person.

**Q. How should permission be sought and granted?**

That is one of the biggest problems with this. It can be virtually impossible to find out who owns a piece of land. Given the large number of absentee landlords (do not even live in Sask, let alone on the land) getting permission could be a very lengthy and fruitless pursuit.

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

Yes. One of the pleasures of living in rural SK is the ability to go "walk-about"; in the fall/winter/early spring when there are no crops to cross. A requirement to get permission in all cases - would destroy that pleasure.

**Enforcement**

There was no question about enforcement, so I assume you were not looking for input. Nevertheless, I would like to suggest that it should be complaint-based only, that is, the police are not going to be patrolling around looking for trespassers.

**Noxious weed/disease issue**

This seems like a bogus argument to justify the no-trespass law. I cannot see how a person walking across the land is any more of a risk than wildlife walking across the same land.

Sincerely  
[REDACTED]



**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass Related Legislation - Input from Landowner - [REDACTED]  
**Date:** Tuesday, September 18, 2018 1:11:40 PM

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Here are our thoughts as to your Consultation Paper:

We own 40 acres in the [REDACTED] area. Due to close proximity to the City [REDACTED], we are concerned as other landowners are that crime &/or activities have increased over the past years. Despite being involved in the local crime watch and having our land posted as to No Trespassing, No Hunting, etc. it is impossible to keep signs up on the perimeter fencing of our 40 acres and those who are hunting, for example, could enter from the rear of our property easily vs. the roadside where signs are posted. We practice good habits such as keeping buildings locked and watching for activities that are not “normal” relative to vehicle traffic, etc. But the responsibility should be shifted to those wanting to cross/enter/use your property to seek permission vs. the landowner going to extreme measures to keep people off the land. Here are our thoughts as to your questions:

**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. Given the concerns re spread of plants diseases, safety during hunting season, overall control of who can access property and when, how would you manage control of these activities without expecting the person(s) wanting to use the land to make contact to obtain permission. This includes ATV & snowmobile traffic as landowners ought to have a say in who crosses land whether it is cultivated, next to the road, or not. Responsible users I’m sure would take the time to respect this need.

**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, if necessary based on what is heard from the consultation process. It may be more critical to outline what type of land/operation is involved (e.g. animal producers, crop growers, etc.) than other types of land. We must also not assume that because land is not cultivated (i.e. natural land never cultivated, land encouraging natural habitat, animals, birds, etc.) it shouldn’t have the same importance as open, cultivated land or pastureland.

**Q. How should permission be sought and granted?**

In a way that balances time spent by those wanting to use the land and landowners time. In other words, a discussion needs to take place as to options (verbal, written, time periods involved in any consent, involvement of municipal personnel/offices as to how a user might find a landowner). This is likely to be the most difficult part to sort out given we need to respect the fact there are many people who use & respect the land (e.g. hunters, hikers, etc.) and we don’t want to add processes that would create frustration on their part to pursue or continue to pursue these activities. However, some thought should be given to whether “consent” needs to be on paper or some type of ‘tracking’ proof should enforcement officers or land owners ask for details as to when consent was granted, etc. This type of written proof could be problematic given land changes hands, landowners may have changed circumstances that prompt a change in approval, etc.

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

Could (as above noted). Don't want to make this a huge process for landowners, nor users. What's the best balance that meets needs of all?? Open, transparent consultation process would help sort this further.

General: There are landowners/homeowners who often do not understand the whole word "trespass" and what that means. If they believe that a person(s) who is approaching property for legitimate purposes (meter readers, tourists, neighbours or others) on an "entrance/roadway to the house/yard" is a trespasser, this is a problem so good communication in various media types to ensure everyone understands the law, the changes &/or the issues is an important part of this process.



From: [REDACTED]  
To: [LSBQuestionnaire JU](#)  
Subject: trespass related legislation  
Date: Friday, September 21, 2018 10:41:16 AM

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**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**

**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 used for ag purposes should be treated the same**

**Q. How should permission be sought and granted? Land owner / Rental should be contacted in person , phone , text what ever works . I believe that if a land owner allows permission and if the person asking respects the land there should be no issues**

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

I think Alberta has a good model to start from . Penalties have to be enforced as well as large enough to make people comply . I am a hunter and I always ask permission for land I want to access posted or not . It is only proper .

Thanks for the questionnaire . Hope something is done as this is long over due

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass Related Legislation Feedback  
**Date:** Thursday, September 20, 2018 2:37:39 PM

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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, not just agricultural land. We own an acreage and do not want individuals to enter our property for any reason without our consent. RCMP is 45 minutes away. I don't want to wait to figure out if someone is a good guy or a bad dude because they think it's their right to be on my acreage. No one would go into an urban backyard without permission, so why should people have open access to rural private property? People should stay on the public road allowances and other public spaces.

Non-rural people enter what they perceive to be "abandoned properties" to snoop around and take photos, which they post on social media. This is a nice inventory of items for someone else to steal. Others break into old out-buildings to party. This is not acceptable. Someone owns and is paying taxes on those properties and if someone is hurt while trespassing, there are liabilities for the property owner.

**Q. How should permission be sought and granted?**

Currently, it is difficult to determine ownership. Providing a means of identification such as consistent posted signs (perhaps available from RM offices) with a name and phone/text number or e-mail address would help those who want access for legitimate purposes to enable them to do the right thing.

eg. We were searching for a lost dog. I have the RM maps and called to ask for permission to walk in a field to a slough. However, without knowing my neighbours, it would be difficult to search and find the owner in a timely manner. I also grew up on a farm and know enough to not trample crops by foot or vehicle, and to stay away from livestock while on farmland. Urban people are unaware and like to take selfies in specialty crop fields - eg. canola, which can spread disease and trample crops.

How would permissions impact first responders' need to access for fire or emergency response?

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

In the same way that an urban resident does not want people enjoying "recreational activities" in their backyard, rural property owners should have that same right. Snowmobiling, ATVing, dog walking, hunting, photography, etc. should require permission, and be restricted to public road allowances and public spaces without permission.

**As well:**

Additionally, I think that rural property owners should take more accountability for their own property security. Urban people do not leave unlocked property, and many have security systems in place to deter opportunistic criminals. We have monitored alarms, video cameras,

driveway alarms and lock our property when we are not on it. I know many rural people who simply leave their properties not considering their vulnerabilities. The provincial government, RMs and RCMP could take a leadership role to help rural people implement more appropriate security practices. This lax attitude toward safety by some make rural areas more unsafe for everyone.

[REDACTED]

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[REDACTED]

From: [REDACTED]  
To: [LSBQuestionnaire JU](#)  
Subject: Trespass related Legislation Questionnaire  
Date: Wednesday, September 19, 2018 1:26:44 PM

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Here are my answers to the questionnaire. I am a Saskatchewan resident, take part in recreation activities such as ATV's and hunting. I am a member of the Saskatchewan public, and I own land, and use crown land for recreation as well as private lands of which I have the owner's permission to use.

**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, most definitely. Why should rural private land be treated any differently than urban private land? Both were bought and now owned for the purposes desired by the owner, and to have an predisposed expectation for public access is unreasonable.

**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?**

- There should be no distinction between these types of land. Private land should all be treated equally. It is all owned by someone, so access to it should be treated as such.

**Q. How should permission be sought and granted?**

- permission should be sought by utilizing RM maps to show ownership of properties and obtaining contact info for the land owners in the same way hunters have been doing for many years.

- i do not think the government should post landowner contact information. but landowners should have the option of voluntarily posting it.

-landowners who do wish to allow recreation on their property should be provided a standardized sign to post at the entrances or corners of the properties with their contact information.

- landowners who do not wish to allow recreation on their property should be provided with a standardized sign to post their lands, indicating that it is a punishable offence to trespass.

- Saskatchewan should consider adopting a color code for private land and no trespass markings. For example: Texas uses purple paint to mark corner posts, purple signage, etc. This creates a known standard, having a standard reduces confusion, and quickly educates the public on which land is private land.

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

-No, this is not unreasonable. It is reasonable to expect permission to access private property. People that live in cities or towns have no expectation put on them for the public to access their property, so there should be no expectation to have access to rural properties either. Just because they are generally larger in size, does not mean the public should have access to it without express permission.

I hope these comments are taken into consideration and I feel much of my rural community feels the same way on the subject.

[REDACTED]



**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass Related Legislation  
**Date:** Sunday, September 02, 2018 11:13:49 AM

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I am grateful for the opportunity to comment on trespass. I am a farmer and land owner on [REDACTED]. We face regular and increasing conflict from trespassing. We often have people driving through our crop seeking access to the lake. In 2018 a family member had a physical confrontation with a trespasser who was moving our irrigation pivot "out of their way". We are very cautious about leaving pets or children even for very short periods of time as people regularly enter our property. In one instance where we permitted campers they purposely started a grass fire as the ticks were bothering them. The fire spread quickly out of control and put our property at risk.

In all of these situations the underlying sentiment from trespassers was they felt entitled to be on our property. Regularly I hear it is my right to access crown land or the lake, etc. I believe it is imperative to require advance permission to enter rural property.

In 2017 our crop was under snow for much of October but we finished harvest in November. It is very frustrating to watch our crop damaged by recreational users accessing posted fields. Crop damage from ATV or snowmobilers or hunters can be significant.

Express consent is needed. Rural land owners face confrontation with recreational users because of the current climate of recreational user assumption of the right to access leased crown and private agricultural lands.

[REDACTED]  
[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass Related Legislation  
**Date:** Friday, September 21, 2018 8:10:57 AM

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I am opposed to new legislation that would require hunters to obtain consent from landowners or occupiers of land before entering such land for hunting purposes. I believe that the current legislation provides landowners adequate ability to deny entry or evict individuals from their land.

Hunting is under threat from many sources, from individuals and organizations who think it is an unethical or cruel sport; from federal government which require PAL's to be obtained and maintained in good standing and which is looking a back door gun registration under proposed legislation. The Trespass Related Legislation would severely impair hunting in Southern Saskatchewan were most land is privately held. Loss of hunting will impair the ability to effectively manage game. In addition, this legislation could promote landowners to charge fees to access their land thus, in effect, creating private hunting clubs in the province which I do not believe is in the public interest.

I suspect that the reason that new Trespass Related Legislation being considered owes to a very small minority of hunters who abuse the privilege of hunting on private land. For the reprehensible actions of a few, all respectful hunters would be penalized, and the miscreants likely ignore the requirements of the revised legislation. It would be more effective to target the activities of the miscreants than respectful hunters.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass Related Legislation  
**Date:** Sunday, September 30, 2018 12:03:02 PM  
**Attachments:** [REDACTED]

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We have a high crime rate in this rural area and desperately require changes to protect our rural property. Our completion of the survey is attached. Thank you.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass related legislation  
**Date:** Thursday, September 20, 2018 8:33:03 PM

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I believe that as the law stands, that farmers are given free signs to post their land for no hunting or no trespassing. I believe that hunters should have the right to go on private property for hunting, other than the landowner's home quarter, where there should be no hunting unless permission is granted by the landowner. If the landowners are wanting to restrict access to private property through "hunting with permission only" signs, I strongly believe that the tension between landowners and hunters would be less if the landowner's name and phone number would be required to be put on the signs. Nothing is more upsetting to hunters than seeing "hunting with permission only" signs with no name or phone number. The hunter has no way to know who the land belongs to, as RM maps aren't always up to date and phone numbers aren't easily accessible. There needs to be a little give and take in this situation. If the landowner is concerned about his phone ringing at all hours, he could specify, on the sign, what hours he is available for calls. I have been in both situations as a hunter and a previous landowner. I always put my name & phone number on the signs that I had posted on my land. If a landowner can't take the time to post signs, that are free of charge, with their contact information on it, I think it is likely that no laws or restrictions would ever be good enough to please them.

It is important to have proper legislation in place for the well being of both parties.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#); [REDACTED]  
**Subject:** Trespass Related Legislation  
**Date:** Sunday, September 16, 2018 11:17:24 AM

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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 this should be done for any activity. I live in a small town and am not a land owner but this should be the case. I know some local land owners and they have had to post land but is always having problems with people trespassing.

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?

There should not be a distinction so it is clear what the rules are all the time.

Q. How should permission be sought and granted?

Permission should be granted by direct contact with land owner/renter. Permission should be in writing and given for a specific purpose and for a specific amount of time.

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

This would directly affect how I hunt and my wife would take pictures. I think this has to be an expectation of all members of the public when wanting to access a certain piece of land. I should respect the person who owns the land and seek approval to access it. When I was young (now in my 50's) there was lots of places to hunt as not much land was posted. The reason people are posting their land is so they know who is on it at a specific time and they are allowing people that they know will respect their land, fences and gates. Posted land is still accessible to ethical people. People who expect they can go anywhere and do anything are the reason the landowner has had to post his land. We need to remember who's land we are on!!

**From:** RM of Birch Hills #460  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass related Legislation  
**Date:** Monday, September 24, 2018 2:34:31 PM  
**Attachments:** 

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Good Afternoon,

Please see the attached letter from the Council of the RM of Birch Hills No. 460 in reference to the review of the Trespass related Legislation.

Thanks,



**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass review  
**Date:** Wednesday, September 12, 2018 9:00:33 PM

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I appreciate that the Government has indicated a willingness to review and consult with everyone over the proposals to update and review all trespass related legislation. I would like to offer the following submission as my thoughts on the matter.

1. I do appreciate and understand the request by landowners to know who is on their land and don't totally disagree with this general concept however the present systems can make following these requests/legislation very difficult to the point of ridiculous. As an example if I were to be driving down a road and a strap holding a load in my truck or on my trailer were to come loose and an article was to come out of the vehicle and land outside the ditch area on private land, how would I locate and determine who the landowner is to ask permission. This same principle can be applied to a vehicle that loses control on a rural road and comes to rest on private land. Are we indicating that you are now in violation of these regulations as you entered the land without permission. This request is mainly to deal with individuals that are up to less than honorable intentions who no matter the law will not follow these rules like they don't with others like theft, vandalism etc. I have never met a landowner urban or rural that would expect or want a contact made in circumstances like this unless there was damage to the property.
2. Presently determining who the owner of a parcel of land is to get permission can be very difficult. I tend to obtain and use RM maps to assist with this in areas where I hunt to obtain permission regardless of whether it is posted or not, however at times this is almost impossible. RM maps are regularly out of date when they are printed or not available, in some cases the listing indicates a numbered company that cannot be located in any search, in many cases now the owner owns a vast track of land (tens of thousands of acres) and may reside 100's of miles away how can we possibly contact the owner to ask for permission if they cannot be readily identified along with contact information. In some cases the search required to locate the owner has taken weeks. Contacting the RM office at times can be beneficial but in other with the citing of privacy laws you are turned away and wished good luck. If after this consultation is complete the decision is to go ahead with this proposal I would respectfully submit that there must be a easy process that individuals like myself can determine who exactly the owner is and how to contact them. If the legislation is to be across the board so should this system, not RM by RM. This would be similar to urban properties. For them this a very simple process, firstly they are typically smaller and it is easy to walk up to the front door and ask permission (for rural as indicated that residence may be 100's of miles away), for urban there are reverse directories that can be used where the address can be put in and the owners name and contact information will appear. There is no similar way to do this with rural properties. If systems like this are put in place there must also be a equally effective system that law abiding people can comply without having to go to significant lengths to identify and locate the owner along with their contact information.

In response to the actual question posed I would support an across the board express permission law if the above mentioned points are also considered and implemented along with them. If they

aren't then I would oppose this express consent requirement. The permission required must also be with the owner, not the renter, lessee, permittee or other party that may have a usage agreement with the owner. As indicated above locating an owner can be almost impossible in some cases if the legislation allows others to also give this consent under agreements with the owner it would be again adding to the issue.

As for the second question posed I would submit that it would be best to incorporate all **private** land (urban and rural) and regardless of what it is used for (cultivated, fenced, pasture etc) under the one set of rules. For all **crown land** although conditions may be imposed by signage (ie no vehicle access, no parking in certain areas, vehicles restricted to roads and trails, etc) the legislation should stipulate that permission to access is automatically granted in accordance with signage. This should not be different if the land is rented or leased for periods of the year or year round. If it is crown land conditional access must be guaranteed. If this legislation is going to treat private land all the same then it should also ensure that crown owned land is also all treated the same. The present system that allows permittees, leases, renters etc. to deviate from this also needs to be addressed across the board and prohibited. If it is crown land nobody gets to say no.... however some guiding principles can be "posted" on the land to guide and regulate appropriate methods.

The third question indicates how must permission be obtained. In my view this would depend on the available method of locating and identifying the actual owner and their contact information. Typically in this day and age cell phones would be appropriate, but only if the cell phone number is readily available by a Sask system. Again this should not be RM by RM but a province wide system. Perhaps a system or "app" that would allow landowners to indicate the preferred method of contact which would be tied to the land location or address associated with the property. This would allow landowners to indicate how they would like to be contacted and also advise potential "permission seekers" with that information of what that exact information is. If a landowner indicates they would prefer contact via cell phone than the number would be listed, if they preferred email the email address would be listed etc. If a system like this was developed it would certainly be beneficial for the law abiding individual to comply. If not it will be difficult if there is a residence or what appears to perhaps be a residence to stop individuals from driving in to see if permission can be obtained. Depending on the location and residence this may or may not be what the landowner thinks is the most direct route to locate the residence as some residences/abandoned residences can be accessed by a variety of routes and the location and perception of the person looking could reflect how they access.

The next question posed is whether this express consent would impose an unreasonable impediment to recreational activities. Generally my answer to that is Yes in some case it would based on how we do things today. If we amended our technology to support a system like is being asked by landowners this can be mitigated, but only if the technology and overall system is managed and developed as I have indicated above. If not there will be numerous circumstances that would make it unreasonable.

Generally as indicated I am supportive of this request from landowners, but in order to for it work effectively for everyone we must along with the legislation ensure we are leveraging technology to implement an equally effective system to make it all work together. This will require a bit of a "give"

from landowners being willing to let us infringe on their privacy rights and be able to locate their name and preferred contact method in a readily accessible province wide system.

My last comment on the matter is that along with this legislation there also must be a provision allowing law enforcement to enter and conduct activities on all land without requiring this consent. The exception of course would be residences where a warrant would typically be required. We cannot allow this process to impede on these activities. I would not however expand that consent to other typically legitimate purposes like land assessors, appraisers or other govt or private individuals for employment related activities. These groups should also be covered and required to follow the same process as recreational users.

Respectfully I submit this as my thoughts on the matter. In order to be fair in my perspective I offer that I am an urban resident that obviously hunts and conducts a number of outdoor recreational activities on and off private and crown land but I typically do not do a lot of quading or skidoing so my perspective does not consider their unique issues although this proposal changes little from the present legislative framework.

Should this submission generate additional questions of me, feel free to contact me through the email address used for this submission.

[REDACTED]  
[REDACTED]



Virus-free. [www.avg.com](http://www.avg.com)

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass review  
**Date:** Thursday, September 13, 2018 8:28:56 PM

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I own 12 acres, but I would like to see it illegal for anybody to come onto my property without written permission. Or give the owner permission to take things in his own hands without penalty if he doesn't leave. ( I would prob never do anything but at least the people that try to steal or trespass know what the consequences could be). We have been robbed before (\$15,000 worth of horse tack) I would also like to see written permission for anybody to hunt at property near acreages or small farms. If they don't have it, they have to leave if we tell them too. We are a horse boarding facility with small kids and people are shooting a couple 100 feet from us. We've asked them if they have gotten permission from the owner, they say yes, we have phoned the owner of the land later and he never gave anybody permission to shoot on his land. People are constantly shooting on fields around our house.

Thanks

[REDACTED]

Sent from my iPhone

From: [REDACTED]  
To: [REDACTED]  
Subject: [REDACTED]  
Date: Sunday, September 23, 2018 4:20:03 PM

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After reading the different rules I agree it is confusing. As a active farmer who has put up with all kinds of people on MY land ( bought and paid for )lets keep it simple. You do not own it stay off it ! Posting land , doesn,t work . Posting , keeping signs maintained , asking people you catch on the land to leave, is impossible with 9,000 acres to cover . Most people I catch all have the same lie , we got permission from the owner , when I tell them I am the owner and that isn't right because I haven,t gave any one permission for over 10 years . Then they say they read the RM map wrong . I think if they can not read a RM map they should not have a driving , hunting , or any licence needed for the activity they are doing . A \$2,000 or any money fine will not stop the majority of hunters I have ran across, their trailers , guns , decoys ,etc cost thousands of dollars , take them , trucks ,trailers , all equipment , and hunting privilege . This may seem harsh but after years of suffering losses because of these TRASPASSERS , I want to have some rites !  
On anther topic change the law so we can charge an outfitter for use of the land , they make use of our land to make money but they can not give any to the owner of the land , this doesn't seem fair.

[REDACTED] [REDACTED] [REDACTED] [REDACTED]  
[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass Review  
**Date:** Monday, September 24, 2018 3:11:04 PM  
**Attachments:** [REDACTED]

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Please see the attached document for commentary on the trespass review.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** trespass review  
**Date:** Tuesday, September 18, 2018 9:33:05 PM

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My son and I farm 3600 acres of owned and rented land east of [REDACTED], Sk. Some of it is bordering the provincial forest and the whole area is a popular hunting area.

During my farming career, I have had the following things happen on this land

- An elk was shot in a standing canola field and the the hunter lied to me and told me the animal was shot and then ran into the field. An eye-witness refuted his story.

- A hunter parked his truck in an unharvested pea field while hunting in the adjoining bush.

- Some Metis woods-workers drove over unharvested swaths while jacklighting at night.

- Hunters drove across a wet summer fallow field leaving deep ruts and then ran over some swaths while hunting geese.

In all cases above, the land was not posted and permission was not requested.

I have witnessed the following things done by snowmobilers\

- Run down a row of small spruce trees that were just sticking out of the snow.

- run over low shrubs at the edge of a beautifully cared for private garden.

- Drive up and over a pile of grain stored in a field.

A section of the TransCanada Snowmobile trail runs across my home quarter, with my permission. While not every rider stays meticulously on the trail, we have had no problem. Twice we have had unharvested crop adjacent, which was posted and have had no problems.

I would make the following recommendations

The onus should be on the person who wishes to come on the property to ask permission, not on the landowner to have to post their land. As the owner of the land, I am providing a benefit. This should not make extra work for me. The person asking to come on the land should not object to a little effort to get that benefit.

ALL hunters must ask permission to go on the land. This includes aboriginal, metis and others.

I find snowmobilers harder to figure out what is right. One of the joys of riding is the freedom to go where you want. To have to ask every landowner's permission is not very feasible. The redeeming feature is that wintertime riding can not do much damage unless the person running the machine is an idiot. I am a strong supporter of the groomed trails as this makes an enjoyable riding experience with very little trouble.

The Colten Boushie case raises a whole new set of problems. Many of us live on isolated farms and police response time is very slow. I do not think access to obtain help should be a trespass but the minute anyone leaves the access road to the house or shop, we have a problem. We are not allowed to protect our property or our persons with force.

I have hunted for over 50 years and own two toboggans.

[REDACTED]

From: [REDACTED]  
To: [LSBQuestionnaire JU](#)  
Subject: Trespass Review  
Date: Monday, September 17, 2018 8:56:13 PM

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Good day Sask Environment. I am pleased to submit some opinions to the survey on land trespass.

**1) 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?**

Being heavily involved in snowmobiling and hunting, I think that certain activities should require permission. Hunting can be very invasive activity where the land owner should be consulted for access. Most hunters are very respectful of the land and the owners of that land. Most owners just want to know who is on their land and be able to control the amount of access to that land by limiting the persons on the land. Most of the hunting access requires various time spent on that land, sometimes for extended periods of time, over hours, days or even weeks. During these time, various levels of damage may occur, unfortunately. Snowmobiling on the other hand may only be for a short period of time, with the similar damages occurring. Usually not, but still possible. Having said that, it would be almost impossible to regulate or enforce the access according to activity. But I think that certain activities should be exempt from the trespass law as proposed.

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

I think that, just like in the previous statement, enforcement would be a nightmare. What is defined as "agricultural"? So if you are in a portion of a cultivated quarter of land that is bush or scrub, would the law apply? The area you are in is not agricultural by definition, but the other portion of the land is. To simplify this issue, there should be further definition of agricultural land. In my opinion, it would have to be all or nothing.

**3) How should permission be sought and granted?**

The method, in this day and age, is usually by cellular phone, as we are all connected. The explanation in the " Method of Permission" seems far fetched to me. Most responsible individuals, myself include, take the time and effort to attain the appropriate municipal maps, look up the landowner's residence or phone number, and either call in person or by phone. Written permission would be the best defense if confronted by CO's, other hunters, or individuals questioning your access to the land. This may not be practical as some land is owned by persons not located at or near the land in question. As well, with regard to snowmobiling, various land locations

would be crossed on a typical day making it very impractical and challenging to obtain permission.

**4) Would making consent an express prerequisite in all circumstances represent an unreasonable impediment to recreational activities?**

Without hesitation, yes..... it would tremendously impend recreational activities in Saskatchewan. ...."access unless expressly denied" rather than "access if expressly permitted" has become our normal in Saskatchewan. Using the activities of hunting and snowmobiling again, I myself would have to make some serious changes to the areas and/or activities that I participate in. Being restricted to sledding on groomed trails would limit the areas and time spent doing this activity usually due to snow conditions. No snow....no go as it were. This would also limit the resources spent on these activities in rural Saskatchewan. This also applies to all outdoor activities. No land access for hunting, snowmobiling or whatever takes away important dollars spent at the local/rural gas bar/convenience stores, motels, hotels, repair shops, grocery stores, ..... the list goes on.

The hunting and fishing rights of First Nations should continue to be required to have permission to access any private land in Saskatchewan. There should not be any discrimination between any group or individual with regard to access. There should also be tougher enforcement of access to wildlife and habitat conservation lands in Saskatchewan with regard to First Nation access.

Thank you for the opportunity to express opinions on this issue. I hope that there may be a resolution to the issue that benefits all land users and land owners without limiting access to those users.



**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass rights.  
**Date:** Thursday, September 20, 2018 9:05:02 AM

---

We need legislation that is similar to the Castle Doctrine that is used in the majority of the United States. This gives you the right to defend your property as well as your life.  
Sent from my iPad

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass Survey  
**Date:** Saturday, September 22, 2018 12:26:31 PM  
**Attachments:** [REDACTED]

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**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass Survey Response  
**Date:** Wednesday, September 26, 2018 7:57:13 AM  
**Attachments:** [REDACTED]

---

Thanks for the opportunity to contribute.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** trespass survey responses are in Green  
**Date:** Wednesday, September 12, 2018 5:54:49 PM  
**Attachments:** [REDACTED]

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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?

**Answer: As a landowner we are constantly dealing with trespassers even though our land is posted. We do allow hunting on foot but we require the hunter to ask for permission. However, only a fraction of those that we have seen on our land ask permission. Therefore we believe that any visitors should require the express advance permission to gain access to private lands.**

## 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?

**Answer: 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?

**Answer: Permission should be granted by the landowner via text or email so that they have written confirmation that they have obtained permission. Contact information should be available via rural municipal offices. In our case we have land as far as 30 miles from our residence and in the adjoining RM, so just approaching the yard is impractical.**

## 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?

**Answer: No. Obtaining permission shows respect for the private landowner and helps build relationships.**

## 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.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass Survey  
**Date:** Thursday, September 20, 2018 7:37:09 PM

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Current Legislation are fine just the way  
they are.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass Survey  
**Date:** Saturday, September 22, 2018 4:08:50 PM  
**Attachments:** [REDACTED]

---

Please find answers and survey attached.

Thanks.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass survey  
**Date:** Monday, September 24, 2018 8:32:25 AM

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The RCMP is a fine police force however it would be next to impossible for them to be where they are needed all the time . The trespass system we have isn't that bad for the most part . As a farmer ,land owner and snowmobiler /atv rider I appreciate being able to ride almost anywhere . I think changing the law to prevent this type of riding would be tragic for outdoor enthusiasts. There does need to be some protection for land owners preventing lawyers and insurance companies from suing land owners if a client gets hurt on private land.

That being said ,if some one is in my yard vandalizing,trying to steal or especially-threatening my family I should have the right to defend family and property with force. The province and the courts need to be behind this and let criminals know that they no longer risk just incarceration (warm bed and three meals ) but are very likely to be in personal mortal danger .

As a suggestion perhaps future " questionnaires" should be done question in multiple choice form

Example

- as a land owner do you feel a person trespassing should
- A) stay off your land always
- B) be required to have verbal permission
- C)be required to have written permission
- D)be allowed access provided they do no damage .

That's what the questionnaire should have looked like that .

Sent from my HTC

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass Survey  
**Date:** Friday, September 14, 2018 12:02:37 PM  
**Attachments:** [REDACTED]

---

Attached is my response to your survey.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass to Property Act  
**Date:** Wednesday, September 19, 2018 9:12:35 PM  
**Attachments:** [REDACTED]

---

- 1) All access by members of the public to rural property should require advance permission of the rural land owner regardless of activity
- 2) all land should be treated the same
- 3) permission should be sought and granted in person with a written request of who, when, and for how long and for what purpose, including our crown corporations and any hired contractors and permission given in writing and all copies signed and dated and notify owner of exit
- 4) if you want land for recreational purposes, buy your own land, we don't expect to sit in their back yard without an invite

[REDACTED]

Sent from my iPad

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** trespass to property act  
**Date:** Monday, September 17, 2018 2:35:35 PM  
**Attachments:** [REDACTED]

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

Please see the PDF file I have included

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass  
**Date:** Tuesday, September 18, 2018 10:33:01 PM

---

I believe consent should be required prior to entry.  
Permission could be confirmed by text,e-mail, voice message or in writing.  
Castle law should apply to your home.

[REDACTED]  
Sent from my Galaxy Tab® E

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass  
**Date:** Friday, September 14, 2018 9:58:29 PM

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Why would anyone think they can go on someone else's property. Would city people like rural people to go on their lawns and have a picnic?? Rural people paid a lot of money for their property just like city people did. Stay off other people's property period. As far as needing help everyone has a cell phone!!

Get [Outlook for Android](#)

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass  
**Date:** Friday, September 14, 2018 9:20:11 PM

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I wish to comment on any possible new legislation.

We need to be careful about prohibiting all access to land. I am writing this as someone who may do one of two activities on private rural land. One is sport hunting and the second is snowshoeing which may or may not involve hunting. I used to snowmobile but do not currently and have no plans on taking up the sport again.

My points are:

Forget about a rural/urban divide. Rural residents are the main users of other people's lands for activities such as sport hunting or snowmobiling. Many times they are on land of people they know, assuming permission is granted. The vast majority of people using private land will respect it. These are not people that are wilfully damaging property, stealing or other unethical or illegal activities.

There is limited law enforcement in rural areas as it is, responding to trespass complaints would become a low priority.

Trespass legislation could lead to landowner vs. user confrontation, hopefully not leading to anything violent.

Vast tracts of land now are in areas with low human habitation, even in the relatively well populated southern grain belt.

Land ownership and land operation are not uncommonly different parties. A lot of land is not even privately owned, but by a corporation. Finding land owners could prove to be complicated, even with Rural Municipality maps.

Though many sport hunters obtain permission for hunting on land, sometimes the chase can lead to animals entering adjacent land. Strict trespass laws could complicate that. That could lead to a decrease in sport hunting, and an increase in wildlife in rural areas causing other issues.

Vast distances covered by snow machines would make it difficult in obtaining permission from landowners.

I do believe however, that land that has livestock, or is occupied with a homestead should have permission obtained whether posted or not.

This may be what is being proposed and is not likely far off current legislation.

Sincerely

[REDACTED]

From: [REDACTED]  
To: [LSBQuestionnaire JU](#)  
Cc: [REDACTED]  
Subject: Trespass  
Date: Friday, September 14, 2018 3:46:25 PM

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Regarding trespass legislation for the province:

I'm not really sure why it is even a question. Can I jump into someone's vehicle and drive it without their consent? That is theft. Do they have to have signage not to drive it? No! Does one's land not belong to the owner as much as a vehicle.

Can I come into the minister's office whenever I like and use his desk. Of course not and that is public property! I have to arrange an appointment. Just because it is farm or ranch land and there is a lot of it it does not make it any more someone's right to use it or occupy it without express permission. It probably should be written permission to prevent dispute over whether it was actually given as well.

Why is the onus on the rural land owner to "post" land owned? It should be assumed that permission is required to use private property unless signage indicates otherwise. It should be no different than using a private urban backyard.

There is no balancing of rights on the land as the non-permitted infringer has no rights to the use of someone's property without their permission. That is a totally communist idea to think that the proletariat owns the land and can use it whenever they please! That wasn't the case in Russia or Cuba and certainly not in China yet seems to be implied here. I can really see why our previous governments wanted to keep property rights out of the Charter.

I hope the government will do what is right and not what will get the most votes.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass  
**Date:** Friday, September 14, 2018 3:02:57 PM

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I do not believe the landowner needs to give permission for access for all activities. Activities like hiking and snowmobiling ,cross country skiing that do no damage to property should be implied access and need signage ...would agree that a penalty for going on signed property need to be addressed better so landowners have better recourse is needed

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass  
**Date:** Tuesday, September 11, 2018 1:48:06 PM

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All access by members of the public to rural property requires advance permission regardless of the activity.

No distinctions. Ignorance of ownership must not be a defense.

Recreational access to private property should not be anyone's right.

Permission could be sought by phone or, individually by yard access. I don't want gangs of inebriated snowmobilers or ATVs coming in to my yard.

I should have safe and secure use of and control of my hard earned and cherished property.

As an organic farmer, by regulation, no vehicle or machinery can enter my property without being thoroughly cleaned and inspected, with accompanying paper work. The law should reflect this reality.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass  
**Date:** Sunday, September 09, 2018 12:09:57 PM

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I live on an average at the end of the road. Frequently we have people driving into our yard, particularly during hunting season, but all year. Our house is on the hill and you cannot help but see it regardless of what direction you come from. The instant they see people they leave usually very quickly. Seems to me by this behavior their intentions are not good.

The fence that used to be across the land parallel to the road was damaged by RM snow clearing equipment and because we have no animals to contain have not gone to the expense of repairing.

Having had a no hunting sign up and it making no difference to this type of trespass I expect that a fence and gate, locked is currently our only option.

We live in an agricultural community and this type of barrier does not breed friendly neighbors.

Perhaps better trespass laws would discourage the type of behavior we have experienced.

Calling law enforcement is a wasted effort as they are at least 30 minutes away.

Also as we have large sloughs in our area we have many goose/ duck hunters. In putting up a no hunting sign one fall because there were cattle in the pasture that the sloughs are on, I had a bullet go over my head close enough to feel it. Better trespass laws might prevent that type of carelessness as well.

Thanks for letting me share my opinion.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass  
**Date:** Saturday, September 08, 2018 9:32:34 PM

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Leave it as is. More laws don't prevent criminals from stealing stuff just make life difficult for the everyday person  
Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass  
**Date:** Wednesday, September 05, 2018 8:56:36 AM

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I understand the principal of why the act is in discussion, but there are a lot of factors that will cause conflict, human and wildlife.

One such concern where I reside in the [REDACTED] is that we have a large number of outfitters in the area, they already seek large areas of land and put up tree stand or bait pile and the rest of us can not get access to that farm land.

Plus there are large farmers with over 75 quarters of land that only grant a small group access which shuts the door again.

If you can convince crop insurance not to pay out to farmers for wildlife damage unless they keep a list of who had access to hunt and try to control the ungulate populations, this will not work.

Also predator control is primarily handled by a spot and stalk means for most rural areas, so this alone will cause significant problems for the upland, migratory birds, small prey and ungulates not to mention significant cattle predation problems.

Land owner sportsman conflicts will be on the rise, especially during busy seasons.

An RM map is not up to date as often as land changes hands. Further more some land is owned by out of province investor groups, so renters are not reflected on the maps.

I guess this puts us on a path of trouble one way or another.

As if our conservation officers don't have enough to do, and recently had 911 and policing duties added to their list, now they would have to deal with additional landowner/ sportsman conflicts.

Regards

[REDACTED]

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass  
**Date:** Tuesday, August 14, 2018 6:01:32 PM

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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.

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?

A. There should be no distinction. Property is property and rural landowners should not have to worry about people being on their property causing crop damage, letting their livestock out, creating liability issues, and causing fear.

Q. How should permission be sought and granted?

A. Not sure on this one. Any type of request for permission would be better than none, however, with the increasing amount of rural crime, I would prefer to have no strangers in my yard. Anyone with a reasonable request should have identification and step back from a door after knocking or ringing bell. Anyone hunting or doing recreational activities should need to obtain written permission. Verbal permission would be adequate for utility companies, businesses displaying company logos on their vehicles. Any entry should be at their own risk regardless of type of permission.

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

A. I don't think so. It is not unreasonable to expect people to not enter another's property without permission. Rural people cannot go to the city and enter a nice yard and use someone's swimming pool. Landowners should not be responsible for others' recreation, nor should they have to risk claims of liability if a person enters their property without permission.

Sent from my iPad

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Cc:** [REDACTED]  
**Subject:** Trespass  
**Date:** Saturday, September 22, 2018 2:31:26 PM

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Sirs:

I would suggest that posting of private land by a land owner not be a requirement of any act. The onus must be on the one that wants the access by asking for permission.

I would suggest that written permission be required of the public should they wish to access private lands. It is not unreasonable to ask the public to visit the RM office, and to purchase a municipal map to know where they might speak for access to particular private lands. It would be an excellent learning experience in getting to know where they wish to go in terms of rural direction, if you catch my meaning.

Most administrators could direct an inquirer of land access to the land owner that does not reside in the RM. A little leg work would be a good thing for the public to seek out a ratepayer's permission for access.

I do not subscribe to the principle of, it is better to ask for forgiveness, than to ask for permission because there are numerous safety concerns at play when people don't communicate their intentions when entering a working private property.

Thank you.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** trespass  
**Date:** Saturday, September 22, 2018 2:24:52 PM

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I am going to try to be logical about giving my opinion about the proposed trespass act. I understand that the aboriginals have inherent treaty rights for hunting fishing etc BUT I don't think those should supersede getting permission to go on lands that are being farmed, lived on etc. People who live and farm on lands should not have to be worried about people coming around saying they want to hunt when in too many cases, they are actually scoping out places to rob. we aren't imagining this happening - it has already happened too many times and not just by aboriginals. with hunters there is also the concern of them hunting too close to a home and someone getting hurt.

trying to post every corner/mile of our property is insane and we shouldn't need to. if you don't live there, common sense should tell you that you need permission to enter. if there isn't a homestead right there, the closest one will be able to tell you who the land owner is and where to find them. will getting permission be unreasonable especially for recreational operators? I don't think so...with the weather so unpredictable you need to know where there are still crops in the fields that need to be combined in the spring before you enter and do damage by snowmobiling or tromping all over.

all land should be treated the same. you don't know if it is native pasture with plants that are being protected, a crop still waiting to be combined, if there are cattle/horses to be aware of....I wouldn't think of going somewhere and NOT getting permission to go looking around even if all I want to do is take photos of something interesting.

we need to be able to say NO, to be able to protect our families, animals and lands from people who wouldn't be as concerned. we have given permission to many to go onto our lands when it hasn't affected harvest or animals but we need to be able to retain that ability.

I think anyone who hasn't bothered to get permission to go onto lands that they don't own, aboriginal or not, needs to be charged and brought to court. it isn't that difficult to ask permission. thank you for the opportunity to voice my opinion

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass  
**Date:** Wednesday, September 19, 2018 11:35:22 AM

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Our current laws are sufficient. People just need to post their property in accordance to their wishes as stated in section 11. Perhaps an educational program is required to make people aware of our present system and how it can work for them. I like the flexibility it provides.

A hard and fast law will create increased demand on law enforcement over petty issues (neighbors etc.) , which will detract from police working on real crime.

People in high crime areas need to be encouraged to post their property which will assist police in preventing unwanted trespass and pre-theft activities.

No new laws are needed, just smarter landowners working with police to enforce present trespass laws.

Educate!!!

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing laws.  
**Date:** Monday, September 24, 2018 10:34:34 AM

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Permission must be obtained in writing dated signed and for what purpose to whom and for what period of time. If this is not followed the persons are breaking the law. To enforce this a 5000\$ min fine should be levied if not more\$. Access is at their own risk. [REDACTED] [REDACTED] [REDACTED]

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing  
**Date:** Friday, September 14, 2018 7:52:33 AM

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As a land owner and hunter. I think NO Trespassing should be allowed without Written Permission I also think that it should not have to be Posted with Signs. the signs are an extra expense to land owners they take time to maintain and they ruin the looks of the country side Trespassing is a privilege. Not a Right Most people now days have no RESPECT for our property. They drive around Signs hunt in Standing Crops that are Unharvested. So I Believe that NO TRESPASSING. Should be allowed without Written Permission. Ignorance to say I didn't know that they owned it is also a scape goat to get out of trouble. With maps , internet , Apps A person is able to find out Who Owns What in a hurry. Increase Fines to at least a\$1000 first offence and double it for every offence after that ?

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing  
**Date:** Thursday, September 13, 2018 9:24:18 PM

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I would like to see it be required to have permission to enter private property for any reason. Whether it is farm land, pasture or bush is irrelevant, if it is owned by someone nobody else should be able to access it without permission. I would also like to see fines increased for trespassing.

[REDACTED]  
Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing  
**Date:** Thursday, September 13, 2018 8:46:24 PM

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I am a farmer, rancher in southeast sask. I have posted my land during hunting season in which still have people drive on my land. I believe all private land whether cultivated, fenced, crop,pasture , hay land is PRIVATELY owned land and should have written consent no matter what as there is way to much crime and thefts.. and damage to land!! The fines imposed if any should be given to the owner to compensate for any damage to his/her land.. with of course court costs included paid by the offender. As any ruts can cause damage to equipment and when snowmobiles or atv people cuts fences someone has to fix it or replace that wire or post. No one ever talks about the damage a farmer has to repair and no compensation to land owner!! Why such a high 2000 fine if not giving the landowner some ... cost of fuel, time, equipment, etc.. as court costs are about 200 what happens to the rest?? Really?? If you don't own it you have no rights to have access unless written yearly consent from the land owner!! In which everyone can go to rm office and can look at a map and see what land location or who owns it to go see or phone the owner for any purpose of wanting on that said parcel of land. And not be governed by local rm offices as they do not know what the land is really like such as quicksand, algae in water that kills livestock, weeds, etc.. all the rm needs to do is sell rm map.. period!!  
Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing  
**Date:** Thursday, September 13, 2018 1:25:32 PM

---

Permission should be acquired and approved before entering anyone's property or feilds. No matter the act or circumstances. I live [REDACTED] [REDACTED] and farm in the past year I've had a guy shoot a deer in my feild without permission 600ft from my buildings. On my home 1/4 the next week a guy sitting in my bin yard "just checking deer " kids ripping up feilds with four wheel drive trucks. People need to under stand that in the country parking in my back 40 or the next 1/4 over is like parking in a persons front lawn. Respect that we own the land and we should have some sort of "teeth" to deal with people who don't respect our ownership

[REDACTED]  
Sent from my iPhone

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing  
**Date:** Thursday, September 13, 2018 12:56:52 PM

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I think people of the public should absolutely be required to acquire permission to trespass on privately owned land. I for one am tired of the complete lack of respect. I know how they would respond to my setting up camp in their backyards never mind the damage they do.

I believe that if hunting on private land became a "privilege" (which it should be) there would be a lot better behaviour from every single hunter.

It is astonishing to me that the onus is on the land owner to prevent trespassing. It is costly and time consuming to post in such a way and honestly impossible to regulate.

It's time for a change.

If they don't know who owns it they shouldn't be on it.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing  
**Date:** Tuesday, September 11, 2018 11:52:03 AM

---

I want a law for trespassing on private property without having to post it

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing  
**Date:** Saturday, September 01, 2018 2:10:11 PM

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I think everyone going on any private property for the purpose of hunting should need permission from the owner.

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing  
**Date:** Friday, September 21, 2018 8:59:59 AM

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I really believe that land owners should have the right to know who is on their property and be able to refuse access. As an example, I have irrigation and driving on these fields would likely change the surface of the fields and allow water to lay in traffic tracks. There is also the possibility of introducing invasive species and or interfere with species that already exist there. On my own farm, I am purchasing pheasants every year to try and build up the natural presence of these birds in the area, after they have been mostly wiped out by hunting and weather. Our land is our back yard, it's no different than backyards in the city. I can't imagine people having access to everybody's back yard in cities, coming and going through your yard whenever they want to. We should be able to have a say as to who is on our land, I really believe everyone should be considered a trespasser unless they have had written or verbal permission from the land owner. This has to include everyone, including government and utilities employees.

[REDACTED]

Sent from my iPad

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing  
**Date:** Wednesday, September 26, 2018 1:41:48 PM

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I noticed there was no question about fines levied in the questionnaire  
To truly be a deterrent I would think \$2000 thousand for the first offence and \$10,000 there after  
I also have heard the wild life federation stating farms are happy to have hunters unless it is posted. Nothing could  
be further from the truth  
Just my thoughts  
Thank you  
[REDACTED]  
A concerned land owner

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing  
**Date:** Saturday, September 15, 2018 7:55:49 AM

---

trespassing

1)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.

2)Permission should be in written form. It should be signed by both parties and a copy kept by both parties. All individuals covered by the permission should be listed in the permission. Permission should be sought by attending any on site inhabited residence by the most direct route from a main access point only or by phone, mail or email.

3)Requiring written permission will not stop use of rural land by members of the public, but will be a major step in curtailing rural crime and land abuses.

Thanks in advance for your attention to this!

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing act  
**Date:** Friday, September 21, 2018 1:15:29 PM

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Q1. Yes all people need to ask permission regardless of the activity

Q2. All land should be treated the same, no matter what it is used for , pasture , crop land ect

Q3. People can ask permission in the daytime by coming to the farm or house or by a phone call, they can look on an RM map to see who owns the land and then ask permission, very simple

Q4. Recreational activities should come last , farming is our lively hood, we put hundreds of thousands of dollars in the ground every year and are sick of crops and land being destroyed by ATV's , they also spread clubroot and if we get that in our soil it could potentially destroy our farm, if we can't grow canola then we can't continue to farm simple as that

If we can get more strict laws in place then it would make people think twice before destroying property and trespassing, it would also eliminate a lot of the confrontations that we often have with , usually very ignorant people who trespass on our land

Thank you  
[REDACTED]

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing act  
**Date:** Saturday, September 01, 2018 2:24:22 PM

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I don't believe it should be required to obtain permission for hunting rights on private property. It's not absolutely impossible for land owners to post their properties. When we hunt it's in variable zones, and we don't always have the time to phone ahead, or have an RM map for those areas if we cross into another RM we aren't familiar with. I've discussed with farmers and most realize that hunters will avoid posted land, and the land that isn't posted should be treated with respect. There's always a bad apple in every group, and I don't think penalizing all of us, for ones mistake is proper.

Sent from my iPhone

From: [REDACTED]  
To: [LSBQuestionnaire JU](#)  
Subject: Trespassing act  
Date: Tuesday, September 11, 2018 12:40:02 PM

---

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 there are getting to be too many things that get transported around and can seriously damage and hurt production on farms. As well many hunters will make ruts and mess in fields that one has to fix in the spring.

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?

I don't see a need to have any distinction on any of the land cause damage can be done to any of them if someone wants to hunt come ask me I will let you but if afterwards you leave it in a mess don't close gates screw things up guess what you won't be allowed again. The ones that are respectful and such won't have a problem with this law only the ones that aren't are gonna complain.

Q. How should permission be sought and granted?

Permission should be sought by the land owner and granted from the land owner in written permission with names and dates. The land owner should also have to have permission of the renter of any such land that is being asked permission as well.

Q. Would making consent an express prerequisite in all

circumstances represent an unreasonable impediment to recreational activities?

It shouldn't people will run snowmobiles over swathes left in a field over winter with no regard so maybe now they will learn that the entire world is not there playground. If you want to own one of these use it respectfully in areas that you can don't just go anywhere with no regard like they do now.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing act  
**Date:** Saturday, September 01, 2018 3:30:30 PM

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Yes. Definitely would like to see mandatory permission. Landowners should have more rights than they do now.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing act  
**Date:** Monday, September 17, 2018 4:49:56 PM

---

If the government wants to implement this act as a hunter I do not have a problem with it but you should have every farmer/ land owner name and phone number on the rm map and the lease holder name and number so you can contact the owner to grant permission to hunt. The rm maps are never upto date and if the landowner has a business name on the map the his name should be under the business name. I personally have never had a issue with any landowner but I usually walk in and leave my truck at the approach. This past week I spoke with a farmer that I've been able to get permission every year and someone drove threw his standing crop and even as a landowner he knows that it's not a hunter that did it. There will always be crime and theft in the rms even with this trespassing act so I'm not sure why the landowners always think that its hunters. Thank you if you want to discuss this any further I will always respond to my email

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing Act  
**Date:** Monday, September 17, 2018 2:40:40 PM

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As a Saskatchewan farmer, I consider "ANYONE" who enters my farmyard, or farm lands as a trespasser.

The transfer of weeds and crop disease is too great a risk to have people walking, or driving over my farmland.

I will also be asking for the support of the council of the local rural municipality to help toughen up the Saskatchewan Trespass Act.

[REDACTED]  
[REDACTED]

Sent from [Mail](#) for Windows 10



Virus-free. [www.avg.com](http://www.avg.com)

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** trespassing and hunting access on unposted private land and crownland  
**Date:** Friday, September 21, 2018 7:45:39 AM

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**I agreed the government should review the current trespassing law in Saskatchewan. The following is my recommendation:**

- **All posted signs must have valid phone number and address of the land owner for the public to contact the landowner. Failure to do so, the land will become hunting on foot only without permission.**
- **The government must clearly fence off all the road allowance (public land) so that the public can clearly identify the boundary of the road allowance in this province.**
- **All shoreline and river band (public land) must be fenced off and the ranchers must have remote water well for the cattle. The landowner and government must provide most directed public access road to all major waterbody for watersport activities.**
- **The leased crown land must be hunting on foot**

**only without permission during hunting season and no ATV or snowmobile allow at all time to protect the property.**

- The landowners must not allow to receive any money or gift from an individual or hunting group for granting access right on their private property.**
- The landowners and their family members are the only person has the full access right for their private property.**
- The government must provide proper signs and materials for the landowners without cost for posting their land correctly.**
- The private property must have no trespassing signs posted on all four corners and access gate or driveway.**
- All community crownland pasture must be hunting on foot only during hunting season and not allow ATV or snowmobile at all time.**

**thank you**



**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing and Landowners Rights  
**Date:** Thursday, September 20, 2018 10:38:37 AM

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Good morning, I am writing this letter to express my concern with regards to the recommended new laws. For background, I am the son of a farmer out by [REDACTED] and spent lots of time on the family farm growing up.

I do not support the proposed changes to the existing laws for several reasons. As a kid growing up in Saskatchewan, it was always a privilege to have freedom out in the country. Hunting is one of the few activities to do outside in Saskatchewan with a relatively low budget. Anyone can do it, and with the proper education it can be done respectfully. It is my opinion that education and not laws are required to help the situation. Laws have never stopped people from breaking them historically, and the only solution that has been effective is education.

Secondly there is a greater problem which will arise from these proposals. The major one will be “pay for permission”. This is a problem in the Unites States and will undoubtedly happen here. As I mentioned earlier, just because it is against the law doesn’t mean people will follow. Mandatory permission will create an uneven playing field for hunters and will allow outfitters to take away “good spots” by paying for permission. This is already a problem and will get exponentially worse if it’s mandatory. Hunting should be for everyone to enjoy, not just those with money and connections. I am blessed to have both of those things and I couldn’t imagine starting out with these new laws. It would be very frustrating, and nearly impossible to hunt.

The education portion should focus on respecting land, and always trying to ask permission. I think you would be surprised the amount of funding that could be generated for educational marketing program that focuses on respecting landowners and their property. Many outdoorsman groups would be willing to help with this as well.

I know this is long winded but I hope you take into account these concerns in your decision. These changes will completely change the hunting culture in this province, which is a major draw to many outdoorsmen and the Saskatchewan economy. If you have any questions please ask and I will provide you with any details I can. Thank you for your time.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing changes  
**Date:** Tuesday, September 11, 2018 10:02:13 AM

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Definitely support changing to written mandatory permission. It would solve many issues. Like my no trespassing signs getting torn down.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing issues on private land  
**Date:** Saturday, September 01, 2018 6:14:05 PM

---

Hello. We live west of [REDACTED] and have goose hunters constantly trespassing on our land. If a fire is started we are responsible for paying to have the fire department come out from [REDACTED]. We have had to have them out and it is very costly. We would like to have it so they would have to get permission to enter our property. At this time they do not need permission to go on unless they dig a pit. This is very concerning!

Thank-you.

[REDACTED]

Sent from my iPad

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing law changes  
**Date:** Thursday, September 13, 2018 10:09:32 PM

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Hello,

I'd like to take a moment to give my feedback on the possible changes to trespassing laws in the province.

- “Should Saskatchewan legislation 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 and failure to secure that consent constitutes an offence?”

I am a farmer, a land owner, and a hunter and I would never be in favour of these changes. It doesn't affect my ability to make a living if people are accessing my land for hunting or snowmobiling etc. except for in extremely rare cases where the ground would be too muddy or if there was crop left out over the winter. Changes to legislation such as this will make it extremely difficult for many people who want to enjoy the outdoors and do so in a respectful and responsible manner. If I didn't want people on my land I would post it “no hunting” or “no trespassing”, signs are cheap, readily available, and easy to put up. I'm sure some people are frustrated by the amount of people accessing their land for whatever purposes but there's no reason they simply couldn't post it.

Please consider this before changing any trespass laws, the outdoor activities we are able to enjoy here in Saskatchewan are part of what makes this province so great, it would be a shame to so severely restrict access for so many people who are simply trying to enjoy all our province has to offer and not hurting anything while doing so.

Respectfully yours,

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing law  
**Date:** Saturday, September 15, 2018 7:17:04 PM

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What's wrong with the law as it is. If you are doing stuff You shouldn't be doing the land owner should be able to protect possession and people.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing Law  
**Date:** Monday, September 10, 2018 7:58:16 PM

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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.

There should be **no** distinction between cultivated land, fenced property and open pasture land.

**Most definitely** All Privately owned land should be treated the same.

Permission should be sought by phone or in person by attending the land owners inhabited residence by the most direct route from a main access point.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing law  
**Date:** Monday, September 10, 2018 9:09:50 PM

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Please punish trespassers no matter what the colour of their skin is. Put the mind of land owners at ease.



Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing Law  
**Date:** Saturday, September 08, 2018 11:13:13 PM

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I think there should be more regulation and strict and clear rules with people getting the landowners permission to be and use the owners land. I am for this.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing Law  
**Date:** Thursday, September 13, 2018 7:50:12 PM

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These are my opinions to the questions regarding the 'Consultation Paper on Trespass to Property – August 7, 2018

1. 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?

Absolutely! With few legitimate exceptions.....person hit the ditch and comes directly into your yard for help.

No one should be allowed to enter your remote yards, Bin Yards, fields, etc. **ever** without written permission. And it should be written permission so that there is no hearsay. Members of the crown corporations such as SK Tel, Energy and Power could be exempt if they are there as employees of the afore mentioned.

2. 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 (including wooded or pastures, abandoned yards, etc.) for agricultural purposes should be treated the same. Fencing your land does nothing (they cut wire or open gates or take a downed fence or open gate as permission) , posting your land does nothing (they rip down signs.

And there should be no ambiguity that parking on the access to fields and yards is also unlawful because (the trespasser says) "it's technically crown land." They should not be able to park on an access to a field. Now yes this could get tricky because we all pull over to use the bathroom or the cell phone or catch a few winks, but these can be the exceptions and when they are asked to leave the access road they should have to leave. And never return if told so.

3. How should permission be sought and granted?

Access should be sought on the phone and/or going to the person's know residence during the light day and permission should be given in writing and signed by land owner and person seeking permission as stated above.

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

No. I bought and paid for that land. Would it be reasonable for me to quad across a large lot in the city? An 2 acre acreage? A 10 acre acreage? The amount of land I own should not determine when or how access to that land should be granted. I am an organic producer and trespassers can inadvertently or willfully destroy my livelihood in a matter of minutes.

Snowmobile clubs get permission to put trails across land. ATV-ers can do the same.

Hunters should ALWAYS get permission before going on to someone else's land to hunt. It is not just trespassing it is a violation of the landowners values.

At the end of the day it would be up to the landowner to press charges if someone was on their land without their permission. But the law needs to be there for this to be done easily and expediently and the law needs to be tough or trespassers will just trespass, hope they don't get caught and pay the fine if they do get caught.

Most landowners are not an unreasonable bunch. That said it is my neighbours ( and no not First Nation people) who I have the biggest problem with. They are bullies and they vandalize my equipment, contaminate my organic land, threaten me with loaded guns and the police do nothing.

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**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing law  
**Date:** Wednesday, September 19, 2018 12:43:29 AM

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Hello,

I think trespassing laws staying the same is fair. Maybe better ways that are clear cut and easy to access the rules on how fields need to be posted with no trespassing signs would help. I am also a rural property owner with pasture land too. So i understand what people are saying. But it will not only kill hunting industries, but quadding, snowmobiling, or any outdoor activities. People won't plan a whole days trip mile by mile. This will cause more problems with farmers and the public than it worth. the resources aren't here to police this. thanks

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing laws for private farmland  
**Date:** Thursday, September 27, 2018 4:50:02 PM

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I would like to add my name to the growing concern of trespassing on private land. There is no reason for anyone without permission to enter private land. I'm not or should not be liable for anyone else's safety if they enter my private property unannounced. I should not have to put up with vandals as this is another concern. Make the law so that anyone entering Non posted land illegal. Why should I have to post and monitor every acre. It should be clearly understood so everyone knows at the onset. Trespassing is illegal on private land and the onus is on them not me to prove otherwise.

[REDACTED]  
Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing Laws questionnaire  
**Date:** Monday, September 24, 2018 2:42:58 PM  
**Attachments:** [REDACTED]

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To whom it may concern,  
Please see the attachment for my answers to the questionnaire interspersed within the document. Thank you for your time.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing Laws  
**Date:** Tuesday, September 18, 2018 7:54:16 PM

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I am an avid hunter/atv enthusiast and grew up on a farm that my parents are still on in the [REDACTED] area. We have no issues with people on are land as long as they aren't wrecking anything.

I would like to see the laws on trespassing stay the same. Otherwise we turn into the states where you can't hunt/quad anywhere unless you own property or pay someone. Saskatchewan is better than that. Changing the law will turn normal law abiding people into "trespassers" and cause more problems.

The people that break the rules now will always break the rules, signs or no signs, laws or no laws.

I would love to weigh in on this further if needed. Feel free to contact me anytime on this issue.

Thanks

[REDACTED]

Get [Outlook for Android](#)

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing laws  
**Date:** Wednesday, August 15, 2018 8:28:17 AM

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I think it should be illegal to trespass on rural land without permission of the owner whether or not there are signs.

Land owners should NOT have to put up signs in order to charge trespassers.

Putting up signs is a lot of extra work and expense to the land owner. Also weather (wind, rain) and trespassers knock or take these signs down. Hunters also shoot at these signs.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing Laws  
**Date:** Sunday, September 16, 2018 4:15:17 PM

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I feel very strongly that expressed permission needs to be granted to any and all people entering property that are not solely their to ask permission. Snowmobilers and hunters should not be able to access land that they do not own without asking permission first, this must be done on a yearly basis.

People should not be allowed to hunt from the road in Saskatchewan but must cary signed permission from the landowner where they are hunting. I feel it is a very dangerous precedent set that any and all land that is not currently posted is available to go on. No one should be able to shoot a firearm in your backyard without permission, rural or urban.

Thanks for taking my comments into consideration and you make Saskatchewan a safer place for everyone.

Kind Regards,

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing laws  
**Date:** Friday, September 21, 2018 8:41:26 AM

---

I would like to respond to your changing of the trespassing laws.

Firstly I tried to download the questionnaire and had problems, there was no questionnaire to download ,so if there is a poor response, that is most likely one of the reasons.

I would definitely like to see the law changed so that anyone on someone else's property needs permission. The law should be uniform throughout the province. Why is there a different set of laws for the city and the country ? Our farms are just as important to us, also we are using products that sometimes require us to not enter for a specified period of time.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing Laws  
**Date:** Friday, September 14, 2018 3:13:59 PM

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Leave it how it is (posted), Enforce it harder, harsher fines, rights stripped, vehicles/possession impounded they will learn faster. Get together with the Government, Rural Municipalities, the Wildlife Federation or any other groups to provide some funding for proper signage and upkeep of signs.

I know in my RM I've been hunting for 6 years never seen 1 Conservation Officer only time is if someone finds a wasted animal. I know its hard to cover so much area but they could bust alot of trespassers!

Most of the times they are either people from the city or someone who has no respect which [REDACTED] it for the next guy

I also have a RM map but to track down the owners is simetimes next to impossible... even if they had phone numbers on the maps would be helpful

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing laws  
**Date:** Sunday, September 23, 2018 11:42:01 PM

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Yes I believe permission should be obtained by everyone before entering privately owned land by contacting the owner, this should apply to everyone, Indians and Metis included.

Sent from my iPad

Sent from my iPad

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing laws  
**Date:** Sunday, September 23, 2018 6:08:53 PM

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As a private landowner I fully support changing the trespassing laws. It is frustrating to have to post and maintain signs in order to keep hunters off my land.

I believe that the responsibility needs to be on the individual who wants to gain access to private land to secure permission before entering.

There are huge safety concerns as we recently had a hunter shoot a deer right behind our house. This is very frustrating and due to the current laws there is little we can do about it.

In addition I have concerns about noxious weeds being brought onto my land by trespassers.

I appreciate the opportunity to give my opinion on this issue

[REDACTED].

Sent from my iPad

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing Laws  
**Date:** Wednesday, September 12, 2018 6:00:44 PM

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I have had several incidents of people trespassing on my property without permission. Criminals have broken into my home and vandalized my property. I am a widow and live alone on a farm west of [REDACTED] Sask.  
Please increase the fines and tougher rules for violators to help deter more incidents .

[REDACTED]

[Sent from Yahoo Mail on Android](#)

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing laws  
**Date:** Sunday, September 23, 2018 1:45:45 PM

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I would never trespass on an urban persons property without their consent and I expect the same respect. We belong to the nature conservatory and highly value our wild birds. I do not want them hunted on our land. Ever by anyone. I think that the RM offices would be an excellent place for hunters to go to and find out from them which landowners allow hunting and which do not. Contacts could be given to the RM with consent to pass on to hunters to allow the hunters to obtain permission from landowners that allow hunting. They would also be able to get a map with the sections marked out that do or do not allow hunting.

I could not find your questionnaire on my phone. Was in not available to mobile devices?

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing laws  
**Date:** Sunday, September 23, 2018 10:04:27 AM

---

I believe that the current trespassing laws need to be changed. Land owners should not have to post land in order to keep hunters and other members of the public off. The responsibility must rest on the individual who wants to gain access to the land to gain permission.

As a person who lives in a remote rural area, the current laws do not make me feel safe.

The current laws also create a greater risk of noxious weeds being transported on to private land.

These are just a few of the many reasons of why the law must be changed.

Thank-you for opening up this issue to discussion.

[REDACTED]

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing laws  
**Date:** Saturday, September 29, 2018 3:38:02 PM

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I feel strongly about people entering my land. I don't post all my land and am not against people hunting on my land and crown land I lease. I do however wish that people would respect closed gates and fences and ask permission. I value my grasslands as much or more than grain land and feel that if someone enters my grassland without permission that they be punished as would a person that entered a canola field. For years I have had unwanted people driving walking and riding atvs through my land. If I report to the rcmp they do nothing and ask "well did they wreck anything " To me that then should give me the right to drive through yards and fences in an urban area and expect that nothing would happen to me. The Saskatchewan and Canadian govts need to educate people about how to correctly access private and leased crown land. That would be a great help and would not take the time and resources that changes to legislation would



Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing laws.  
**Date:** Thursday, September 20, 2018 9:53:10 AM

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I think that everyone should have to have written permission from the landowner or at least the person who rents the land to have access to hunt or go on the land. I do not think it would be bad for the recreational users with quads etc. as there is lots of parks and gov't lands to use. In my case I may consider given written permission to some people if it worked that way but the way it is now ,I do not allow anyone any of my land. I believe the hunters, quad, etc need to have some respect for the landowners and there land. Hope to see some needed changes.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing laws  
**Date:** Wednesday, September 12, 2018 5:46:01 PM

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As farm land owners we absolutely want trespassers to stay off our land whether our land is posted or not. There needs to be more respect towards land owners. City dwellers wouldnt like my 4 wheel drive truck leaving tire marks on their front lawn or have me walking/driving on their front yard to hunt.

[REDACTED]

[Sent from Yahoo Mail on Android](#)

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Cc:** [REDACTED]  
**Subject:** Trespassing Laws  
**Date:** Wednesday, September 19, 2018 8:24:14 PM

---

To whom it may concern

I am a rural landowner and I believe that the law does need to be changed to require hunters and all members of the public to get permission before going on private land.

I also think that anyone who rents crown land should be the one who has the authority to give permission to hunters. We will be grazing our cows on crown land during hunting season. With the current laws I'm concerned that one or more animals may be shot or spooked or gates left open.

Many hunters are disrespectful to landowners and since they don't HAVE to ask permission, they don't.

I have posted signs on much of my land but signs get torn down or wrecked by weather and it's expensive buying new ones yearly.

There is a hunter with whom I allow to hunt on my land and if people trespass and disturb him, that's very unfair.

It is also a safety risk to my family if people are hunting near our yard without permission. I want to be able to feel safe on my own land

I am [REDACTED] and I have seen how weeds can be moved by vehicles and I do not think that it is fair if a trespasser brings an invasive species into my farm and I have to cover the cost to control it.

If the law is changed there needs to be a plan on how to punish people who do trespass. Merely asking them to leave is not going to prevent them from coming back unless there is a fine or some other repercussion.

I appreciate this opportunity to express by opinion and I thank you for creating a discussion around this issue.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** trespassing laws  
**Date:** Thursday, September 20, 2018 3:03:10 PM

---

1. 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!....the liability falls on the landowner/ lease/ renter for all personal/ property/ crime ....as well as crop and land damage.

2. 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....who is to know what is....beyond the trees.

3. how should permission be sought and granted?

email, text, messenger, written...verbal.

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

NO.....it is personal property...not public property.

I hope these surveys get the results we rural folks are looking for.

Thankyou... [REDACTED]

[REDACTED].

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing Lawz  
**Date:** Thursday, September 06, 2018 8:45:54 PM

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As a landowner I have concerns. I like the idea of any occupied home quarter and every quarter owned by same on all sides and corners included in automatic no entry without permission. Hunters r an issue but they generate a lot of money to small towns and government coffers. All rights of access would cut down hunters. An additional idea is to add that any lands actively holding livestock be included . Signs are expensive . To appease grainland a sign on each quarter line corner and approaches or gates should be considered legal posting cutting sign cost and labour down. Work the same for grazing land. In reality seasons of drought bring major fire concerns. Vehicles biggest threat. All native grassland should be off limits to all hunters without permission to operate a vehicle. A provincial ban on vehicles of any type being off road during hunting seasons would solve most problems. If u have to walk it's hard to enter private land without getting caught without permission to be there. That's best solution for hunters. A lot of pricey farm machinery sitting out in fields. All rural lands should be considered completely off limits between the hours of sunset till sunrise . Or same as hunting rules to simplify it. Almost all infractions are linked to vehicles wether it be hunters , theft, fire or land abuse. Stay on the road and everyone has a buffer zone around their home .

Problem solved

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing legislation  
**Date:** Sunday, September 16, 2018 6:50:36 PM

---

The public should be required to have written permission for any activities on private rural lands fenced or not!!! Leased from the government or owned!!!  
They have no respect!!  
Rip up Hay field cut fences tramp un harvested crops shoot property owners pets with no repercussions  
These weekend [REDACTED] load their 20000 skidoo into their 80000 truck and think they own the world  
I've called the RCMP numerous times had gun pulled on me for asking them to get off [REDACTED]  
Just like the Stanley case they clearly were trespassing up to no good and the landowners pay the price life destroyed  
because no one respects private property why were the rest in that car not charged with trespassing???  
It is time for the government to step up before more get shot  
Why are the rules of law not taught to these kids in school ???  
We knew when we were growing up  
Cross the line you pay and if not cash with a sore [REDACTED] paddling  
We live in a world where everyone thinks they are entitled and the business owner property owners have no rights!!!  
Posted land doesn't matter seen people just rip the signs down  
Had hunters post and lock my own pasture gate with their lock and no permission!!!!  
Get off your [REDACTED] and do something!!!!  
There is more than enough public land for these punks!!

Sincerely

[REDACTED]

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing legislation  
**Date:** Thursday, September 20, 2018 1:07:44 PM

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## 107841-Consultation Paper on Trespass to Property - August 7 2018

I have reviewed this document and have provided my response to the questions it poses below.

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. No, the Land owners would be more then overwhelmed with hunters seeking permission to access land that is not even posted .

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?

A. No, all land being used for agricultural purposes should be treated the same.

Q. How should permission be sought and granted?

A. No change to the existing request for permission procedures is needed.The system that is set up right now (2018) is working just fine .

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

A. Yes, this question answers it self .

Sincerely,

[REDACTED]

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing legislation  
**Date:** Monday, September 17, 2018 6:31:51 PM

---

As a property owner and taxpayer, I think my property is private and no one should be trespassing without my explicit permission.

We have continually put No Hunting signs all over our property, only to have them removed.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing Legislation Feedback  
**Date:** Tuesday, September 18, 2018 8:28:45 PM

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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**

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**

How should permission be sought and granted?

Text or email; **land owner permission has to be in writing:** Land Owner/Leaser contact cell phone info is needed so that hunters/others can seek permission for entry via cell phone. The current climate of fear/lack of trust is not favourable for face to face contact in some situations as it might be interpreted as **Trespassing while on the property.**

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

Please use the Alberta Legislation as it is very clear and can be applied here, in my opinion.

Thanks for asking for input.

[REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Sent from [Mail](#) for Windows 10

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing Legislation  
**Date:** Saturday, September 15, 2018 9:20:48 AM

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I fully respect the landowners concerns of unidentified people roaming around their property but this concern may only be justifiable if it is around their farm property, not so much out in the middle of nowhere. The farms today are so large, often times exceeding 10,000 acres and how is one to locate the owner of the property let alone make contact with him or her? I am getting past the age of hunting but often times in the past one hunted where the animals were...you saw the animal then you were supposed to contact the landowner and by the time that all took place, the animal was long gone. I was raised in the farming community and spent many hours working in the fields so I feel more connected to rural SK than probably most. I like to go out and pick berries...I like to go out and pick mushrooms...hmmm! I guess I'm trespassing because I never really considered myself as a trespasser. I have a quad and roam around picking mushrooms...a no no! We have a couple of snowmobiles and ride out in the rural area and travel through several different fields in the course of a day...we're going to try and find the landowner for permission...unlikely!

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing legislation  
**Date:** Friday, September 14, 2018 11:22:52 AM

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To answer your questions:

- Should Saskatchewan legislation 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 and failure to secure that consent constitutes an offence?

Yes!!! All visitors to any property should have permission to be there, regardless of their intentions. This should include First Nations and Metis who are looking for hunting rights. It is only right to respect the fact that there may be several reasons why the property owner does not want people trespassing on their land. The onus should not be on the owner to post their land.

- If so, how should such permission be sought and granted?

Permission should come directly from the owner or resident. It would be a good idea to get such permission in writing or other recorded method to protect both the owner and the person looking for access.

Thank you for allowing me the opportunity to comment on this issue.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing n rural land  
**Date:** Friday, September 14, 2018 1:58:12 PM

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Good day

Would like to see rural trespassing aligned with urban trespassing rules.

I would like to see written authorization as being the acceptable way of granting permission. We are currently undergoing a rash of rural crimes and one way is to use the excuse of hunting as a means of access to rural areas.

Just my thoughts

Thank you for your time

[REDACTED]

Sent from my iPad

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing on private property  
**Date:** Saturday, September 15, 2018 2:52:03 PM

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I as a land owner strongly agreed that trespassers should be charged if not carrying written permission. We own both commercial and farm land and have had problems on both.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing on rural land.  
**Date:** Saturday, September 15, 2018 4:34:22 PM

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1. As a rural land owner I think, without a doubt, that there needs to be permission for anyone to access my land. I have paid a considerable amount of money for that land. Would I barge into someone's property in the city or town and do as I please? Absolutely not. Why should it be any different for us rural land owners.

2. All land should be treated the same. What difference does it make if I have a fence around my land or a manicured lawn? ITS MY [REDACTED] LAND THAT I PAID FOR!!! Just because someone in a urban community doesn't have a fence does that mean I can do anything I want in their yard? No.

3. Permission should be asked for by a simple phone call. Everybody has a cell phone and access to an RM map online. If I wish to grant permission that's my choice that should not be questioned or debated.

4. As far as recreational activities go, why do people feel entitled to use MY land for their pleasure? It isn't up to rural land owners to pay for and supply people with land to have "fun" on. There is plenty of crown land for that. Again, how would an urban municipality resident feel if I bring a quad or snowmobile to their back yard because I want to have fun? Or why can't I go hunting in their yard for geese as they fly overhead?

There is no right for any person to feel the need to enter onto anybody's land without consent. The same goes for other rural land owners, but we don't trespass on each others land because of a simple thing called RESPECT. Not many people have respect for anybody or anything because they feel they are entitled to everything they want. IT NEEDS TO STOP.

Sincerely,

[REDACTED]

Get [Outlook for Android](#)

Get [Outlook for Android](#)

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing Questionnaire  
**Date:** Friday, September 14, 2018 12:31:37 PM

---

Hello,

As a farmland owner and hunter I have concerns about proposed changes.

Land posted as no hunting or no trespassing should be required to have contact info on the sign, as otherwise it is often impossible to contact the landowner or occupant.

There should be a distinction between cultivated land, fenced and and open pasture.

Yard sites should be treated entirely different from farmland or pasture, with the strictest trespassing laws in place for yard sites or acreages.

Unoccupied crown land should have open access as it has in the past.

Occupied crown land should have reasonable access when cattle are out or crops are off.

Survey crews do not require prior permission before entry and that should remain the same.

Thanks,

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing questionnaire  
**Date:** Thursday, September 13, 2018 4:08:00 PM

---

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

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?

A.  
No. All agricultural land...all privately owned land (urban and rural)...should be treated the same.

Q. How should permission be sought and granted?

A. Permission should be sought and granted in writing.

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

A. Express consent is not an unreasonable requirement for recreational activities.

[REDACTED]

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing questionnaire  
**Date:** Tuesday, September 18, 2018 8:40:37 PM  
**Attachments:** [REDACTED]

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Your message is ready to be sent with the following file or link attachments:

img174  
img173  
img172

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** trespassing questionnaire 2018  
**Date:** Monday, September 10, 2018 8:14:51 PM

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Thank you for asking for rural land owner opinions.

My husband and I own and lease land in the [REDACTED] [REDACTED] and [REDACTED].

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! If you can plan to purchase and maintain ATV, snowmobiles, firearms etc. If you can plan to maintain the vehicle that brings you out onto rural property where you wish to walk, jog, ski etc...you can PLAN to contact the land owner too. If you don't own the land, if you don't know who owns the land,,stay off.

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 rural land for agricultural purpose should be treated the same. People not involved in agriculture may not know the difference between cultivated and non cultivated land. Fencing may not be as obvious to those not in the industry as it has been in the past, for example single line electric fencing that is laid down in the fall/winter may become hidden under snow.

Q. How should permission be sought and granted?

Telephone. In person from maintained access roads, not through the field.  
Verbal permission should be enough. We have strangers that ask our permission for hunting. They took the time to research maps provided by the RM's. Drove in our yard at respectable hours of the day and got permission. They also come every year. They do not assume permission once is permission forever. We have also had people leave notes at the driveway or in the yard asking permission leaving their names and numbers to contact with consent or not. Written permission could also be given if required.

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

NO. I do not feel it is unreasonable for land owners to require others to plan and ask ahead for permission to be on the land. We all plan ahead various aspects of our lives, including recreation.

If the public wants access to nature they can plan ahead, ask! We encourage the public to have open respectful communication with land owners. Land owners work hard everyday to purchase, maintain our land and etch out a living. Lets empower each other with knowledge that includes clear consistent guidelines.

If the public doesn't want to be bothered to ask...purchase their own property or access the numerous National, Provincial and Regional Parks the beautiful Province of Saskatchewan offers.

Again, thank you for the opportunity to express our opinions. We are looking forward to

changes in Trespassing Legislation.

Regards,

[REDACTED]



Virus-free. [www.avast.com](http://www.avast.com)

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing Questionnaire  
**Date:** Thursday, September 20, 2018 3:17:41 PM

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To Whom it May Concern

First and foremost, if you are asking for input from the stake holders you need to make a questionnaire that is easy for people to respond to. I would venture to guess that with this survey you have had very few responses. Only those that feel strongly enough on both ends of the spectrum will have take the time to respond.

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?

Response: Absolutely. As a land owner, I should not have to have concern for my families safety, my properties security or the environmental soundness of the land I am legally responsible for. All these things fall into my wheelhouse of responsibility and yet I have no control over who can access my land and for what purpose.

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?

Response: There should be no distinction. There is no distinction to the legal responsibilities of the land owner whether the land is crop land or pasture land. The consequences to the land owner of irresponsible trespassers can be the same whether the crop land is fenced or not.

Q.

How should permission be sought and granted?

Response: Permission should be sought by reaching out to the land

owner. It should put the onus on the person seeking permission to take the time to find out whose land they wish to enter and approach the land owner for permission. This would take the people who are scouting out yards for nefarious purposes out of the equation, because they would not be able to simply say they were looking for the land owner for permission (they probably wouldn't know the land owners land)

Permission should have to be granted in writing, then there would be no he said she said.

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

Response: There is no question that making consent an express prerequisite will impede recreational activities but the liability and responsibility lie with the land own so by not being able to control access land owners are put in precarious positions by individual they have no control over. Also its sad to say, but irresponsible recreational users have wrecked it for others, because we had no problem letting people on our land in the past but now the people who don't ask and cause damage to property, disturb the wildlife, put my family in harms way, and have a general lack of respect for other peoples property have closed that door.

Theses are my responses to the the questions laid out in the questionnaire on the government of Saskatchewan website. As a land owner, mother, rural resident, [REDACTED], and conservationist I am asking you make changes to the trespassing act. I should not have to fear for my families safety, have my backyard damaged or put my livelihood at risk simply because the laws say as a rural resident I don't get a say; but yet I am liable and responsible.

Thank you for your time,



**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing Questionnaire  
**Date:** Sunday, September 09, 2018 2:55:00 PM

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Hello.

My name is [REDACTED] and I grew up on a farm that my family currently owns just [REDACTED] of [REDACTED].

I agree with the proposed trespassing law. Anything other than coming in and knocking on the door should count as trespassing. I believe this should be true with or without presence of "no trespassing" signs.

We have had many people hang around our yard. Many people do this especially with the expansion north [REDACTED]: notably loitering, walking animals without leashes, parking in ditches in and around property lines, and touching crops.

If there is any other information you need do not hesitate to contact me at this email address.

Thank you.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing questionnaire  
**Date:** Friday, September 14, 2018 3:40:01 PM

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My brothers and I own 18 quarters of land in the [REDACTED] [REDACTED]. We are all of the belief that anyone entering our land whether bird hunting, big game hunting or to take shortcuts, should have the permission of the land owner. The land should not have to be signed. We have Americans who bird hunt here all the time and each day they hunt they ask permission and it is always granted. Afterwards you would never know they were there. Then again during big game hunting we have people driving through standing crop, leaving gates open so cows get out, driving through electrical and barbed wire fences totally wrecking a swath grazing program. In my opinion if you don't own or lease the land and don't have permission from the land owner. You are trespassing.

[REDACTED]

Sent from my iPad

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing Review  
**Date:** Sunday, September 30, 2018 9:18:00 PM  
**Attachments:** [REDACTED]

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Please find attached my comments with regards to the review on trespassing legislation.

[REDACTED]

From: [REDACTED]  
To: [REDACTED]  
Subject: Trespassing Review  
Date: Monday, September 10, 2018 12:02:30 PM

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After reading the proposal I feel, as a rural land owner, that enforcement of the The Trespass to Property Act, if it can enforced (?) is adequate in protecting private property, however, even with education and increased publicity there will still be the trespassers who think themselves above the law and will trespass on foot or vehicle without first obtaining permission. All lands in private hands or crown land rentals should be considered "posted" and members of the public must obtain permission from the land owner or renter prior to access for any activity.

One issue that has arisen in our situation, and likely for many others, is when wetlands (aka sloughs) are adjoining, or adjacent to, publicly accessible roadways. Are these wetlands considered part of the property or are they considered public as in the case of navigable rivers and lakes? This does not appear to be clear in the legislation or trespass act.

We have incidents each winter where motorists ignore the no trespassing signs we have posted along the grid road and access our property by the adjoining ice covered wetland-slough on our property.

I feel it would be worthwhile for any act to bring this situation into consideration and clearly indicate that such wetlands/sloughs are indeed considered as private property along with the land surrounding them and therefore the trespassing laws apply to them as they do to land.

Thank you for your time.

--

[REDACTED]

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing Revision  
**Date:** Monday, September 10, 2018 6:36:16 PM

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A person should not be able to access private land unless they have explicit permission. A single sign with landowner contact information (at the principal access) may be posted if there are conditions where the land owner may grant access; otherwise no access regardless of whether signs are posted.

[REDACTED]

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing rules  
**Date:** Friday, September 14, 2018 9:31:00 AM

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I absolutely agree the public should not be allowed to trespass on private land without permission of the owner. A large penalty should be assessed to prevent this action. Rural land owners are not allowed to go into City privately owned properties and set up camp so why should reverse be allowed.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing survey. I think this is a small majority that are wanting this change because they do not want to purchase and install signs. I feel that every access to land(approaches) should have signs up if you don't want a person to hunt. Trying to ge...  
**Date:** Monday, September 10, 2018 8:49:23 PM

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Sent from my iPad

**From:** ■  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing survey  
**Date:** Sunday, September 09, 2018 12:43:39 PM

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To: Ministry of Justice

From: ■  
■  
■

Questions:

#1 – Yes, All access to rural property should have advance permission regardless of activity

#2- No , All land for Agricultural purposes should be treated the same

#3 – Permission could granted by one of the following options: (1) Direct contact with land owner (2) Contact by phone/text , **In all cases parties asking for access to the property must provide Name(s) , make/model/description of vehicle , license plate number , date(s) they want to access property, name/phone# of landowner granting permission**

#4 – No, A lot of people ask permission already , The trespassers will effected are the people that currently don't respect land owner rights

Survey is a good idea but it deals with the question of trespassing on rural land , **So the survey is not skewed it should ask if you are (1) A land owner/farmer (2) A non- land owner but a recreational person (ie) urban party that hunts , ATV's/Snowmobiler etc. (3) Aboriginal /Treaty status**

**All three groups will have a different opinions**

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing  
**Date:** Tuesday, September 18, 2018 12:23:32 PM

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In the 80's and 90's we were always asked by hunters if they could hunt on our land. I know who they were and I was good with that. But things changed. I no longer was asked and found fences cut. I still had those who asked permission but they found other hunters moved in without permission.

It is about time that if someone trespasses gets hurt by snowmobile or quad or even walking I am liable. I have to carry insurance for that reason. I hope we change the liable rules. I should have every right to know who is on my land at all times. No entrance without permission. I repeat no entrance without permission.

I have a cattle pasture that the fence gets cut often so hunters can get through. What privilege do they have that I don't. I would love to go to someone's backyard maybe use their pool and take a few things from the garden while I am there. Would I be treated the same way?

About 10 years back I had a field of peas. During bird migration hunters came onto my land and built a bunker. Can you believe that? I asked them to fill it in and leave. They just left. I had to fill that bunker myself.

Please make it my land again not everyone's land.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** trespassing  
**Date:** Monday, September 17, 2018 11:20:18 AM

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Written permission should be required for anyone accessing private land. [REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing  
**Date:** Sunday, September 16, 2018 7:46:58 AM

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Totally disagree with this idea!!

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** trespassing  
**Date:** Thursday, September 13, 2018 7:40:18 AM

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This is suppose to be my land,how can the government have a no trespassing no hunting law that tells me I have to put up signs ,if someone wants access contact the owners, I do not think people in the city would like it if you just went walking threw there yard.The way this law is I have no rights on my own land,I spend money and time every year putting up signs to tell people not to come on my property , why when this is suppose to be my land,I have no rights

Sent from [Mail](#) for Windows 10

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** trespassing  
**Date:** Monday, September 10, 2018 6:21:32 PM

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I think the law already states if the land is posted no trespassing, the problem is solved. Because a landowner cannot take the time to put up signs is not a reason to make all land restricted.

And if we want an important law we should have something when farmers move machinery that is 40 feet across they should have to have a pilot vehicle and not do it after dark.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing  
**Date:** Saturday, September 15, 2018 9:28:49 AM

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I believe you need to change the laws regarding trespassing. A farmer should not even have to post a sign to indicate no trespassing. He owns the property. If you don't own it, ask permission to enter, and respect the answer. I believe the same should apply to urban dwellers as well.

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing  
**Date:** Saturday, September 15, 2018 9:15:21 AM

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The laws should be changed.

All people should need to get permission to access private land, for any reason including hunting and fishing. I don't care how hard it is for hunters to contact land owners, if they want to hunt they can figure it out. There should really be a public website that has all RM's in it and can look up land locations etc on it.

Thanks [REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing  
**Date:** Friday, September 14, 2018 7:54:12 AM

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I am a believer that a person should have a right to protect their property.

I own a farm and 2 1/2 sections of land. Numerous times we have had people drive into our yard and snoop around and then claim they are lost or need gas. If this was true come on up to the front door and ask for directions or gas. I also have witnessed people dumping garbage and have found everything from bicycles, luggage, bagged garden debris, and people's garbage (from an urban area because I knew where they live) spread on my land, in my trees. Rural areas are not some vast wasteland where people can dump garbage, rumage through your yard just because you might not be home at that time. We OWN this property. I have called into radio shows in frustration as a farmer I don't dump my garbage on someone's front lawn or walk around their back yard. This isn't done yet people have no problem driving into a farm yard and looking through my belongings.

I think if a person feels threatened or asks someone to leave your property and they refuse they should be charged. When are we going to stand up for the rights of individuals who live in rural areas? Crime is increasing and the story is the same. We don't have the resources to patrol vast rural areas. Unless property owners are allowed to control who comes on your property we are heading in a downward spiral. Criminals seem to know they can get out trouble by claiming they are lost. Sad excuse.

Rural people feel like we are second class citizens and it's time to change this.

Thank you for your time and cooperation.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing  
**Date:** Thursday, September 13, 2018 7:12:38 PM  
**Attachments:** [REDACTED]

---

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing  
**Date:** Thursday, September 13, 2018 2:31:32 PM

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No one has a “right” to access privately owned or leased property ever.

The current rules say land not posted with some type of no trespassing signs “implies” permission for any one who wishes to access the land to do so.

The owner still has the right to revoke that permission... either by posting the land or ordering someone already on the land to leave.

It is unfair in modern days to put the onus on landowners to post their land. An average family farm might require the effort and expense to erect and maintain 200+ signs. (Which abusers will pretend not to see anyway).

Control of who accesses their land is required by owners for deterring crime , controlling the spread of noxious weeds, other land and property abuses and liability in the case of some one being injured on their property.

It is only fair that the onus be on those wishing access to go to local R.M. offices and obtain contact info for the owner of the land they wish to access. It may only be a mailing address but the RM will at least have that for sending tax notices. Nobody said it should be easy but it should be up to the people wanting access to do the leg work ... not the property owner/lease holder.

The laws should read...

1)All access by members of the public to rural property should require the express advance permission of the rural land owner or lease holder regardless of the activity.

2)Permission should be in written form. It should be signed by both parties and a copy kept by both parties. All individuals covered by the permission should be listed in the permission. Permission should be sought by attending any on site inhabited residence by the most direct route from a main access point only or by phone, mail or email.

3)Requiring written permission will not stop use of rural land by members of the public, but will be a major step in curtailing rural crime and land abuses.

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing  
**Date:** Thursday, September 13, 2018 1:44:52 PM

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1. Yes anyone wishing to enter rural property should require prior permission from the owner or owners designate.
2. The permission can be obtained in writing, emailed or messaged.

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing  
**Date:** Wednesday, September 12, 2018 4:26:47 PM

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Fines for trespassing should not be \$0-\$2000 at a judges discretion. There should be a minimum (possibly \$200). And it should be automatic. Any vehicles/atv's/snowmobiles used to trespass should be seized and owners would have to pay towing and storage fees to recover them. (As in the case of vehicles used in the commission of any other crime).

The laws should be changed to read ....

1)All access by members of the public public to rural property should require the express advance permission of the rural land owner regardless of the activity.

2)Permission should be in written form. It should be signed by both parties and a copy kept by both parties. All individuals covered by the permission should be listed in the permission. Permission should be sought by attending any on site inhabited residence by the most direct route from a main access point only or by phone or email.

3)Requiring written permission will not stop use of rural land by members of the public, but will be a major step in curtailing rural crime and land abuses.

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing  
**Date:** Tuesday, September 11, 2018 10:00:44 AM

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There is NO ONE in this country that requires other people's' land to hunt to survive!  
I own my land, it's mine. Only I have the right to decide who/what can go on it.  
I doubt very much any judge would appreciate any person (with weapons, I might add) to come into their back yard...not that they will be "hunting" but just "browsing" around.... This "law" is ridiculous!!!  
—if you want to "borrow" space on my land, you ask! ...and in most cases I will allow it if it's far away from my house!  
I don't just go into any yard and tell my kids, "yes, you can play on their swings, yes, pick a few cucumbers...apples? Why not!" ..... it doesn't work that way!!

This needs to change!!!

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing  
**Date:** Tuesday, September 11, 2018 12:10:01 AM

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Implementation will affect a wide range of activities that will become illegal.. reasonable and currently responsible snowmobiles operated off a road allowance (ditch) would have charges laid and.. be difficult to enforce.. also some aspects of quads and utvs although they are significantly culprits to damage, hunting for some people will be an issue.. permission should be obtained buy is not easy to know who to ask.. Is the goal to prohibit anyone from going on any property uninvited... Sounds a bit American, then all owners of posted land should be responsible for any animals involved in collisions due to lack of Cull.. what's next a provincial ban on snowmobiles and quads .. and kill an industry and the hundreds of Millions communities make each year on tourism. Post your land of you feel the need we never did and had very minimal problems. .

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing  
**Date:** Monday, September 10, 2018 7:23:12 PM

---

Here's my answer I bought my land I pay the taxes no one else. And as for the Natives you can't go on there land without permission why should they be allowed on ours. There's too much vandalism and theft out on rural areas. I believe the laws are not tough enough to trespassers and criminals that come onto private land to cause trouble whether vandalism or to rob us they should get maximum time if it's a robbery or theft.

Sent from my Samsung Galaxy smartphone.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing  
**Date:** Monday, September 10, 2018 7:16:49 PM

---

I feel landowners should not have to post their land.. People need to stay off land not theirs. That is it. I don't go into the back yard or front for that matter of urban owners. This should also apply for first Nations and Métis no special conditions.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing  
**Date:** Monday, September 10, 2018 6:25:15 PM

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Stricter trespassing laws should apply. I should not have to post no trespassing signs to warn people off my property. I should not have to be concerned about damage done by snow machines using my property nor danger/damage done by hunters. There are public lands where these activities can be carried out. While people could ask permission to use my land I would not be comfortable with strangers coming to my door asking for permission to use my land.

From: [REDACTED]  
To: [LSBQuestionnaire JU](#)  
Subject: Trespassing  
Date: Thursday, September 06, 2018 9:11:16 AM  
Attachments: [REDACTED]

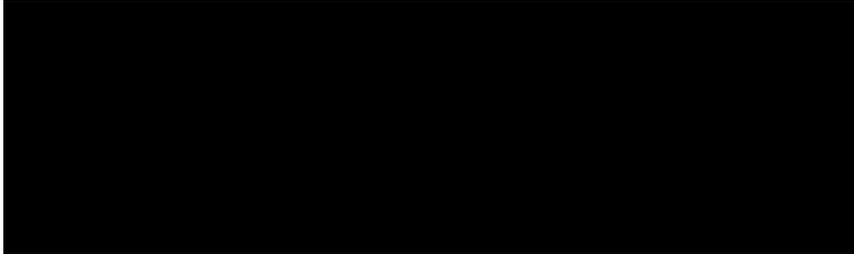
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From Facebook page "Farmers Against Rural Crime"(17,500 members)

SaskTel LTE

9:01 AM

85% 



 Moderator · March 23 · 

POLL # 1... Is now closed.

Question: DO YOU WANT LEGISLATION  
CHANGES TO MAKE IT ILLEGAL TO  
TRESPASS ON UNPOSTED PRIVATELY  
OWNED RURAL PROPERTY?

It is VERY clear what rural property  
owners want.

Just over 92% of respondents said yes.

Just under 8% of respondents said no.

Here is an overview of what our members have been saying.

The current system allows criminals to be on unposted lands to "case" or steal

You turned off commenting for this post.



Post



The current system allows criminals to be on unposted lands to "case" or steal. They simply have to say they were picking berries/taking pictures/looking for old vehicles to restore and leave when asked and no charges can be laid. This also leaves them with the "I didn't see the sign" defence when caught on posted property.

No one ever has the "Right" to enter

private property (urban or rural) without permission from the property owner(a direct route/lane to the front door of said owner for lawful purposes is exempt).

In the case of privately owned rural property the current laws basically say if an owner does not post their property it "IMPLIES" permission. The owner can revoke that permission in two ways. By posting their land in a method prescribed

You turned off commenting for this post.



Post



an owner does not post their property it "IMPLIES" permission. The owner can revoke that permission in two ways. By posting their land in a method prescribed by law or... by asking some one who has entered their property to leave. That revokes that persons "implied

permission" forever for that person unless the property owner rescinds their original revocation of permission. It should be noted that if someone gets permission they can still have access to posted land.

This places the onus on the property owner to place signs at every corner of any property a quarter section or smaller in size , along each side of a quarter section and at points of access(gates/ approaches)(and two at access points is best so intruders can't say they came from the other direction and didn't see the sign.) For a quarter section with one

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You turned off commenting for this post.

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██████████ Post



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from the other direction and didn't see the sign ) For a quarter section with one

the sign.) For a quarter section with one point of access a minimum of 9 signs are required.

Acreage owners may need 6 signs.

Smaller farmers 30-50 signs. Large farmers 100-200 or more. Then these rural property owners have to check their signs regularly and repair or replace signs that are damaged/missing due to sun/wind/people.

If rural owners were not required to post land and access to their property was by permission only... criminal's options would be significantly reduced.

This would place the onus on people who wish access to privately owned property to always get permission.

They would have to go to rural yards to ask permission (yards may be occupied

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You turned off commenting for this post.

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Post



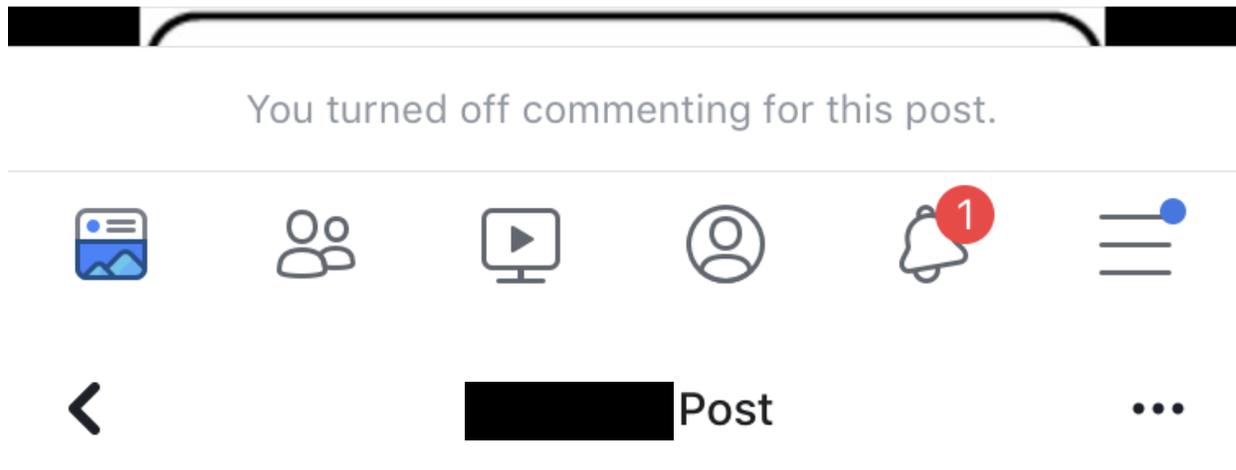
to always get permission.

They would have to go to rural yards to ask permission(yards may be occupied by renters who have no authority to grant land access permission but should have contact info for the actual owner).

Or they would have to go to local RM/ County offices and purchase maps listing owners.(sometimes owners are numbered companies that are hard to contact).

In the case of a hunter needing to retrieve game from land that the hunter doesn't have permission to hunt on(and doesn't have time to get permission). there are provisions made for this scenario under current posting laws that

scenario under current posting laws that would certainly continue to apply should posting laws change.



numbered companies that are hard to contact).

In the case of a hunter needing to retrieve game from land that the hunter doesn't have permission to hunt on (and doesn't have time to get permission), there are provisions made for this scenario under current posting laws that would certainly continue to apply should posting laws change.





 Topics

...

You turned off commenting for this post.



Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing  
**Date:** Monday, September 03, 2018 3:39:03 PM

---

In my opinion it's pretty simple, you need permission to hunt or trespass!!!

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing  
**Date:** Saturday, September 01, 2018 1:09:20 PM

---

1)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.

2)Permission should be in written form. It should be signed by both parties and a copy kept by both parties. All individuals covered by the permission should be listed in the permission. Permission should be sought by attending any on site inhabited residence by the most direct route from a main access point only or by phone or email.

3)Requiring written permission will not stop use of rural land by members of the public, but will be a major step in curtailing rural crime and land abuses.

Thank You

[REDACTED]

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing  
**Date:** Tuesday, August 14, 2018 3:12:58 PM

---

I feel it should be considered treapasing at all times without permission. Permission must come first before entering any farm land weather fenced cultivated or open. No permission equals treapassing.

Thank you

[REDACTED]

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing  
**Date:** Thursday, September 20, 2018 10:07:21 PM

---

We live in Saskatchewan and trespassers are on ongoing issue.  
Weather it be for mushroom picking, berry picking, hunting, quading, snowmobiling, we have had them all. It is extremely frustrating! It has to be stopped. Land owners have no recourse.  
If they want to come on my property they should have to have written permission!  
It is the only way it will stop. Make the fine high enough that they don't trespass.  
We presently have a case we have reported and are hoping the person gets a hefty fine.

Thank you,

[REDACTED]

Sent from my iPad

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing  
**Date:** Friday, September 21, 2018 4:22:32 PM

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My opinion is yes they should have to have permission for the land if it is posted with permission only or not posted at all. The land owner should have his phone number on the sign if it is posted if he does not live near that land so as to be contacted. Most RM offices are not open on weekends to purchase a map to find out who owns the said land.

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing  
**Date:** Tuesday, September 25, 2018 3:06:35 PM

---

I live near [REDACTED] where many city people believe my land and crops is theirs to destroy with no ultimatum . First Nations in the area feel the same... trespassing is trespassing wether you are white, black, or brown. Permission should be required to enter onto any said lands. I encourage rm to provide email and cell numbers to those seeking permission, as it will provide proof of access as well.

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing  
**Date:** Sunday, September 30, 2018 9:17:03 AM

---

I am an outfitter in Saskatchewan, [REDACTED], and have noticed many people hunting on fields here, freelancers from the US especially with no permission. Most have no respect for the landowners ( asking permission )at all. I agree that some legislation should be put in place that would require written permission to hunt whether it's ducks or geese or big game. I also think that the province should make it mandatory for any US birdhunters coming to Saskatchewan or wanting to come to Saskatchewan to go through a registered outfitter. That would solve a lot of the problems. I know in my area I have a very good name and good relationship with the farmers, and the people who don't ask are the ones that are messing it up for the good guys, by leaving ruts in the fields, garbage in the fields, and some even dumping birds so they don't have to clean them. Passing the legislation to make it mandatory to go through an outfitter would solve all these problems, and put all the pressure on the outfitter to get all necessary to ensure the landowners their land is being treated with respect. [REDACTED] [REDACTED]

[REDACTED]  
Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing  
**Date:** Tuesday, September 18, 2018 12:33:56 PM

---

My vote is that we adopt the following:

The default position be that you couldn't go on their land without getting consent from the owners.

[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** trespassing  
**Date:** Wednesday, September 19, 2018 11:46:35 AM

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Absolutely no one should have implied permission to enter another persons property whether it be rural or urban under any circumstances. We have 2500 acres of land spread out across an entire RM that we use for recreation when the crops are off, not unlike most city people use their back yards and gardens. We shouldn't have to worry about someone who hasn't asked permission ruining our recreation by accidentally hitting on of our dogs or ourselves with a snowmobile, atv, or a stray bullet.

Posting the land correctly is impractical and expensive when one has thousands of acres. Trespassers routinely vandalized signs by removing or destroying them so they can claim they never saw it.

Asking permission wasn't difficult or impractical in the 90's before the advent of smart phones and easily accessible internet, so it's definitely not difficult now.

[REDACTED]

Sent from my iPhone

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** trespass  
**Date:** Saturday, September 15, 2018 9:19:08 AM

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It is my families opinion that nobody should have the right or animatic permission to go onto property that is not theirs. It is imperative that anybody MUST get permission from the "property owner" / renter before going onto any property.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass act review  
**Date:** Thursday, September 13, 2018 2:47:00 PM

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Im ok with people entering my property without permission first but only if they enter on the main road, driveway or walkway. And only go to the front door of the house.  
If no answer then leave. No snooping around or anything additional to knocking on the door  
Straight in then straight out.  
No entry past any gates or signage indicating no entry at all

But if i had a choice between the current legislation and complete ask for permission first id choose that theyd have to ask permission.  
Written permission would be the most logical

Could also do a middle ground where anything fenced or posted no trespassing is off limits without written permission.  
And where if people didnt want anyone coming up their driveway or knocking at their door without permission then they are required to post signage outside their property

Keep the current rules for snowmobiles as they are

Sent from my Samsung Galaxy smartphone.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** TRESSPASS ISSUE  
**Date:** Friday, September 14, 2018 1:43:36 PM

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I could not access your web site properly.

So I want to give my view on this issue.

PRIVATE land is just that..Private.

NO GO unless permission is given.

It is the same as my city land...I own it I pay taxes on it...I get to decide who can come on it.

There is the safety issue in this and maybe we would not of had a tragedy like a few months ago.

We need to protect all of our people..not just some.

Also put some teeth in the law not just a o well slap on hand.

**THIS LAW SHOULD APPLY TO EVERY ONE.**

**REGARDLESS OF RACE COLOR OR CREED.**

[REDACTED]

Sent from my Samsung device

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass laws feedback  
**Date:** Saturday, September 15, 2018 7:24:26 PM

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To Whom it May Concern,

There are a lot of absentee, corporate or out of province landowners which would make contacting them next to impossible. What would a hunter do in a situation like that. If this type of land is being leased out is it the landowner or the lease who grants permission.

If I am leasing my land out can I go on it or does the lessee have power of access over me?

I have found some land owners get annoyed by being contacted at all hours of the day or night for permission.

If land is posted 'Hunting on Foot Only' is it the same as permission

With many people no longer having landlines it is often difficult finding of a landowner by using an RM map and telephone book. How do we get around lack of contact info access

In discussions with a number of landowner they feel that the new trespass law will give them the right to use any means of force to protect their property. They see protect as confronting people with a firearm whether they drive or walk into their farmyard or other with no knowledge of intent. The act of entering ones property give the right to confront.

[REDACTED]  
[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass Legislation Review SK  
**Date:** Wednesday, September 05, 2018 12:15:56 PM

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My responses to the Government of Saskatchewan review of Trespass Legislation. I am a landowner and farmer in Saskatchewan, and I am also a hunter and use farmland and private land for outdoor recreation.

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 - there should be no distinction between different activities in the requirement for advanced permission to access private rural land. Every landowner is different - some may be fine with certain activities without prior consent to access, while others may not be. Any revised legislation should not presuppose that landowners desire prior consent to certain activities, as this takes the control away from the landowner and places it in the hands of the broader public. A landowner, given that they have invested in their land and continue to do so through time, are in the best position to decide which activities can and cannot be performed on their land, and any revised legislation should assume access is denied until expressed otherwise by the landowner.

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 (including land not used for agricultural purposes!) should be treated the same. There are other values to land beyond agricultural production, and trespass legislation should recognize this.

Q. How should permission be sought and granted?

Permission should be sought through either a visit to the landowner's home or residence on the landowner's land, a phone call, or electronic communication (email, text message, etc.). In-person access requests should be permitted as with Alberta law, where a person seeking access is permitted to use the most direct or reasonable access route to a residence(s) on the land owner's land.

An important consideration is that the title of some lands is registered under a numbered corporation that cannot be easily traced to a person that can answer access requests. Landowners ought to provide contact information with the land titles office and municipalities that enables access requests, as otherwise acquiring access permission becomes too onerous and/or impossible for those seeking access. The land titles office and/or municipalities should ask landowners if they wish for contact details to be made available to the public. If a landowner is unwilling to make their contact information public, then access to that

landowner's land should be assumed to be granted unless signage on the property indicates otherwise (as per current legislation). This still puts the control firmly in the landowner's court without placing onerous requirements on the landowner. This will also accommodate public access to private land as more and more land is controlled by numbered corporations or corporations that do not readily provide contact information to the public.

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

To the extent outlined in the answer to question 2 above, I believe the answer to this question can reasonably be said to be 'No'. One caveat - access to land for emergency response purposes and where access is otherwise required due to a matter of emergency should be permitted without prior consent by the landowner. This does not qualify as 'recreational' activity.

From: [REDACTED]  
To: [LSBQuestionnaire JU](#)  
Subject: Trespass legislation  
Date: Wednesday, September 05, 2018 9:27:16 AM

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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: NO. If the land is not posted or within 500 meters of occupied buildings or corrals, a person should be allowed to access the land. Naturally anyone causing damage to unposted land should be held responsible. Farms are getting larger and it is nearly impossible to determine who owns the land when it is listed as a corporate farm or numbered company on the RM map.

ATV or snowmobile use should continue to be governed by their own legislation.

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?

A: It should all be treated the same and if not posted, it should be open for access, with consideration to ATV's and snowmobiles requiring permission as legislated.

Q. How should permission be sought and granted?

A: For access to posted land, permission should be granted as the landowner sees fit.

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

A: ABSOLUTELY! I often hunt upland birds and during the course

of a day I may be on dozens of different properties. It would take many, many days to track down all landowners and would be a huge expense in gas and time. If I happen across a pheasant or partridge along a road I will hunt the bird unless the land is posted or too close to a residence. If I have to go find the landowner for permission I might as well not bother because by that time the bird will be long gone.

In short, leave things the way they are. A landowner can post their land if they don't want hunters or trespassers on. Additional legislation will NOT have ANY effect on those that would access land to carry out unlawful activities!



Virus-free. [www.avast.com](http://www.avast.com)

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass Survey  
**Date:** Saturday, September 22, 2018 12:00:39 PM

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First of all you could have made it easier to respond to this survey by going through Survey Monkey. It is almost like you don't want people to respond and keep Saskatchewan land owners in the prehistoric times. Honestly, was this not thought out?

Should Saskatchewan legislation 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 and failure to secure that consent constitutes an offence? **Yes**

If so, how should such permission be sought and granted? **Verbal permission from land owner is required for each calendar year.**

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass  
**Date:** Tuesday, September 11, 2018 12:17:09 PM

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Anyone on someone else's land, without permission should be considered trespass.

There are RM maps in all municipalities giving the names of land owners who can be contacted via the phone directory.

No one should be on someone else's land without permission for a number of reasons: biosecurity ie. seeded acres, sprayed crops, noxious weeds, environmental dangers ie. wells, sloughs with thin ice, newly dug dugouts, fencing - barb wire, electric

not knowing where homes or livestock are located

not knowing what other hunters, skidoos, etc are on the land

If someone is going on someone else's land or any land, they should know the land or have information on the land.

This has been along time in coming and it needs to be resolved. Unfortunately it is a sign of our times, lack of respect for what is someone else's, which has led to more illegal activities.

Thank you for asking for input.

[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespass  
**Date:** Friday, September 14, 2018 8:48:19 AM

---

ALL people must have written permission to enter private property

Sent from [Mail](#) for Windows 10

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Cc:** [REDACTED]  
**Subject:** Trespassing changes past due  
**Date:** Sunday, September 23, 2018 4:38:07 PM

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The necessary changes to protect landowner interests are self evident to those who take the time and make the effort to ask for permission to enter other people's property.

I would have every potential trespasser to be required to give that same courtesy to every landowner; by requiring prior consent before to entering any private property. The exceptions being for

legitimate cases of demonstrated emergency aid; and actual necessary directions to locate someone else's place for lawful and reasonable purposes.

We don't need more legislation that enables rif raf who are up to no good; and those who are feel they have some God given right to enjoy part or all

of someone else's property.

Thus make it clear that all private property belongs to individuals who own it; and as a courtesy to responsible members of the public....the first step is to respectfully ask for consideration

to enter solely on the landowner's terms.

That works now...and it would solve the problem of those who might say "[REDACTED] old man"

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing Consensus  
**Date:** Wednesday, September 12, 2018 10:02:41 AM

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In regards to the input the Governing bodies are seeking from rural Saskatchewan land owners and to whom it may concern therein,

As a rural land owner residing within the province of Saskatchewan whom faces many trespassing complications and breaches I would like to offer in my say in regards to the proposed changes that could be made and would be invaluable in protecting all rural residents there in.

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. This is not a simple yes or no weigh in. On agricultural land for the purposes of crop sciences or growth, posted or not, access should be asked and granted by the land owner in order to gain access for any purpose so as to avoid damage to this land via vehicle or other means of transport. When the intention is recreational enjoyment on non agricultural land that is not complete with a sturdy feneline and not posted as No Trespassing, access should be allowed within reason. On non agricultural land that is complete with fencing and gating, posted or not, access should require verification from the land owner so as to avoid damage or danger to any livestock animal or persons on said 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?

A. Please see the above enclosed answer for clarification. Times have changed and gone are the days where the general public could be entrusted to close any rural gates they should open in order to access non posted lands for recreational use and/or ensure they do not endanger any livestock within those gates. Now, it is impossible to ascertain which people will be respectful and which will not. Entitlement wins in error, the true entitlement belongs to the land owner only. Having said this, my input is in a 'better safe then sorry' manner is choosing to state it would be highly invaluable to require land owners permission to enter any property, posted or not, that has an intact feneline and gating. Exception could be made for land with open gating, indicating there are no livestock present at that time, depending on the recreational intentions. For example, a non invasive or damaging intention.

Q. How should permission be sought and granted?

A. Verbal land owner permission or signed consent, dated by said owner. However, it is quite easy to say you've sought and received permission, honestly or not. I myself have been told by trespassers that land owner permission of access has been granted when in fact the land in question is my own and no permission had been asked. Requiring landowners written permission, signed and dated in a similar way to an receipt would ensure both parties are protected. Certain exceptions could be penned into said 'recipt' stating length of time, circumstances that would allow said land owner to revoke permission etc. A bill or free lease so to speak. Whether the land be posted or not.

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

A. To answer this adequately I would need to know from which side of things this question is posed. As a land owner my short answer would be, no. I own the land and work hard to keep it and in doing so do not wish my hard work to be compromised by someone looking to simply have a good time. Someone that does not have to face the consequences of said actions and/or clean up in any way, shape or form. Someone that may, for example, use the land for hunting and inadequately dispose of their excess materials in a way that draws predatory responses that may endanger human or livestock movement. There are alternatives in order to enjoy recreational activities that do not breach a land owners rights on their own land. This also does not impede recreational activities where permission is sought but rather slows the recreational process from instant enjoyment to later enjoyment in the time it takes to seek permission. From a non land owner perspective I can see how many may see this type of law as an impediment to their enjoyment. However, anyone that may see asking permission as too much of an inconvenience is not the type of person I would want on my land. Period. If unable to present with empathy for a rural land owners work and time, there is a guarantee of disrespect to said land to come. I myself will ascertain land owner permission within my own RM, on non posted land owned by people I know well in order to perform any recreational activities on their

land and so why should a stranger not be required to do the same. Entitlement. That belongs to the land owner alone.

In short, I feel if rural land has been cultivated or fenced to secure livestock then permission is absolutely essential. On land that is open/untouched, entrance for recreational activities including but not limited to hunting should be granted. Provided anyone using said land follows safe hunting guidelines in relation to dwellings and neighbouring lands.

Kindest Regards, 

A concerned land owner.

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing questionnaire  
**Date:** Monday, October 01, 2018 10:56:25 AM

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To whom it may concern,

I fully support changing Saskatchewan legislature to require members of the public to attain express permission prior to accessing private land. As a land owner in Saskatchewan, it is unfair to require landowners to pay for signs and take time off of work (often in the middle of harvest season) to post land that was bought and paid for by the land owner themselves. No urban dweller needs to post their own land in the city to keep people off, and rural landowners should receive the same rights. If I, and I alone, paid the \$100,000 for the land, why should someone else have the right to access my land without permission? Similarly, why would I, having spent \$100,000 on a quarter of land, also be required to buy signs and post my own land?

In addition, requiring permission would likely, in the long term, create better hunting opportunities for larger trophies; the trophies that Saskatchewan was once known for and which have been sadly lacking across much of the province in recent years. Protecting land owner rights will also have the added benefit of creating opportunities for hunting of larger trophy animals.

As a hunter, I am in full support of legislation that promotes hunter-landowner relations and results in potentially larger trophies. As a landowner, I am in support of legislation that protects my property rights, the same as any city-dweller. As a farmer, I am in support of the legislation change because I am tired of dealing with hunters driving through standing crops to shoot an animal, then claiming that they somehow missed seeing the 30+ signs on my land. I am in support of this change because it has the potential to have a significant positive effect on animal populations and trophy size.

I understand that there will be backlash from some of the hunting community, however, I have discussed this very issue to great extent over the past years, and have been surprised by the overwhelming support from hunters and landowners alike. Furthermore, I would suggest that when backlash from hunters is received, that it be pointed out that this is not removing access to private land, simply requiring permission ahead of time. Those farmers who do not mind hunting will be happy to grant permission. Personally, I would far rather receive numerous calls each day asking for permission than deal with dead animals and ruined crops.

Implementation could be as simple as requiring written permission. Frequently updated RM maps made available online with landowner contact information would help make the transition simpler for hunters seeking permission each hunting season.

One of many incidents we have experienced involved a dozen quads driving 3/4 of a mile through standing hay, destroying our only creek crossing for 6 miles and then killing approximately \$20,000 in livestock by scaring them up against a fence where they broke their necks. Prior to their trip through our hay land, when asked to leave our land or follow us through the yard and out the driveway, they took swore at us, purposefully turned, aimed and through gravel at us. No action was taken by the RCMP because, as we were told by multiple people, an RCMP officer was present in the group. A trespass law would have prevented all of this ugly episode and financial loss.

Thank you for your consideration,

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing Survey  
**Date:** Saturday, September 22, 2018 12:21:27 PM

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First of all, couldn't you have made it easier to do a survey using Survey Monkey? It is almost like you are trying to discourage Saskatchewan rural property owners from responding. Was this not thought out???

Should Saskatchewan legislation 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 and failure to secure that consent constitutes an offence? **Yes**

If so, how should such permission be sought and granted? **Verbal permission should be required from the rural land owner (not occupier) for each calendar year.**

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** trespassing survey  
**Date:** Monday, September 17, 2018 10:23:33 AM

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I live in the southeast part of Saskatchewan where there has been lots of theft.  
I am in favor of changing the law regarding the trespassing on our land.  
I also am in favor of looking at amending the treaty rights for allowing first nation people to go on any owners land as well, and there has been a great deal of publicity due to this in the past couple of years.  
I think any person wanting to go hunting on private property should get written permission not only from the land owner, but any person renting the land from the owner as they are the people that may have cattle on that land.

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** Trespassing  
**Date:** Tuesday, September 11, 2018 11:59:58 AM

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Hello:

We live just [REDACTED] [REDACTED] and our biggest problem is people on our farm with quads and snowmobiles. They race up and down and even come into our yard and dam. When we get the opportunity we asked them if it would be alright for me to drive on their lawns or in their yard. Most are polite and apologize, others say so what they are not harming anything and can become quite beligerent. We have had people drive onto a field in crop to take rocks that are under the hydro pole for a reason and when approached and made put them back, they thought the rocks were for anyone to take. As for travelling on the crop it didn't appear to them to cause much harm.

Most hunters have contacted us by phone or in person to hunt on our land. Permission is usually given unless they want to be close to our yard and then it is denied and they are advised to move farther away. The hunt usually involves ducks and geese as hunting rifles are restricted in our area close to the city.

Putting up no trespassing signs every 200 meters may help but they are usually run over or shot up or ignored by most as to them a field is an empty lot for their enjoyment. The law already allows people to put up "No Hunting" and "No Trespassing" signs and the criminal code applies after that. Replacement of the signs is an ongoing problem year after year.

We see no difficulty with a person coming into the yard to ask permission, however, in view of many recent unlawful activities around all rural areas in the Western Provinces, everyone is nervous and are preparing to take whatever steps they feel they must to protect their families and property. People must be aware of their rights in protecting their property and person. You can use as much force as necessary only, however groups of people coming onto your property is a problem and causes much fear as everyone knows.

Any change to the law must include use of signs and signs need to be qualified by size, printing and location. One sign at each entry to a residential/farm yard should be sufficient for advising trespassing is forbidden. Fields, Bush areas are another matter. Abandoned farm sites where the owner lives off site will always be a problem and are frequent targets for theft and vandalism.

Any law(s) made must be enforceable regardless of what the law turns out to be. People will have to be advised of what information they will require to assist in prosecution as well. People with recording cameras should be encouraged to store the images off site such as the cloud as people breaking in usually are aware of the camera and will find the recorder as they know in the rural areas they have plenty of time to do as they please. It happens in cities as well sit is impossible to have even 75% full time coverage. Rural Crime Watch is a most valuable asset in the rural area and should be encouraged, not only at night but during the daytime as well.

Thank you for the opportunity to have input

[REDACTED]

**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Cc:** [REDACTED]  
**Subject:** Would making consent an express prerequisite in all circumstances represent an unreasonable impediment to recreational activities?  
**Date:** Thursday, September 20, 2018 8:18:37 PM

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After days of attempting to do the “questionnaire” I have come to my wits end. There is no questionnaire to find – it only directs to this email address. This has been very frustrating trying to respond to “public input” and I’m sure I’m not alone.

Would making consent an express prerequisite in all circumstances be an impediment? The simple answer is yes – it’s a huge impediment. Landowners are hard to find. RM Maps are rarely up to date. If they are, they do not come with the actual name & phone number of the owner – often it’s a Corporation. How do you find the owner? Also, often I find farmers are gone away for the winters. How do you explain to them which piece of land you’re requesting permission for? I believe the current system of posting your land to keep people off without express consent is more than sufficient. I also don’t believe the small footprint I have on land for a handful of days throughout an entire year has any impact on lands in comparison to the wildlife, farm equipment, the owner themselves have in regards to the risks and stated “bio hazards”. If the rules are changed to be more like Alberta, we will see public resources and management thereof (wildlife) become a private resource. This results in owners asking hunters to pay for rights to hunt their property (fairly certain that’s illegal) or force those that do hunt to do so via a game hunt farm. Hunting will become a unaffordable solution. I personally have found many circumstances whereby no landowner can be found – and if one were to then enter the land under the proposed rules, you’d be committing an offence. This is not something that I can see supporting or even making sense – to whatever real end objective that is trying to be accomplished.

On behalf of all hunters, adventurers, and outdoor enthusiasts (ATV, snowmobilers, hikers, skiers, campers, etc.), please do not allow this to go through.

[REDACTED]

[REDACTED]

[REDACTED]

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**From:** [REDACTED]  
**To:** [LSBQuestionnaire JU](#)  
**Subject:** YES  
**Date:** Friday, September 07, 2018 9:14:46 PM

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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.

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[REDACTED]

## **Trespass to Property Legislation Review**

### **Submission by the Saskatchewan All Terrain Vehicle Association (SATVA)**

Thank you for this opportunity to submit comments on the proposed revamping of Trespass to Property legislation. As pointed out in the preamble of the document restriction regarding trespass is highest with ATV's and we'd like to point out that we find it troubling that there is an inequity as to how other motorized recreation has less restrictive conditions placed on them.

To the Questions:

#### **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?**

This is currently the restrictions applied to ATV users. We see no reason why this shouldn't be applied across all situations.

#### **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?**

Cultivated land and crops are the most susceptible to major damage by someone trespassing and anything that is fenced should be treated as not accessible. There is very little pasture land that isn't fenced as they don't want the livestock to run free. However, we feel that agricultural land be treated the same. We realize there have been incidents of ATV users damaging crops and SATVA neither endorses or sanctions this type of behavior.

#### **Q. How should permission be sought and granted?**

Finding out who the landowner/property owner is can sometimes be difficult. In many cases land is leased, and the owner is no longer in the province. RM maps simply show who owns the land not who leases it. It can be daunting in some cases to find out who's occupying/leasing the land. However, permission needs to be obtained. The RM office is usually a good starting point, and in many cases, they know who the current occupier or leasee is. At that point that person(s) needs to be contacted in person or by phone or email to obtain permission. We don't see the need to obtain written permission in all cases as this would unduly inhibit and deter people from obtaining the permission.

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

Requiring permission has been the law for ATV users for many years now. It has not proved to be an unreasonable impediment.

## General Comments:

As pointed out in the preamble of the document laws regarding trespass is the most restrictive on ATV's and we'd like to point out that we find it troubling that there is an inequity as to how other motorized recreation has less restrictive conditions placed on them.

According to a recent study there are approximately 45,000 ATV's in the province, many of which are used for recreation. This number is growing every year. The introduction of the side by side style of ATV has increased interest in the recreation to seniors, families who appreciate the more familiar method of driving as opposed to straddling a quad. With that growth comes a need for more opportunities to ride. Unlike snowmobile access to farm lands is usually not granted to ATV riders as the farmer fears that the ATV rider will veer off track and damage crops or that someone will see them riding in the area and feel it is ok to ride on that property.

We support the landowners right to manage and protect his/her property. We are looking for opportunities to work with land owners for trail possibilities, but this has been difficult for the reasons stated above.

Unfortunately, the topography of Saskatchewan is such that the southern half (and the most densely populated) of the province is primarily agricultural land. Due to that there is a shortage of opportunities to ride ATV's legally in the south half of the province and riders generally use the ditches of numbered provincial highways to ride. Many riders head north to crown land to obtain decent riding areas. There is a shortage of managed and groomed ATV trails in the province and this does lead to trespass situation either intentionally or in error. SATVA does not support any type of trespass.



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 and written in a cursive-like font.

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.

## Review of Trespass Related Legislation

Saskatchewan's great prairies and parklands represent both a public and a private resource. Reasonable public access to these areas constitutes the foundation for extensive cultural and recreational opportunities. At the same time, over 90% of Saskatchewan prairie land in the southern area of the province is used for agricultural purposes.

These public and private interests are not irreconcilable; however, they do require balancing to maintain an appropriate relationship between those seeking access to private land and the rural private landowners. This balance is jeopardized by the reported abuses that landowners see by those accessing their property. A further complication is the need for increasing crop biosecurity from invasive species and diseases spread by random access.

At the common law, trespass has always been a civil wrong. Legislation has been passed in Saskatchewan to modify the common law to provide guidelines regarding trespasses as well as offences and enforcement provisions where trespass occurs.

*The Trespass to Property Act* creates an offence of trespass. Under the Act, it is an offence to, without lawful authority;

- enter onto posted or enclosed lands or other premises without the consent of the owner or other occupier;
  - enter onto lands or other premises, even if not posted or enclosed, after being requested not to do so by the owner or other occupier;
  - engage in prohibited activities on the premises without the consent of the owner or other occupier;
  - fail to leave lands or other premises after being requested to do so by the owner or other occupier;
  - fail to discontinue an activity after being requested to do so by the owner or other occupier;
  - after leaving a premises or discontinuing an activity pursuant to the request of an owner or other occupier, re-enter the premises or resume the activity.
- An individual in contravention of the Act will be liable on summary conviction to a fine of up to \$2,000 - in most cases, the individual would make a voluntary payment of the amount set out on the ticket rather than going to court.
  - The owner or occupier can:
    - ask the individual to leave the land or premises or discontinue an activity on the land or premises; or,
    - give written notice to the individual not to enter the land or premises or engage in

an activity on the land or premises

- A peace officer can issue a summary offence ticket and, if the individual does not leave the land or premises or discontinue the prohibited activity, can arrest the individual.

*The Trespass to Property Act* was not meant to replace trespass provisions dealing with specific circumstances such as snowmobiling and operation of all-terrain vehicles, and such provisions continue to apply. Currently, where there is a conflict between the provisions of *The Trespass to Property Act* and specific trespass provisions in other legislation, the latter will prevail.

- *The Wildlife Act, 1998* prohibits hunting on posted land. The Act further provides that the lack of posting does not indicate consent to access for hunting. It also provides that where consent to hunt is provided, the owner/occupier owes no general duty of care to a person hunting on the land;
- *The All Terrain Vehicles Act* prohibits the operation of ATVs on private or Crown land without the prior permission of the owner or occupier, regardless of posting;
- *The Snowmobile Act* provides that, without the consent of the land owner or occupier, snowmobiles cannot be operated on posted private rural land or on private land within a city, town, village or hamlet (the use of designated trails created under *The Snowmobile Act* will not be impacted by any proposed changes to trespass related legislation); and
- *The Provincial Lands Regulations* provides that someone occupying provincial lands without authority from the province is a trespasser.

Having different access and posting rules for different activities as noted above may well be contributing to confusion as to the rules for access.

In addition, rural crime and other reported abuses by a minority of those accessing rural property under these Acts has significantly undermined land owner support for public access.

Land owners may also face fire risk and the increasing need for bio-security against crop diseases that can inadvertently be spread by even the most conscientious visitors. For example, Clubroot is a soil borne disease that can significantly affect yield in crops like canola with few options for control. The disease can be spread by soil being transported by agricultural or industrial field equipment, vehicles, tires, animals, and shoes.

Invasive species such as downy brome or leafy spurge can reduce the productivity of grasslands and crop land and can be spread by vehicles, clothing, shoes, pets, etc.

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

(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."

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?**

Absolutely — not their land/property.  
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?**

All treated the same. Landowners are the owners - Not the public.

## 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 can purchase an updated R.M. map and call the land owner.

If they cannot contact - No access Period

## 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 - Need permission Period!  
Ex. This harvest season with crop on the ground and unable to harvest cost thousands in damage from hunters atv's 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.

## 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](mailto:LSBQuestionnaire@gov.sk.ca)

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**Penalties and Express Permission Requirements in Canadian Trespass Legislation**

<b>Jurisdiction</b>	<b>Legislation</b>	<b>Fine</b>	<b>Express permission required</b>
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		

September 25, 2018

**Input on Saskatchewan Justice Ministry Review of Trespass Related Legislation**

Ministry of Justice  
Legislative Services Branch  
Attn: Review of Trespass Related Legislation  
800 – 1874 Scarth Street  
Regina, SK S4P 4B3  
Email: LSBQuestionnaire@gov.sk.ca

To whom it may concern:

Thank you for the opportunity to comment on the Saskatchewan Justice Ministry review of existing trespass legislation in Saskatchewan. I would like to state at the outset of my comments that my perspective on this issue is one I would describe as multi-faceted. I retired some years ago from a long career with the [REDACTED]

[REDACTED] In my early working history I did, for some years, farm in rural Saskatchewan and, as well, I have been a life-long game bird and big game hunter. I feel I have a sound understanding of the rural landowners' perspective on this issue as well as that of hunters and anglers wishing to access Crown resources on private lands. I also understand the responsibility of government to provide legislation that protects the rights and property of all citizens and that balances the legal rights and pursuits of all citizens with those protections.

I believe that any proposed trespass legislation that would stipulate a "blanket" requirement for advance express permission for entry upon privately-owned rural property impacts all of us in the province, not only those of us pursuing recreational activities in rural Saskatchewan.

On the specific questions asked in the review document, I offer the following comments:

*#1 – "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. While I would agree that the right of the landowner to determine who can access their private property be recognized, any new trespass legislation introduced by the province stipulating this "blanket" requirement would do little to address existing landowner concerns and would indeed create a myriad of legal, social and economic situations that would be of significant concern to government and all provincial residents.

Existing trespass legislation currently provides reasonable legal oversight for the concerns of rural landowners while recognizing the recreational activities of hunters, anglers, wildlife photographers, berry-pickers, etc. While it could be argued that existing provincial legislation regarding trespass may be somewhat confusing, it already does provide for prosecution of those who enter upon private property by snowmobile and/or all-terrain vehicle, and for entry by hunters on lands posted to the contrary. With respect to the issue of rural crime, property and otherwise, current federal and provincial legislation has long been in existence to address this issue and layering additional provincial trespass legislation upon existing law would do little to enhance personal and property protections for rural landowners. I would also point out that enforcement of existing trespass legislation is already extremely difficult, as the situation currently stands for rural landowners, due to limited resources and vast distances involved in the province. Introduction of a "blanket" trespass law would do nothing but exacerbate this situation. Enforcement efforts in rural Saskatchewan would be further diluted by complaint-driven requests for attendance by law enforcement for very minor trespass situations.

Any proposed new trespass legislation by the province must consider the logistical problems currently associated with attempts to locate owners of rural properties in Saskatchewan. With the advent of large corporate farms over past years, it has become more and more difficult to determine the headquarters and owners of such rural properties. In many cases, the Rural Municipality land ownership maps are not adequately updated, and, in fact, Rural Municipality offices are not always accessible and "open for business". In many cases, maps will indicate certain lands are owned by a named corporation with no further indication of where or with whom contact can be made. Where, in years past, there was a prevalence of rural farmsteads on

the provincial landscape, it can now be many miles between farmsteads. The absentee landowner has now become more prevalent in Saskatchewan and many do not even remain in the country once harvest has been completed thereby disallowing any contact be made at all.

In addressing the concerns of rural landowners on the issue of access to private property, I believe it should be incumbent upon government to also consider the concerns raised by all members of the public who simply want nothing more than to pursue legal recreational activities and to access Crown-owned wildlife on public and privately-owned lands.

*#2 – "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?"*

In Saskatchewan, rural land "ownership" is currently considered to include all lands being used for agricultural purposes. Agricultural land can be privately owned, leased or rented from a private landowner or leased from the Crown. In the case of tracts of Crown leased pasture land and/or hay land, once the grazing is done and/or haying is done for the annual season, it has long been argued by some members of the public that the Crown land's "agricultural use" should be considered satisfied and no longer in effect in the "off-season". The public would therefore be able to pursue legal recreational activities upon such Crown lands in the late fall/winter season. I personally feel there should be some consideration by government to accommodate both the agricultural interests and the public interests concerning use of Crown leased lands in any development of trespass legislation. In my view, I believe a distinction should be made between cultivated land, fenced property and open pasture land.

*#3 – "Q. How should permission be sought and granted?"*

Please refer to my comments above regarding Q. – 1. My primary concern for anyone seeking access to private rural land for completely legal and legitimate purposes is that there is currently no reliable means by which a person may contact rural landowners. With often vast distances between rural farmsteads, absentee landowners and large corporate farms, the difficulties in determining who and where to contact can be almost impossible. Rural Municipal offices often cannot be accessed, even during business hours, and, most often, a hunter or others would likely be needing

to contact landowners well outside of business hours. RM land ownership maps are certainly available, however, in instances where these maps are not kept current, attempts to contact rural landowners are further complicated. In portions of the province where vast tracts of Crown leased pasture land exists, it is extremely difficult to determine where a lessee may be contacted. This lack of an adequate support system enabling landowners to be contacted must be considered and addressed in any proposed changes to existing provincial trespass legislation.

*#4 – "Q. Would making consent an express prerequisite in all circumstances represent an unreasonable impediment to recreational activities?"*

Yes. Hunters, naturalists, wildlife and nature enthusiasts, wildlife and nature photographers, bird-watchers, falconers, mushroom/berry-pickers and the like would all be detrimentally impacted by such an express prerequisite.

Rural Saskatchewan, in large part, is privately owned and houses most of the province's flora and fauna throughout central and southern Saskatchewan. Anyone out and about in rural Saskatchewan simply wanting to view and experience the flora and fauna that is the bounty of this province would be unreasonably impeded in that they would now be basically restricted to a roadway without express permission to be off the roadway. Advance express permission to pursue a closer view of a bird, animal or plant would now be required off a road or trail throughout central and southern Saskatchewan. This would be a legal prerequisite for the outdoor pursuits mentioned above within southern and central Saskatchewan, at peril of prosecution in a court of law. I wonder how government would propose to inform and educate the public on how to reasonably access their resource if they happened to wander onto private land to perhaps look at a bird, animal or plant, or take a photograph.

Additional Comments:

- With respect to impact on hunting, I submit that there would be the potential for a significant reduction in the number of hunters should a "blanket" requirement for advance permission on all rural property come into law. Hunting currently contributes hundreds of millions of dollars to the provincial economy and this would then be jeopardized. Hunting is a management tool and invaluable in the control of many wildlife species. Ownership of provincial wildlife is

vested in the Crown and should access to the resource be restricted to the point where hunter numbers decline, government and the landowners themselves would then be left to deal with the wildlife control/damage/compensation issues. Additionally, as I understand the majority of recreational hunters in the province are "urbanites", the potential for a rural/urban social and political split to arise over this issue.

- With respect to current "posting" situation concerning hunting on privately owned rural lands, landowners generally supported this when it was originally introduced by the province. Landowners that had concerns with hunters posted and those that had no issue did not. This provided for prosecutions under The Wildlife Act for those hunting on posted land without permission, accommodated reasonable access to the resource and, also accommodated those landowners that were fine with hunters on their land without any contact requirement.
- I cannot agree with the "weight" placed on the biosecurity points stated in the Review document. Normal farming operations routinely transfers soil from field to field, from highways and roadways to fields, etc. All manner of animals and birds travel across the rural landscape consistently, everywhere, day and night. To suggest that a person walking across a harvested grain-field is presenting any significant risk of spreading a soil-borne disease compared to all the other sources of soil transfer is simply not plausible, in my view.
- I also cannot agree that all-encompassing trespass legislation would not impact the Aboriginal hunting situation. Currently, a recreational hunter may not be charged under The Wildlife Act for hunting without permission on "unposted" land. Aboriginal hunters were, in past, deemed not to have "right of access" on privately owned rural lands, "posted" or otherwise, without express permission. It is my understanding that legal precedent has recently been set concerning some sort of expansion of their "right of access" to hunt on private agricultural land, in some fashion, without the requirement for mandatory permission. Could a potential situation develop with "blanket" permission requirement trespass legislation whereby it would be binding on all persons except Aboriginal hunters? I do not believe this would be desirable by either government or the public. In any event, I do believe there would be impact on Aboriginal hunting situation in the province.

In closing, I agree this is a complex issue for government and legislators to be dealing with. On it's face, no one would disagree with the landowner's right to control who may enter upon his privately-owned property. However, the complexities involved with implementing suitable legislation to fairly deal with the myriad of associated issues are challenging, to say the least. In all of this, however, it is my firm belief that two key issues have precipitated lobby groups' pressuring government to enhance existing trespass laws; these being: 1. rural crime and, 2: vehicle abuse upon privately-owned agricultural land. In my experience, vehicle abuse on privately-owned land can be curtailed by adequate legislation as was demonstrated with government's "roads and trails" vehicle restrictions for hunters. Perhaps some combination of retention of the "posting" requirement in expanded legislation, along with prohibition of vehicles, may be a suitable alternative. I would suggest that instances of damage to rural property and rural crimes involving theft, vandalism, etc., would be seldom be seen as occurring by persons simply on foot upon privately owned rural properties.

Thank you for the opportunity to comment on this matter.

Sincerely,

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Cc: [REDACTED] MLA

Darrell Crabbe, Saskatchewan Wildlife Federation



- (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

## 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

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(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, IT 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?**

Obtain contact information through municipal office (phone or e-mail 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.

## 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

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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](mailto:LSBQuestionnaire@gov.sk.ca)

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I am responding to this survey as a hunter of upland game birds only.

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?

There are over 57 million acres of land under cultivation in the province and 7 million of those are crop lands. Express advance permission is not as straight forward as it might appear. I do make that effort but there are significant impediments that can arise - unoccupied lands with absentee landowners, out-of-province landowners some of whom are investors only, not farmers. Some lands are even owned by the Canada Pension Plan. I have tried to obtain express permission that saw several weeks of effort to eventually communicate with a lawyer in Toronto who was the contact point for the landowner. Permission was granted with a proviso to contact a neighboring farm to also gain their permission even though the land was not theirs but did have a contiguous border. That person said NO, even though my hunting would have been miles away from them. That was frustrating and I never did hunt that land. I don't mind trying to get express permission but much of the land I hunt makes it difficult to locate someone actually living nearby to know who to speak with. Upland bird hunting can often be opportunities of the moment that could involve entering land under cultivation. To date that has not been a problem with un-posted lands but would be a problem under express permission in all circumstances.

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?

I may be incorrect but I think "land under cultivation" includes pasture land by definition. We tend to think of only crop land as being under cultivation. When you draw distinctions it leaves open grey areas of interpretation.

Q.

How should permission be sought and granted?

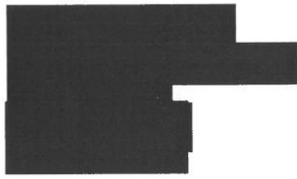
Well it is nice to have face to face interaction. That was the norm when there were occupied farms fairly close to where one might want to hunt. It is difficult to come up with phone numbers or email addresses. RM maps are useful but not always accurate. Granting permission is as simple as saying yes. If it has to be legally proven I suppose it needs to be written and signed and dated by both parties. That seems a bit outside our Saskatchewan culture but maybe that's where we are heading. Digital documents may not be reliable for the purpose should it become a legal matter.

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

Yes, when it is "in all circumstances" specifically dealing with absentee owners.

Not a question asked but I wonder about the invasive species referred to in the survey document. I weigh 200 pounds and have 2 feet. A bear, deer, moose, elk or antelope would disturb soil borne invasive species or diseases far more than me and they are present year round. My dogs would be no different than coyotes, foxes or wolves on the land so I'm not sure just how valid the concern is as there is far more wildlife than hunters roaming the land. I understand the risk of fire and never park my vehicle where that could be a factor.

Thanks for the opportunity to contribute as a person who has been hunting for over six decades.



LSBQuestionnaire@gov.sk.ca

Attn: Review of Trespass Legislation

To Whom it May Concern,

I am a recently retired Professor who taught in the [REDACTED] [REDACTED] for over 30 years. [REDACTED]. I have therefore been concerned about the welfare of cattle and ranchers for many years. As part of that, I am also concerned about pasture land – its continuation, maintenance and conservation.

My husband and I live “on the land” and have always done so. We also own a quarter in another RM that is half native prairie and half reseeded with a Ducks Unlimited mix. This quarter is leased to a young neighbour for fall grazing. This land is fenced, but the gates are left open when the cattle are not there. It is not posted. We have had some minor things go missing over the past 15 years including some lawn chairs, an old barbecue and harrows. All in all we believe that these losses do not suggest that we should post No Trespassing signs.

[REDACTED] We know it is used by local teens for some parties, not that they ask permission. [REDACTED]

There are over 30 bird boxes on the land and many of these are used by tree swallows, wrens, and the occasional bluebird. The ponds are used by many ducks throughout the spring, summer and fall and broods of ducklings are raised there. There is a large beaver lodge and at least one muskrat lodge.

This land is surrounded for miles and miles by cropland, although an adjacent quarter is owned by the Nature Conservancy and also lease grazed by the same young man’s cattle as ours is.

We strongly believe in the combined use of this land for agriculture (cattle grazing) and nature conservation.

**Question 1: 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?**

- We have not expected this.
- In turn, we are a bit alarmed by the surge in rural vigilantism by some other rural landowners.

**Question 2. 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?**

- crop land should not be disturbed when there is a crop on it.
- Fenced property is a wide definition. Some old fences wouldn't hold any livestock in or out and are not really meaningful. If the fence is intact, but the gate is open – that usually means that there is no livestock on the land at that time and so what harm can a photographer, a school class, a birdwatcher, etc. do? Although some people are against hunting, I believe harvesting wild game is an important part of conservation and believe that the Ministry of Environment sets appropriate limits and issues licenses for this purpose so would allow hunters on the land. Ideally they should be asking permission first according to the game regulations but since we don't live on our quarter nor provide a visible phone number – this could be difficult.
- Much pasture land is actually crown land leased to an individual or temporary use. I do not think that the person/s who pay lease fees should have any say outside of the time their livestock are on that land. Posting trespassing signs to prevent bird watchers in the early spring, for example should not be allowed. Although I have some sympathy for ranchers not wanting city people to disturb their cattle or leave gates open when cattle are in, I think that they should still not be allowed to post No Trespassing signs on any land they do not own. Instead, they should be asked for permission and I would hope would typically grant it for most uses. To that end, they should post a sign that says "In Use by Livestock" phone \_\_\_\_\_. Obviously this is helpful to them if a calf is out, an animal is seen injured or mired in mud, etc.

**Question 3. How should permission be sought and granted?**

- Ideally if a person lives on or very near the land, they should be asked in person. If the landowner is not nearby and they want people to ask permission, then they should provide a phone number.

**Question 4. Would making consent an express prerequisite in all circumstances represent an unreasonable impediment to recreational activities?**

- Yes, I think that it would if the person doesn't live on or close to that land.

Sincerely,

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

September 28, 2018

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

**Re: Review of Trespass Related Legislation**

In regards to the recent document released regarding the Review of Trespass Related Legislation in the province of Saskatchewan, I have noted my comments and observations below in numbers one through four, corresponding to the attached paper. My comments and observations are one of both an outdoors person and as one whose family owns rural property (farmland).

- 1. 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?**

My answer to this is no. Reason being, there have been good relationships and individuals for a long time and this will continue. Property owners have the ability to mark any and all lands “no trespassing” and this will be respected or not respected depending on the individual. A new legislation will not change that. As an outdoors person, I rely on RM maps to know whose land I am accessing. As a matter of respect and courtesy, I will contact land owners to ask permission first. However, many land owners that I know, do not want to be bothered with this at all and choose to not answer their phones or say “yes”, we talked about this two years ago already so why are you calling. Secondly, in regards to RM maps, many farms are now corporate companies and the name on the map will not correspond to an individual making contact nearly impossible. As well, the phone number of a property owner is not listed on an RM map.

- 2. 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?**

I do not believe there should be a distinction; however, I do feel that the home quarter (living quarter) should be "off limits" unless there is expressed permission as this is a matter of safety and respecting the space surrounding a person's home.

- 3. How should permission be sought and granted?**

Based on my comments in question one, I do not think permission need be sought and granted. Forward thinking would also suggest that our RCMP and Conservation Officers time and energy would be better spent on matters more critical to overall public safety. Also, as mentioned earlier, permission may be difficult to obtain to due lack of contact information on RM maps making it nearly impossible unless someone has a previous relationship with that property owner.

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

Undoubtedly yes. As mentioned earlier, phone numbers are not published on RM maps and many farms are Ltd. companies that do not correspond to an individual. Land owners today have the right to mark their property as "no trespassing" which is not an impediment to them. And as mentioned, many land owners do not want to be bothered with a flood of calls, especially from strangers unknown to them, and will simply not answer the phone. They have nothing against someone respectfully accessing their property as many are outdoors people themselves, they simply do not want to be bothered. In addition, this may cause an increase in greed in some cases, with outdoors people attempting to lock down or control large

parcels of private land for their own usage. This may also impose an impediment in parents getting their children involved in outdoor activities in our great province.

In conclusion, our family never has or never will mark our land as “no trespassing”. Simply put, we can’t expect to access or hunt on our neighbour’s land if they can’t access or hunt on ours. It is about respect for personal property and most people have it, although some don’t. I believe we could be better served with more resources allocated to Conservation Officers and RCMP Officers. Another consideration may be to make access to all private lands in southern Saskatchewan by foot only, whereas vehicles are required to stay on roads and trails except to retrieve legally taken big game. This would be a benefit on all fronts to all stakeholders.

I would be willing to discuss this further if you desire and thank you for this opportunity.

Respectfully submitted by,



## **Review of Trespass Related Legislation**

Saskatchewan's great prairies and parklands represent both a public and a private resource. Reasonable public access to these areas constitutes the foundation for extensive cultural and recreational opportunities. At the same time, over 90% of Saskatchewan prairie land in the southern area of the province is used for agricultural purposes.

These public and private interests are not irreconcilable; however, they do require balancing to maintain an appropriate relationship between those seeking access to private land and the rural private landowners. This balance is jeopardized by the reported abuses that landowners see by those accessing their property. A further complication is the need for increasing crop biosecurity from invasive species and diseases spread by random access.

At the common law, trespass has always been a civil wrong. Legislation has been passed in Saskatchewan to modify the common law to provide guidelines regarding trespasses as well as offences and enforcement provisions where trespass occurs.

*The Trespass to Property Act* creates an offence of trespass. Under the Act, it is an offence to, without lawful authority:

- enter onto posted or enclosed lands or other premises without the consent of the owner or other occupier;
  - enter onto lands or other premises, even if not posted or enclosed, after being requested not to do so by the owner or other occupier;
  - engage in prohibited activities on the premises without the consent of the owner or other occupier;
  - fail to leave lands or other premises after being requested to do so by the owner or other occupier;
  - fail to discontinue an activity after being requested to do so by the owner or other occupier;
  - after leaving a premises or discontinuing an activity pursuant to the request of an owner or other occupier, re-enter the premises or resume the activity.
- An individual in contravention of the Act will be liable on summary conviction to a fine of up to \$2,000 - in most cases, the individual would make a voluntary payment of the amount set out on the ticket rather than going to court.
  - The owner or occupier can:
    - ask the individual to leave the land or premises or discontinue an activity on the land or premises; or,
    - give written notice to the individual not to enter the land or premises or engage in

an activity on the land or premises

- A peace officer can issue a summary offence ticket and, if the individual does not leave the land or premises or discontinue the prohibited activity, can arrest the individual.

*The Trespass to Property Act* was not meant to replace trespass provisions dealing with specific circumstances such as snowmobiling and operation of all-terrain vehicles, and such provisions continue to apply. Currently, where there is a conflict between the provisions of *The Trespass to Property Act* and specific trespass provisions in other legislation, the latter will prevail.

- *The Wildlife Act, 1998* prohibits hunting on posted land. The Act further provides that the lack of posting does not indicate consent to access for hunting. It also provides that where consent to hunt is provided, the owner/occupier owes no general duty of care to a person hunting on the land;
- *The All Terrain Vehicles Act* prohibits the operation of ATVs on private or Crown land without the prior permission of the owner or occupier, regardless of posting;
- *The Snowmobile Act* provides that, without the consent of the land owner or occupier, snowmobiles cannot be operated on posted private rural land or on private land within a city, town, village or hamlet (the use of designated trails created under *The Snowmobile Act* will not be impacted by any proposed changes to trespass related legislation); and
- *The Provincial Lands Regulations* provides that someone occupying provincial lands without authority from the province is a trespasser.

Having different access and posting rules for different activities as noted above may well be contributing to confusion as to the rules for access.

In addition, rural crime and other reported abuses by a minority of those accessing rural property under these Acts has significantly undermined land owner support for public access.

Land owners may also face fire risk and the increasing need for bio-security against crop diseases that can inadvertently be spread by even the most conscientious visitors. For example, Clubroot is a soil borne disease that can significantly affect yield in crops like canola with few options for control. The disease can be spread by soil being transported by agricultural or industrial field equipment, vehicles, tires, animals, and shoes.

Invasive species such as downy brome or leafy spurge can reduce of the productivity of grasslands and crop land and can be spread by vehicles, clothing, shoes, pets, etc.

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

(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."

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:

①

**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?**

## 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.

②

**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?**

## 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.

③

**Q. How should permission be sought and granted?**

## 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?

4

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

## 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.

**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](mailto:LSBQuestionnaire@gov.sk.ca)

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102-2255 13<sup>th</sup> Avenue  
Regina, SK S4P 0V6  
Phone: 306.585.2333  
Fax: 306.585.2334  
www.saskbeef.com

September 28, 2018

Ministry of Justice  
Legislative Services Branch  
Attn: Review of Trespass Related Legislation  
800 – 1874 Scarth Street  
Regina, SK S4P 4B3  
Email: [LSBQuestionnaire@gov.sk.ca](mailto:LSBQuestionnaire@gov.sk.ca)

Re: Proposed Amendments to the Trespass to Property Act

To Whom it May Concern,

The Saskatchewan Cattlemen's Association (SCA) welcomes the opportunity to submit comments regarding the proposed amendments to the *Trespass to Property Act*.

The SCA was established in 2009 with the mandate to provide a united voice for the province's beef industry, with representation from all industry sectors and across all regions of the province. The SCA works to develop and promote the industry by investing in research and advocating on behalf of the industry on both a provincial and national level. We work closely with other provincial cattle and forage associations, as well as national organizations such as the Canadian Cattlemen's Association, the National Cattle Feeders Association, and the Canadian Roundtable for Sustainable Beef, among others.

The SCA fully supports and appreciates the Government of Saskatchewan's initiative to amend the current *Trespass to Property Act*, as well as harmonizing and eliminating legislation that currently conflicts with it.

As the government is aware, land access and trespassing has and continues to be a significant issue for many producers across the province. As a result, the SCA has been actively working to reform trespass regulations with the goal of required written permission for recreational access to land. This would transfer the onus to those seeking access, rather than on landowners, as it currently stands. SCA believes it would be best if those who fail to obtain written permission would face a fine.

There have been far too many instances in which those seeking access have cut fences, had dangerous confrontations or otherwise increased biosecurity risks to herds and grasslands. These issues are not limited to cattle producers. Other rural landowners have experienced similar challenges. As a result, the SCA has engaged with and sought the support of other provincial organizations such as the Saskatchewan Wildlife Federation (SWF), the Saskatchewan Association of Rural Municipalities (SARM) and the Agricultural Producers Association of Saskatchewan (APAS).

Agricultural producers are the primary landowners and stewards of the land throughout much of the province. As such, it is important as landowners we can effectively manage the lands under our stewardship through either deeded ownership or via Crown lease. The cattle producers SCA represents believe that the vast majority of the public appreciates that we want to ensure the safety of all using the

land. The SCA recognizes the importance of hunting, not only to help maintain healthy wildlife populations, but as an important piece of the social fabric of the province. Many of the producers we represent are also hunters. However, shifting the onus to hunters and other recreational users rather than land owners is necessary.

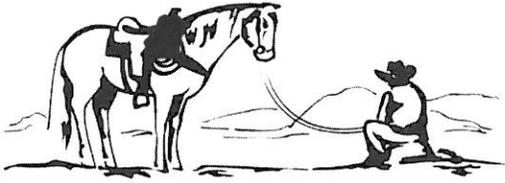
As the government is aware, the responsibility falls on landowners to post for access to land. Unfortunately, this task is an expensive undertaking and often those signs are vandalized or ignored. By seeking written permission from landowners, it is our hope that this reduces the incidence of cut fences resulting in livestock let loose, hurt or even killed. We also hope that it will increase safety for producers, hunters, and other recreational users, while developing a beneficial relationship between all parties.

The SCA recognizes that ensuring contact information of landowners or lessees is readily available is a significant undertaking. Therefore, our association is very willing to work with others to ensure that this contact information is made available through RM offices.

Seeking written permission will also allow the landowner to set parameters for access to their land. For example, a landowner may allow access only by foot, limit vehicles to trails or give directions ensuring environmentally sensitive areas are given suitable treatment. There may be no such limits but only ensure vehicles and footwear are clean of dirt and mud that may carry invasive weeds. There have been too many incidents in which those trespassing bring ATVs or trucks onto the land without consideration of where they had been before. This can lead to the spread of invasive species and noxious weeds, which can severely limit forage production on that land. In addition, trucks, snowmobiles, and ATVs can cause significant damage to pasture lands if they fail to remain on the designated paths. We are pleased the government recognizes this as an issue.

Once again, the SCA greatly appreciates the government's initiative on this issue and the recognition that it needs to be addressed in a timely manner. We support the requirement of written permission. Safety of those wishing to access land, as well as those who own it, is very important. Safety of the land along with the plants and animals growing there can also be better managed with this new arrangement. We believe moving in this direction may help reduce any animosity and foster better relationships between parties. The health and safety of our producers, livestock, and our land is paramount to the success of our industry. We will continue to work with SARM, APAS and SWF on this issue, as well as the government to ensure these changes happen as smoothly as possible.

**Saskatchewan Cattlemen's Association**-to develop and promote the success of all production sectors of the Saskatchewan beef cattle industry through effective representation from all regions of the province.



# SASKATCHEWAN STOCK GROWERS ASSOCIATION

P.O. Box 4752, Regina, Saskatchewan S4P 3Y4

Phone: 757-8523 Fax: 569-8799

Email: [ssga@sasktel.net](mailto:ssga@sasktel.net)

September 28, 2018

Ministry of Justice  
Legislative Services Branch  
800 – 1874 Scarth Street  
Regina, SK S4P 4B3

To Whom It May Concern,

At the Saskatchewan Stock Growers Association (SSGA) Annual General Meeting on June 12<sup>th</sup>, 2018 the following resolution was carried in support of mandatory permission for accessing rural property.

**WHEREAS** *The Trespass to Property Act* puts the onus on landowners to visibly post their land; and

**WHEREAS** posting land creates additional work and costs for landowners.

**BE IT RESOLVED** that SSGA lobby the Government of SK to amend *The Trespass to Property Act* to implement a mandatory permission requirement into the *Trespass Act*.

For the reasons outlined in the resolution our organization fully supports the implementation of mandatory permission into the provincial trespass legislation. We believe that these changes are long overdue and look forward to working with the Ministry of Justice to make the needed changes.

Respectfully,

Bill Huber, President  
Saskatchewan Stock Growers Association

*“THE BUSINESS OF BEEF – STRENGTH IN FREEDOM”*

**Should Saskatchewan legislation 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 and failure to secure that consent constitutes an offence?**

We are in favour of members of the public requiring written permission from the land owner regardless of the activity. The only exception would be in cases of emergency where people would be required to take the most direct route from a main access point to a residence.

**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?**

We believe all types of property should be treated the same.

**How should permission be sought and granted?**

Permission should be sought by taking the most direct route from a main access point to the residence. Permission should be granted in the form of written documentation which could include texts and emails.

**Would making consent an express requirement in all circumstances represent an unreasonable impediment to recreational activities?**

We don't believe that the requirements will represent an unreasonable impediment to recreational activities. If there is an impediment, consideration should be given to the reduction of potential liability and safety concerns because of any impediments. These concerns include hunter safety, field hazards for recreational vehicles (grain bags, fences, wells, drainage ditches), biosecurity (clubroot), fire risks and the spread of invasive weeds.

## **Survey Response to the Review of Trespass Related Legislation by the Government of Saskatchewan**

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 – these contemplated changes seem to be a response to situations where a few bad actors are not following the rules. I firmly believe that access should be provided to all lands unless they are posted to the contrary. As the vast majority of us are ethical hunters, we will honour the postings – however the few bad actors will continue to do what they do regardless of whether the land is posted or if permission is granted or not. Once again, these types of changes will have a significant adverse impact on law abiding citizens/hunters and have little or no effect on those few who choose not to follow the rules and cause the problems the contemplated changes are aimed at. As a hunter, it is extremely difficult to find out who actually owns specific quarter sections and/or who the occupier is. This isn't like 40 years ago when you could see the homestead and go ask for permission face to face. Now the landowner now may well live 20 or 30 km away.

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 distinction should be made for different types of land – if the owner doesn't want hunters etc to have access then the land should be properly posted.

Q. How should permission be sought and granted?

Once again, if the land owner does not want to grant access to his/her property, the land should be properly posted. If you are going to move to some form of mandatory advanced permission (which I strongly disagree with) then I believe that hunters should be able to access a government website where permission to hunt can be requested and land owners can grant or deny permission. This electronic system could be used in conjunction with face to face written permission.

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

Prior consent of the landowner would, in my opinion virtually destroy the hunting industry in Saskatchewan. Farms are getting so large now, that finding the actual land owner/occupier is getting close to impossible. RM maps are so inaccurate that they are of little use. Talking to the nearest farmer, in many instances, is futile as they don't know the name or contact information for adjacent large magnitude land owners. Solution: Require the posting of lands when access is unwanted and let ethical hunters hunt respectfully on "unposted" land as they have for decades. Deal with the bad actors involved in criminal or other unacceptable activity appropriately – and let the rest of us – the vast majority – continue to pursue the outdoor activities that we love in the way we have for decades. Please don't penalize us for the behaviour of the few bad actors.

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](mailto:LSBQuestionnaire@gov.sk.ca)

(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, because it is private property.  
Rural land should have the same treatment as urban property.

## 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?**

*No distinction - all equal.*

## 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 by most direct route  
(The American hunters always seek permission prior to accessing any of our 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, because they show respect for the property of others.

## 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.

Penalties need to be increased as a deterrent.

## 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.

## 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](mailto:LSBQuestionnaire@gov.sk.ca)

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Re: First Nations Rights - they are abusing their privileges. They are hunting with high power rifles using quads and 4x4 trucks with spotlights and light bars. No respect for the property of others, cutting wire fences etc to gain access.

September 30, 2018

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

Dear Sir/Madam:

This document is written as my submission for the review of the trespass related legislation. In answer to the main question, **“Should all access by members of the public to rural property require the express advance permission of the rural landowner regardless of the activity?”** I most definitely feel - yes - permission should be obtained. There are numerous reasons why I feel this way.

- There is a bio-security issue for crop diseases such as club root that can be devastating for landowners.
- Bio-security issues for livestock with regard to disease control is another factor to consider.
- Invasive weeds such as leafy spurge, field bindweed, downy brome, etc. can also be transferred onto the land by trespassers.
- This fall, with the dry weather conditions, there was also a great risk of fire, if trespassers were entering upon grass land or crop land.

In the past we have taken the time to post our land with no trespassing/hunting signs and we have found on many occasions that these signs are later ripped off, so I can't stress enough how strongly I feel that advance permission should be obtained. We also have fenced pastures where we graze cattle and these pastures are also posted and sometimes we find trespassers on our land and our livestock is at risk even though we have done everything we possibly can to prevent hunters from going on our land.

In answer to the question, **“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?”** I feel that all land being used for agricultural purposes should be treated the same. I note that Alberta's *Petty Trespass Act* mentions “land under cultivation” but cultivation should definitely include unfenced hay land. Pastures which are fenced to keep livestock in, should obviously be included but I feel unfenced hay land should also be included as well.

**How should permission be sought and granted?** Most land ownership information will be obtained from purchasing local rural municipal maps. I do not believe that RM offices should provide any contact information for landowners such as posting email addresses or enhanced access other than providing landowner names on the maps. I believe there would be privacy issues if RM offices were to provide more information. It should be up to individuals to gather the landowner contact information in order to obtain verbal or written permission. In today's world text messaging is very common and I can see that as being the most widely used method of granting permission.

**Would making consent an express prerequisite in all circumstances represent an unreasonable impediment to recreational activities?** I do not believe that it would be an unreasonable impediment. As a hunter I agree that I may have to conduct more legwork ahead of time but I believe that will just improve hunter-landowner relationships. The same should be for other recreational activities.

With regards to enforcement, and the current overwhelming work load of RCMP and conservation officers, there should be an easy method for landowners to charge trespassers who enter upon their land without permission. Trespassing incidents should be reported but there should be a simplified method for documenting the incident as waiting for enforcement officers to attend could be time consuming. I also feel that the fines for trespassing infractions should be prohibitive especially with multiple offences.

In closing, I must state again that I believe that members of the public should have to obtain advance permission to access rural property regardless of the activity.

Yours truly,

A solid black rectangular redaction box covering the signature.A solid black rectangular redaction box covering the signature.



## ***Agriculture is Everyone's Business***

### **Agricultural Producers Association of Saskatchewan Response to Review of Trespass Related Legislation September 24, 2018**

The Agricultural Producers Association of Saskatchewan (APAS) welcomes this opportunity to respond to the consultation on provincial civil trespass legislation.

APAS supports this examination of provincial civil trespass to provide landowners with greater control over who can access their land and in recognition of the importance of biosecurity on agricultural lands for the future viability of the sector. APAS also recognizes the importance of hunting for agricultural producers in controlling wild populations, limiting disease transmission, and reducing crop damage.

Agricultural producers have identified biosecurity and access to their lands as major issues for several reasons:

- The potential spread of soil borne diseases and pathogens and infectious diseases of animals
- The potential spread of invasive weeds
- Damage to agricultural property and harm to livestock by hunters and recreational users
- Illegal disposal of waste on agricultural or municipal land
- Potential risk of fire associated with unpermitted access and vehicle entry

These concerns were voiced by producers during 2016 APAS district meetings, prompting comprehensive internal discussion. APAS consequently undertook a review of legislation relating to civil trespass in Saskatchewan and other provincial jurisdictions. From this information possible policy solutions were discussed. APAS Representatives adopted the following resolution at the 2017 Annual General Meeting:

#### **Biosecurity and Land Access** (Land and Environment Committee)

**WHEREAS** threats to biosecurity in the form of weed seeds and soil-borne pathogens, like clubroot, can be spread through the movement of contaminated soil, resulting in billions of dollars of potential financial losses to agricultural operations and the provincial economy;

**WHEREAS** the management of wildlife populations through hunting is important for maintaining sustainable populations and helping to protect against crop damage from wildlife;



**WHEREAS** updated hunting and service provider procedures now promote the communication between hunters and service providers with landowners to request permission for land access;

**WHEREAS** issues of nuisance and criminal offences, like illegal dumping, are becoming more common on agricultural lands

**BE IT RESOLVED** that APAS call on the Government of Saskatchewan to take immediate action to make changes to trespass legislation and regulations to reflect the following principles:

- I. The legal definition of civil trespass and access to farmland be covered under a single piece of provincial legislation
- II. That all enclosed private land be considered posted for all purposes
- III. All cultivated lands be considered posted for all purposes
- IV. That maximum fines for civil trespass increase to \$10,000

Access to land is now covered under several pieces of provincial legislation, all with differing rules for different uses, such as hunting, snowmobiling, ATV access and for contractors and public utilities. These rules are not well understood by either landowners nor the public. Current rules about posting land to restrict access are onerous and expensive for landowners, and often ineffective. As well, current fine levels are inadequate, given the potential risks to landowners' livelihoods.

## **Background**

### *Clarity and public awareness needed*

Access to agricultural and private lands in Saskatchewan is currently administered through numerous acts with varying levels of protection and associated fines. This complex system of legislation leads to an overall lack of understanding by the public regarding land access and confusion surrounding enforcement. In other provinces, land access and trespass is governed by fewer pieces legislation with greater consistency and with higher fine levels which provides clearer understanding, and better protection for agricultural lands.

The current legislation governing public access to Saskatchewan farmland include: the Trespass to Property Act, the Wildlife Act, the All Terrain Vehicles Act and the Provincial Lands Regulations. Legislation also permits access to farmland by government agencies and utility companies. These include the Gas and Electrical Inspection Acts, and the Department of Agriculture, Food, and Rural Revitalization Act.

Revised civil trespass legislation would give the provincial government and stakeholders an opportunity to educate the public about land access and biosecurity. This would also provide us a chance to educate the public on issues surrounding trespass and build understanding of how actions like rural trash dumping and improper cleaning of equipment can have serious consequences for the agricultural sector.



## *Biosecurity and Best Management Practices (BMPs)*

Biosecurity measures on agricultural operations require preventative management practices to reduce the risk of transmission of weeds and infectious diseases. These protocols focus on preventing the entry of new diseases/species onto agricultural lands and controlling their spread when discovered.

The most common vector for contamination is by the movement of soil containing weed seeds as well as both active and dormant soilborne pathogens. Producers can follow best management practices, but it is also important that third parties that have access to agricultural lands follow standard protocols, including utility companies, resource companies, hunters and recreational users.

The recent confirmation of clubroot in crop districts 9A and 9B of Saskatchewan represents a serious risk to biosecurity for agriculture with large scale economic implications. In Alberta, clubroot has been found in almost 3000 fields with hundreds more being reported yearly. While producers are able to manage practices on their operations, they do not have adequate protections against the introduction of contaminants from third parties that enter agricultural lands. In practice, response-based systems of reactive measures and random sampling are only effective at controlling the spread of pathogens in a localized area. Proactive measures are needed to prevent new biosecurity threats from entering a region and staying ahead of existing outbreaks.

APAS is collaborating with other producer associations and industry to develop best management practices aimed at limiting the transport of pathogens through seed, soil, and equipment. These preventative measures would include controlling access and ensuring equipment entering agricultural lands is properly sanitized.

### *Method of Permission*

APAS looks forward to further discussion about how permission should be granted under new trespass legislation. In requesting stronger and clearer rules for land access, APAS members have also recognized the importance of hunting and other recreational activities in the province. We believe that changes to Saskatchewan's current legislation will require further consideration of new approaches to contacting landowners, permission requests and approvals. APAS encourages the provincial government to help facilitate these discussions among the relevant stakeholders.

### **Conclusion**

The Agricultural Producers Association of Saskatchewan supports the adoption of land access legislation where all enclosed and cultivated agricultural lands would require permission for entry and considered posted for all purposes. The implementation of a single act governing access would also improve understanding and provide consistent enforcement. The increasing financial risks to agriculture associated with biosecurity warrant an increase in the fines for trespass. APAS looks forward to further discussions among relevant stakeholders to consider how permission should be requested and granted under the new framework.

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?

You bet! If they want to hunt especially there should be written permission. With a form that comes with getting your license so you can photocopy if necessary with the names and drivers and hunting license numbers with the car plate for the vehicle they are using, for the hunters to give to the land owner/farmer.

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?

It should be all treated the same way.

Q. How should permission be sought and granted?

Use the form, if no trouble then if they want to go again but it would be courteous if they could give a call to let the farmer/land owner if they want to come back.

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

Not necessarily, neighbours 4-wheel or snowmobile on each other's properties without real permission.

Ministry of Justice

Legislative Services Branch

Attn: Review of Trespass Related Legislation

800 - 1874 Scarth Street

Regina, SK S4P 4B3

### Trespass Questionnaire

My family and I operate a [REDACTED] farm beside [REDACTED]

It is a continual problem that residents of the City of Regina trespass on our owned or leased properties causing financial loss, damage to the land, crops and buildings.

When we are fortunate enough to catch the individuals, RCMP generally release the perpetrators stating they have nothing to charge them with. This leaves the RCMP and rural landowners feeling frustrated and isolated.

If I was to steal a candy bar from a store the police would charge me with theft and I would have a criminal record. Yet a person can drive a large 4x4 truck across my field causing me crop loss (loss of income), damage the land (incur costs to restore property) and possible machinery damage (large financial implications) and they are charged with nothing.

Many times I have heard the phrase "Well it's just a farmer's field"

In the winter we frequently have snowmobiles skirt our farm yard and sometimes drive directly through it. Our yard is in the center of 640 acres. Why, because they are searching for wildlife to chase or casing the property for theft.

**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 our property not theirs. We have purchased or leased the property. When leasing a property, "Quiet possession" is granted in the lease. They have not purchased that right.

Why should members of the public have any right to access our property. Is a farmer's right of property ownership any less than that of any other member of the public?

**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?**

There should be no distinction between land being used for agricultural purposes.

**Q. How should permission be sought and granted?**

Permission should be written or confirmed by electronic means.

I also hunt and fish and always have the permission of the landowner or operator prior to entering their property. Talking to rural landowners or operators and obtaining permission prior to hunting is just common courtesy. More often than not I get more information about the area from the landowners or operators. For ethical hunters this is not a problem, it will just bother the road hunters.

As a landowner I like to know who is on my property, what their license is for including type and caliber of gun being used. This ensures that I don't have two hunters or groups on the same property at the same time and if I have problems authorities have good information to start with.

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

No.

Why is the government more worried about the impediment of recreational activities compared to the rights of rural residents and land owners. Are our rights less than that of city residents?

Recreational activities are a privilege not a right.

[REDACTED]

## Review of Trespass Related Legislation

Saskatchewan's great prairies and parklands represent both a public and a private resource. Reasonable public access to these areas constitutes the foundation for extensive cultural and recreational opportunities. At the same time, over 90% of Saskatchewan prairie land in the southern area of the province is used for agricultural purposes.

These public and private interests are not irreconcilable; however, they do require balancing to maintain an appropriate relationship between those seeking access to private land and the rural private landowners. This balance is jeopardized by the reported abuses that landowners see by those accessing their property. A further complication is the need for increasing crop biosecurity from invasive species and diseases spread by random access.

At the common law, trespass has always been a civil wrong. Legislation has been passed in Saskatchewan to modify the common law to provide guidelines regarding trespasses as well as offences and enforcement provisions where trespass occurs.

*The Trespass to Property Act* creates an offence of trespass. Under the Act, it is an offence to, without lawful authority:

- enter onto posted or enclosed lands or other premises without the consent of the owner or other occupier;
  - enter onto lands or other premises, even if not posted or enclosed, after being requested not to do so by the owner or other occupier;
  - engage in prohibited activities on the premises without the consent of the owner or other occupier;
  - fail to leave lands or other premises after being requested to do so by the owner or other occupier;
  - fail to discontinue an activity after being requested to do so by the owner or other occupier;
  - after leaving a premises or discontinuing an activity pursuant to the request of an owner or other occupier, re-enter the premises or resume the activity.
- An individual in contravention of the Act will be liable on summary conviction to a fine of up to \$2,000 - in most cases, the individual would make a voluntary payment of the amount set out on the ticket rather than going to court.
  - The owner or occupier can:
    - ask the individual to leave the land or premises or discontinue an activity on the land or premises; or,
    - give written notice to the individual not to enter the land or premises or engage in

an activity on the land or premises

- A peace officer can issue a summary offence ticket and, if the individual does not leave the land or premises or discontinue the prohibited activity, can arrest the individual.

*The Trespass to Property Act* was not meant to replace trespass provisions dealing with specific circumstances such as snowmobiling and operation of all-terrain vehicles, and such provisions continue to apply. Currently, where there is a conflict between the provisions of *The Trespass to Property Act* and specific trespass provisions in other legislation, the latter will prevail.

- *The Wildlife Act, 1998* prohibits hunting on posted land. The Act further provides that the lack of posting does not indicate consent to access for hunting. It also provides that where consent to hunt is provided, the owner/occupier owes no general duty of care to a person hunting on the land;
- *The All Terrain Vehicles Act* prohibits the operation of ATVs on private or Crown land without the prior permission of the owner or occupier, regardless of posting;
- *The Snowmobile Act* provides that, without the consent of the land owner or occupier, snowmobiles cannot be operated on posted private rural land or on private land within a city, town, village or hamlet (the use of designated trails created under *The Snowmobile Act* will not be impacted by any proposed changes to trespass related legislation); and
- *The Provincial Lands Regulations* provides that someone occupying provincial lands without authority from the province is a trespasser.

Having different access and posting rules for different activities as noted above may well be contributing to confusion as to the rules for access.

In addition, rural crime and other reported abuses by a minority of those accessing rural property under these Acts has significantly undermined land owner support for public access.

Land owners may also face fire risk and the increasing need for bio-security against crop diseases that can inadvertently be spread by even the most conscientious visitors. For example, Clubroot is a soil borne disease that can significantly affect yield in crops like canola with few options for control. The disease can be spread by soil being transported by agricultural or industrial field equipment, vehicles, tires, animals, and shoes.

Invasive species such as downy brome or leafy spurge can reduce of the productivity of grasslands and crop land and can be spread by vehicles, clothing, shoes, pets, etc.

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

(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."

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?**

*NO, if land owners do not want some one on there land they will post it, the ministry should offer free signs. Southern Saskatchewan is virtually all private land unlike B.C. or Alberta which offers tons of public land to recreation. where will my kids grow up hunting and fishing if I cannot access permission on property with the largest obstacle being contacting a land owner in a new area. Our public pastures are already going private. The ministry should start a campaign on how to respect private landowners.*

## 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?**

## 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?**

The example provided above shows that an individual could trespass and use the excuse that they were trying to find the land owner if caught. The ministry should provide a map with the owners name, address, phone number and email address on line so anyone can contact the land owner. A lot of land owners don't live locally on these properties and opportunities for outdoor recreation should not be taken away from the people of Saskatchewan and the following generations of our children. If land owners don't want you there they Post it

## 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?**

*This would greatly impede snowmobilers, atv-ers, hunters and other recreationalists. If I wanted to snowmobile from one location to a location 200 km's away it wouldn't be possible to contact every land owner on my route, which is likely to change my travel route along the way.*

### 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.

## 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**.

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**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.

- This was a horrible way to have us answer your questions by printing this sheet off, hand writing our responses and scanning them to send back to you guys.

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

- Why is the way we have it not working?  
- More enforcement of current laws would help  
- Will there be more conservation officers hired to enforce these laws?

Or by email to: [LSBQuestionnaire@gov.sk.ca](mailto:LSBQuestionnaire@gov.sk.ca)

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- This idea to need to have expressed advanced permission is ridiculous. There is next to none public land in this province (in the south) for recreation. A lot of farm land is owned by large corporations that don't live locally. How am I suppose find the information to contact these individuals? Is the ministry going to keep an online database for every piece of land in this province of the land owners? If not you are taking opportunity away from me & children. I feel it would be in the best interest for everyone if the ministry provided no trespassing signs to land owners and ran an ad campaign on how to respect land owners and there land. Most land owners I talk to have no problem with me entering their land.

### 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		

## Survey Response to the Review of Trespass Related Legislation by the Government of Saskatchewan

[REDACTED]

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 – these contemplated changes seem to be a response to situations where a few bad actors are not following the rules. I firmly believe that access should be provided to all lands unless they are posted to the contrary. As the vast majority of us are ethical hunters, we will honour the postings – however the few bad actors will continue to do what they do regardless of whether the land is posted or if permission is granted or not. Once again, these types of changes will have a significant adverse impact on law abiding citizens/hunters and have little or no effect on those few who choose not to follow the rules and cause the problems the contemplated changes are aimed at. As a hunter, it is extremely difficult to find out who actually owns specific quarter sections and/or who the occupier is. This isn't like 40 years ago when you could see the homestead and go ask for permission face to face. Now the landowner now may well live 20 or 30 km away.

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 distinction should be made for different types of land – if the owner doesn't want hunters etc to have access then the land should be properly posted.

Q. How should permission be sought and granted?

Once again, if the land owner does not want to grant access to his/her property, the land should be properly posted. If you are going to move to some form of mandatory advanced permission (which I strongly disagree with) then I believe that hunters should be able to access a government website where permission to hunt can be requested and land owners can grant or deny permission. This electronic system could be used in conjunction with face to face written permission.

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

Prior consent of the landowner would, in my opinion virtually destroy the hunting industry in Saskatchewan. Farms are getting so large now, that finding the actual land owner/occupier is getting close to impossible. RM maps are so inaccurate that they are of little use. Talking to the nearest farmer, in many instances, is futile as they don't know the name or contact information for adjacent large magnitude land owners. Solution: Require the posting of lands when access is unwanted and let ethical hunters hunt respectfully on “unposted” land as they

have for decades. Deal with the bad actors involved in criminal or other unacceptable activity appropriately – and let the rest of us – the vast majority – continue to pursue the outdoor activities that we love in the way we have for decades. Please don't penalize us for the behaviour of the few bad actors.

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](mailto:LSBQuestionnaire@gov.sk.ca)

## Review of Trespass Related Legislation

Saskatchewan's great prairies and parklands represent both a public and a private resource. Reasonable public access to these areas constitutes the foundation for extensive cultural and recreational opportunities. At the same time, over 90% of Saskatchewan prairie land in the southern area of the province is used for agricultural purposes.

These public and private interests are not irreconcilable; however, they do require balancing to maintain an appropriate relationship between those seeking access to private land and the rural private landowners. This balance is jeopardized by the reported abuses that landowners see by those accessing their property. A further complication is the need for increasing crop biosecurity from invasive species and diseases spread by random access.

At the common law, trespass has always been a civil wrong. Legislation has been passed in Saskatchewan to modify the common law to provide guidelines regarding trespasses as well as offences and enforcement provisions where trespass occurs.

*The Trespass to Property Act* creates an offence of trespass. Under the Act, it is an offence to, without lawful authority:

- enter onto posted or enclosed lands or other premises without the consent of the owner or other occupier;
  - enter onto lands or other premises, even if not posted or enclosed, after being requested not to do so by the owner or other occupier;
  - engage in prohibited activities on the premises without the consent of the owner or other occupier;
  - fail to leave lands or other premises after being requested to do so by the owner or other occupier;
  - fail to discontinue an activity after being requested to do so by the owner or other occupier;
  - after leaving a premises or discontinuing an activity pursuant to the request of an owner or other occupier, re-enter the premises or resume the activity.
- An individual in contravention of the Act will be liable on summary conviction to a fine of up to \$2,000 - in most cases, the individual would make a voluntary payment of the amount set out on the ticket rather than going to court.
  - The owner or occupier can:
    - ask the individual to leave the land or premises or discontinue an activity on the land or premises; or,
    - give written notice to the individual not to enter the land or premises or engage in

an activity on the land or premises

- A peace officer can issue a summary offence ticket and, if the individual does not leave the land or premises or discontinue the prohibited activity, can arrest the individual.

*The Trespass to Property Act* was not meant to replace trespass provisions dealing with specific circumstances such as snowmobiling and operation of all-terrain vehicles, and such provisions continue to apply. Currently, where there is a conflict between the provisions of *The Trespass to Property Act* and specific trespass provisions in other legislation, the latter will prevail.

- *The Wildlife Act, 1998* prohibits hunting on posted land. The Act further provides that the lack of posting does not indicate consent to access for hunting. It also provides that where consent to hunt is provided, the owner/occupier owes no general duty of care to a person hunting on the land;
- *The All Terrain Vehicles Act* prohibits the operation of ATVs on private or Crown land without the prior permission of the owner or occupier, regardless of posting;
- *The Snowmobile Act* provides that, without the consent of the land owner or occupier, snowmobiles cannot be operated on posted private rural land or on private land within a city, town, village or hamlet (the use of designated trails created under *The Snowmobile Act* will not be impacted by any proposed changes to trespass related legislation); and
- *The Provincial Lands Regulations* provides that someone occupying provincial lands without authority from the province is a trespasser.

Having different access and posting rules for different activities as noted above may well be contributing to confusion as to the rules for access.

In addition, rural crime and other reported abuses by a minority of those accessing rural property under these Acts has significantly undermined land owner support for public access.

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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

(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."

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?**

No. Stay off posted land. If land is ~~not~~ posted then its hunt on foot. Use truck only to retrieve

## 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 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?**

## 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?**

The RM's will not give out land owner info.

I have asked. The only way to get permission is to go door knocking. This takes a lot of time and is a huge deterrent. As a land owner myself, I would not care if people called me.

## 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?**

Yes. there is very little crown land in Sask.

## 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.

## 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**.

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**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

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Legislative Services Branch  
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800 - 1874 Scarth Street  
Regina, SK S4P 4B3

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1. Who will enforce this? CO's are already too busy.
2. How do I get land owners info? would this not be a violation of privacy?
3. Why is the current system not working?  
with free signs and respectful ad campaign seems like a better use of money.
4. This is more of a ~~few~~ few bad apples are ruining the bunch. Up the ticket for trespassing on POSTED land. make it a \$1500<sup>00</sup> ticket \$10,000<sup>00</sup> trial

### 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		



## Review of Trespass Related Legislation

Saskatchewan's great prairies and parklands represent both a public and a private resource. Reasonable public access to these areas constitutes the foundation for extensive cultural and recreational opportunities. At the same time, over 90% of Saskatchewan prairie land in the southern area of the province is used for agricultural purposes.

These public and private interests are not irreconcilable; however, they do require balancing to maintain an appropriate relationship between those seeking access to private land and the rural private landowners. This balance is jeopardized by the reported abuses that landowners see by those accessing their property. A further complication is the need for increasing crop biosecurity from invasive species and diseases spread by random access.

At the common law, trespass has always been a civil wrong. Legislation has been passed in Saskatchewan to modify the common law to provide guidelines regarding trespasses as well as offences and enforcement provisions where trespass occurs.

*The Trespass to Property Act* creates an offence of trespass. Under the Act, it is an offence to, without lawful authority:

- enter onto posted or enclosed lands or other premises without the consent of the owner or other occupier;
  - enter onto lands or other premises, even if not posted or enclosed, after being requested not to do so by the owner or other occupier;
  - engage in prohibited activities on the premises without the consent of the owner or other occupier;
  - fail to leave lands or other premises after being requested to do so by the owner or other occupier;
  - fail to discontinue an activity after being requested to do so by the owner or other occupier;
  - after leaving a premises or discontinuing an activity pursuant to the request of an owner or other occupier, re-enter the premises or resume the activity.
- An individual in contravention of the Act will be liable on summary conviction to a fine of up to \$2,000 - in most cases, the individual would make a voluntary payment of the amount set out on the ticket rather than going to court.
  - The owner or occupier can:
    - ask the individual to leave the land or premises or discontinue an activity on the land or premises; or,
    - give written notice to the individual not to enter the land or premises or engage in

an activity on the land or premises

- A peace officer can issue a summary offence ticket and, if the individual does not leave the land or premises or discontinue the prohibited activity, can arrest the individual.

*The Trespass to Property Act* was not meant to replace trespass provisions dealing with specific circumstances such as snowmobiling and operation of all-terrain vehicles, and such provisions continue to apply. Currently, where there is a conflict between the provisions of *The Trespass to Property Act* and specific trespass provisions in other legislation, the latter will prevail.

- *The Wildlife Act, 1998* prohibits hunting on posted land. The Act further provides that the lack of posting does not indicate consent to access for hunting. It also provides that where consent to hunt is provided, the owner/occupier owes no general duty of care to a person hunting on the land;
- *The All Terrain Vehicles Act* prohibits the operation of ATVs on private or Crown land without the prior permission of the owner or occupier, regardless of posting;
- *The Snowmobile Act* provides that, without the consent of the land owner or occupier, snowmobiles cannot be operated on posted private rural land or on private land within a city, town, village or hamlet (the use of designated trails created under *The Snowmobile Act* will not be impacted by any proposed changes to trespass related legislation); and
- *The Provincial Lands Regulations* provides that someone occupying provincial lands without authority from the province is a trespasser.

Having different access and posting rules for different activities as noted above may well be contributing to confusion as to the rules for access.

In addition, rural crime and other reported abuses by a minority of those accessing rural property under these Acts has significantly undermined land owner support for public access.

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

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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.

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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:

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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, IT 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?**

Obtain contact information through municipal office (phone or e-mail 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.

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*It's good this is being addressed.  
Trespassing, criminal activity is having  
such a detrimental impact on farming  
& ranching practices & safety*

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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.*

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**Q. How should permission be sought and granted?**

*Through contact with landowner via phone, email, or in person. An exchange of names and phone numbers to verify permission.*

## Impact of Change

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- (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?**

Absolutely, to the extent the rural land owner and/or jurisdiction having authority has not specifically posted signs or similar public information allowing members of the public to access the land in certain, perhaps restricted areas, for specific purposes such as an easement to cross land to access public lands on the other side, invitation/advertisement of a farm sale, etc.

## 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?** For clarity and ease of understanding the law, all 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?**

Strangers driving onto private land or homesteads to seek permission may result in altercations and have potential negative consequences. Having a registry of contact names, email addresses and perhaps a telephone numbers at the local municipal office not only forces the person seeking permission to have a legitimate reason to enter onto private lands, but also to do their homework on where the land is located and who it belongs to. Accountability is therefore on the person wanting permission to be legitimate about their request and proposed activity.

## 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.

## 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**.

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**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](mailto:LSBQuestionnaire@gov.sk.ca)

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### 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		

I am responding to the request for opinions related to a possible change in public access to private land in Saskatchewan. As a person who has hunted upland and migratory birds in this province for over 40 years, with my dad who has hunted on private land for 60 years, I believe any change from the present state would be very detrimental to accessing the resource and continuing this past time.

As most of the land is private that we hunt on, the birds, as a public resource, present themselves on private land. My main concern in making hunters obtain permission before accessing the land is that the landowner can deny anybody he wishes access to the resource, which gives the impression that he owns the resource as well. I have known of several landowners that post their land and give access to people they know only, and making blanket permission the only option only exacerbates this tendency. It also really seems that making a rule that you can't enter private land without permission is limiting our freedom of movement in this province. Some of my best memories are from my younger hunting days walking around southern Saskatchewan after upland birds on beautiful fall days, many times walking 15- 20 miles in a single day. I would hate to deny that ability to my sons or grandsons.

My second concern for the casual hunter is the difficulty in finding the landowner to ask permission to hunt on his land. There are many industrial farms that are between 5 and 8 sections large and many landowners in the south don't even live on an acreage near their farm. If a person is out on a Saturday morning and spots some ducks or sees a flock of partridge in a field, how do you find the land location, find the RM office in the nearest town, if it is even open, figure out who owns the land and then be able to contact him in real time to obtain permission to access the land? It is inconceivable that we could or would go through the effort and it would result in us giving up the hunt.

I can count the number of times we have had difficulty with farmers because we have accessed their land, on 1 hand, and we do ask permission if it is conceivable, as that is the polite thing to do. We always walk onto the land and leave no trace of our presence after we leave. We don't enter land that contains cattle or horses and take care to not disturb crops if there are any in the fields. We don't hunt on any land when there is a harvest in operation. We definitely don't enter land that has been posted. Basically, most if not all the farmers would never know that we accessed their land – no harm done.

There have been a couple of times when farmers have equated us accessing their land to coming into my backyard without permission, but I fail to see much similarity. If they needed to come into my backyard to retrieve something of theirs, I wouldn't have a problem with it. If the neighbour needs to come into my yard to retrieve a ball and I deny him access, who now owns the ball? There is, however, no public resource that they could possibly want to pursue in my backyard, and there lies the rub.

If private landowners are able to determine who enters their land with a blanket permission rule, then the hunting resource is no longer public. If a landowner really wishes to

keep hunters off his land, then he can post his land and I believe most responsible hunters would not enter. It doesn't take that much work to post the land, and the fact that it doesn't occur much at present leads me to believe that most farmers do not care if people access the resource on their land, as long as they don't disturb crops or cultivated fields, leave gates open or ruin fences and possibly hunt in fields where livestock graze. Any difference from this would be a vocal minority! I believe the government of Saskatchewan needs to consider the rights of property owners, but keep access to the resources of this beautiful province as accessible as possible.

[REDACTED]

[REDACTED]

## Review of Trespass Related Legislation

Saskatchewan's great prairies and parklands represent both a public and a private resource. Reasonable public access to these areas constitutes the foundation for extensive cultural and recreational opportunities. At the same time, over 90% of Saskatchewan prairie land in the southern area of the province is used for agricultural purposes.

These public and private interests are not irreconcilable; however, they do require balancing to maintain an appropriate relationship between those seeking access to private land and the rural private landowners. This balance is jeopardized by the reported abuses that landowners see by those accessing their property. A further complication is the need for increasing crop biosecurity from invasive species and diseases spread by random access.

At the common law, trespass has always been a civil wrong. Legislation has been passed in Saskatchewan to modify the common law to provide guidelines regarding trespasses as well as offences and enforcement provisions where trespass occurs.

*The Trespass to Property Act* creates an offence of trespass. Under the Act, it is an offence to, without lawful authority:

- enter onto posted or enclosed lands or other premises without the consent of the owner or other occupier;
  - enter onto lands or other premises, even if not posted or enclosed, after being requested not to do so by the owner or other occupier;
  - engage in prohibited activities on the premises without the consent of the owner or other occupier;
  - fail to leave lands or other premises after being requested to do so by the owner or other occupier;
  - fail to discontinue an activity after being requested to do so by the owner or other occupier;
  - after leaving a premises or discontinuing an activity pursuant to the request of an owner or other occupier, re-enter the premises or resume the activity.
- An individual in contravention of the Act will be liable on summary conviction to a fine of up to \$2,000 - in most cases, the individual would make a voluntary payment of the amount set out on the ticket rather than going to court.
  - The owner or occupier can:
    - ask the individual to leave the land or premises or discontinue an activity on the land or premises; or,
    - give written notice to the individual not to enter the land or premises or engage in

an activity on the land or premises

- A peace officer can issue a summary offence ticket and, if the individual does not leave the land or premises or discontinue the prohibited activity, can arrest the individual.

*The Trespass to Property Act* was not meant to replace trespass provisions dealing with specific circumstances such as snowmobiling and operation of all-terrain vehicles, and such provisions continue to apply. Currently, where there is a conflict between the provisions of *The Trespass to Property Act* and specific trespass provisions in other legislation, the latter will prevail.

- *The Wildlife Act, 1998* prohibits hunting on posted land. The Act further provides that the lack of posting does not indicate consent to access for hunting. It also provides that where consent to hunt is provided, the owner/occupier owes no general duty of care to a person hunting on the land;
- *The All Terrain Vehicles Act* prohibits the operation of ATVs on private or Crown land without the prior permission of the owner or occupier, regardless of posting;
- *The Snowmobile Act* provides that, without the consent of the land owner or occupier, snowmobiles cannot be operated on posted private rural land or on private land within a city, town, village or hamlet (the use of designated trails created under *The Snowmobile Act* will not be impacted by any proposed changes to trespass related legislation); and
- *The Provincial Lands Regulations* provides that someone occupying provincial lands without authority from the province is a trespasser.

Having different access and posting rules for different activities as noted above may well be contributing to confusion as to the rules for access.

In addition, rural crime and other reported abuses by a minority of those accessing rural property under these Acts has significantly undermined land owner support for public access.

Land owners may also face fire risk and the increasing need for bio-security against crop diseases that can inadvertently be spread by even the most conscientious visitors. For example, Clubroot is a soil borne disease that can significantly affect yield in crops like canola with few options for control. The disease can be spread by soil being transported by agricultural or industrial field equipment, vehicles, tires, animals, and shoes.

Invasive species such as downy brome or leafy spurge can reduce of the productivity of grasslands and crop land and can be spread by vehicles, clothing, shoes, pets, etc.

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

(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."

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?**

All access (by anyone) on rural private property should be required to have written and signed permission from landowner before entering property.

## 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?**

## 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?**

Written and signed permission should be obtained directly from landowner before entering private 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?**

Recreational activities are a privilege and should NOT come before landowner rights and privacy.

## 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.

## 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.**

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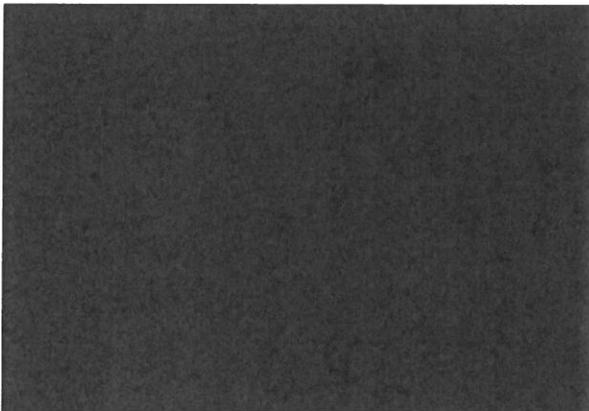
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Given the disparities in approaches within Saskatchewan legislation and the approaches taken in other provincial jurisdictions, the Government of Saskatchewan is seeking public input on the need to revise and consolidate the approach taken with respect 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:

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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 either phone or in person then later granted by written permission*

## 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.

*let us note. any change in this law will be useless if the RCMP are not prepared to enforce it.  
I myself have fallen victim to the RCMP's lack of willingness to enforce this very law.*

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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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?

I'm a grain farmer so this issue is of great interest to me. I do not want anyone trespassing on my cropped land when the land is in crop production and rare is the time when someone drives in my fields that have crop growing but once in awhile someone does try out their 4x4 after a rain event. After my crop is harvested I don't mind hunters driving on my land during hunting season or snow mobiles in the winter. If trespassers phone or stop by to ask permission to access my land, I like that, but I don't insist on it. I like to hunt as well and I'm never sure where I'll end up and find it difficult to easily find land owners to seek out permission to hunt on their land. When and where possible I do seek out permission to hunt. Farms are becoming very large in this Province and more people use only cel phones with no land line and no phone book listing so it's nearly impossible to contact the land owner or the land user. If First Nation and Métis have reasonable access to public and private land for hunting in this Province I too would like the same option. I respect land owners when entering their property and am careful to do no damage and I expect the same treatment when anyone enters on any of my land. I would not support requiring the express advance permission of the rural land owner before entering on that 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?

I'm inclined to think all land should be classified as one and the same. Again, private property should be respected so close gates if you have to use a gate to gain access. If a pasture is in use and has livestock present then common sense dictates to stay out and away so as not to risk any harm to the livestock. Stay sufficiently far away from any residence and inhabited yards unless you are trying to find the adjacent land owner to seek permission to be on that land for hunting or berry picking or anything else.

Q. How should permission be sought and granted?

RM's have maps that show who owns all of the land located in the RM including acreages so that is one way of getting a name. Whether you can find a phone number to contact the owner is another question that doesn't always get results. With an RM map you might be able to locate the residence of the pertinent land owner and stop by to ask permission to be on their land. A verbal OK would be sufficient permission and written permission would not be necessary for me. This requirement would entail a lot of advance planning in order to comply if implemented. Currently, if land owners don't want you on their land the option to post that information is there and I have no problem respecting that decision by any land owner.

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

I'm not sure that requiring consent to enter private land is an unreasonable impediment. I'd see it as significant inconvenience. I like the current law as is. I'm very respectful of anyone's property that I enter when out hunting upland game. Much of the time I park and walk a lot finally returning to my vehicle and driving on to some other likely site. I'm not bothered by many ATV's driving on my land and do have some snow mobile traffic during the winter and a little hunting traffic during the hunting season. So far I have not had any reason to preclude anyone from trespassing. I think the current laws related to "trespass" in Saskatchewan are quite sufficient to accommodate all situations. Changing trespass laws will not deter the few individuals who choose to disrespect private property by cutting fences or leaving gates open or driving on cropped land or shooting game out of season or rustling cattle or stealing grain or other things in rural areas. Policing such in rural Saskatchewan is very difficult and in most circumstances changing trespass laws will have little impact on commitment of crime and apprehension of criminals. With our declining rural residential population it is getting easier for criminals to scout around rural communities and determine when and where they can make a hit. As rural residents and farmers, I think we have to take the time to reduce our own exposure to easy crime by locking up vehicles and equipment and buildings especially when being absent. All of this can be a deterrent. It won't stop a dedicated criminal. I've had fuel and a few small tools stolen even with padlocks on the fuel tanks. Changing trespass laws isn't going have any impact on preventing any of this from happening. What would be the purpose of changing the current trespass laws in Saskatchewan? I see it as a significant inconvenience and do not support any change from current legislation.



#### 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?**

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

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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 lands should be treated the same with respect to requests for access and determination of trespass.

#### 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?**

If landowners are willing to provide permission, it can be indicated by signage, such as "Access with permission only." and provide a cell number or email address. In situations where landowners/lease holders have clearly posted signage that states, "No Hunting, No Trespassing", no additional information should be required. The owner does not wish to provide access.

### 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?**

Consent prior to access is NOT an unreasonable impediment, nor an unreasonable request. Access to lands to conduct recreational activities, should require prior permission regardless of whether the lands are rural or urban.

### 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.

### 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](mailto:LSBQuestionnaire@gov.sk.ca)

- (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?** THERE SHOULD BE NO DISTINCTION BECAUSE IT SIMPLY LEADS TO CONFUSION.

## 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?**

A VISIT OR PHONE CALL TO THE LOCAL RM OFFICE WOULD GIVE THEM ALL THE CONTACT INFO NEEDED, TO CONTACT THE LAND OWNER OR PERSON WHO IS FARMING THE LAND. LAND OWNERS WOULD NEED TO PROVIDE CONTACT INFO TO THE RM OFFICES?

## 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, PEOPLE WOULD SIMPLY HAVE TO PLAN AHEAD - WHICH IS NOT A BAD THING.

## 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.

## 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

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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](mailto:LSBQuestionnaire@gov.sk.ca)

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## Rural Municipality of Birch Hills No. 460

Box 369 Birch Hills, Saskatchewan SoJ oGo

Phone: 306-749-2233 Fax: 306-749-2220 Email: rm460@sasktel.net

September 18, 2018

Ministry of Justice  
Legislative Services Branch  
Attn: Review of Trespass Related Legislation  
800 – 1874 Scarth Street  
Regina, SK S4P 4B3  
LSBQuestionnaire@gov.sk.ca

**Re: Review of Trespass Related Legislation**

Dear Sir or Madam,

In response to the survey being conducted pertaining to the review of Trespass Related Legislation the Council of the RM of Birch Hills No. 460 would like to provide the following feedback.

The RM of Birch Hills Council has concerns regarding Trespass Legislation. There should be express advance permission from land owners prior to accessing private land for many reasons and there should be consequences for those who do not comply with obtaining advance permission; 1) First and foremost to prevent the spread of soil borne diseases, such as Clubroot, which could be brought onto private property posing a threat to the livelihood of our ratepayers 2) to deter access to private land in an effort to reduce rural crime rates, 3) Penalties should be increased to a minimum of \$5,000.00 with a maximum of \$10,000.00 for repeat offenders.

The advance permission should be in a documented form, such as, written, text or other electronic form but a verbal agreement would not be considered sufficient.

A distinction between private land (cultivated land, fenced property and open pasture land) verses public land/crown land should have different rules of entry. Private property needs express advance permission prior to gaining access to the land.

Thank you for your consideration in this matter. Further consultation with the RM Council in this matter is welcomed.

Sincerely,

  
Alan Evans  
Reeve

**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. Should different activities be regulated differently the there's the possibility of cross over that may cause issues. Examples of this include hunters that have permission and put time into scouting an area having a hunt ruined by snowmobilers. Trappers having traps removed or destroyed by dog walkers/hunters. There also could be the problem people using one excuse to be on a property when they are there for another reason. Example of this would be criminals using hunting seasons to scout properties for theft.

**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?**

A: All land should be treated the same regardless of use or if it is considered rural.

**Q. How should permission be sought and granted**

A: written permission (in person or electronically). With the easy access to RM maps, online phone directories, Community groups it is not difficult to track down an owner. Verbal agreement can turn into a he said/she said situation. Contact information of some form should be made available on each property ( Such as a phone number being required on each no trespassing sign).

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

A: No. There are trappers that are required to get permission each year in writing and they suffer no hardship. Many hunters also already request permission in writing.

Notes: There are laws in the US around the purple post that I am a fan of. As long as the post/tree is marked then no access is allowed. It is difficult to remove (unlike signs being torn down). Answers provided based on my years as a land owner, hunter and trapper.

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██████████



September 24, 2018

Ministry Of Justice  
Legislative Services Branch  
1874 Scarth Street  
Regina, Saskatchewan  
S4P 4B3

Attention: Review of Trespass Related Legislation

This matter concerns us greatly. We have owned 5000 acres of farm land for twenty five years. Trespassing has been an ongoing problem every one of those years.

We have had our fences cut, gates left open, cattle have been chased with quads and shot. We have been robbed. Camp fires in the bush have been lit many, many times. Garbage, destruction of crops and forage, shooting geese off the pond in front of our house. This list can go on and on.

All of this could be controlled if the law said "You do NOT have ANY right to be on this property without permission from the land owner. PERIOD

No exceptions for race or activity.

I should NOT have to post my land.

My phone number is in the book.

We strongly desire that property owner's rights be protected by changing the trespass laws.

Thank You,



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.** As a rural landowner, I consider my private property the same as an urban landowner considers theirs. I would not walk, picnic, take pictures, leave garbage in someone's backyard. Regardless of how beautifully it is landscaped.

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 private property should be treated the same.** Land is a huge investment for the rural farmers, regardless of usage. We have concerns of spread of weed seeds, tracks in the field, fire hazard (which threaten our homes and livelihood), destruction of wild life (which we shelter and often nurture), pasture and fences to maintain (our neighbors do not appreciate our cows in their crop, nor do we like cows in our crop). Gates are left open, we do not have time to check them daily in our schedules. This year, while combining, we discovered a wild life camera, ¼ mile in our crop, looking out onto the pasture where our cows are grazing, the problem is real. This would not be allowed in an urban setting, nor should it.

Q. How should permission be sought and granted?

Permission should initially be verbal, preferably, face to face. We would be happy to have a document that states were, when and how they want to proceed if they would be willing to ask. We have had hunters tell us that they talked to the owner on the phone and permission is granted. We were the owners of the property and were never contacted. There is also a liability issue, if they should get hurt, on our property.

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

We are just asking for the same rights that any other landowner takes for granted! I do not picnic, drive a vehicle, take pictures, leave garbage, party, hunt, etc. on someone else's acreage or backyard. I would be told that surely, I should show some respect. We all know that is not allowable, why is it allowable for them to do that in my backyard? Like previously stated, we pay dearly (time, money, hopes and dreams) for the land which we own. We pay the taxes, we maintain it, we build our lives and livelihood around it. All we are asking for is the same curtesy, respect and legal expectations that is shown and expected by the same people that are trespassing across our home.

Or by email to: [LSBQuestionnaire@gov.sk.ca](mailto:LSBQuestionnaire@gov.sk.ca)

The Trespass to Property Act

## Review of Trespass Related Legislation

Saskatchewan's great prairies and parklands represent both a public and a private resource. Reasonable public access to these areas constitutes the foundation for extensive cultural and recreational opportunities. At the same time, over 90% of Saskatchewan prairie land in the southern area of the province is used for agricultural purposes.

These public and private interests are not irreconcilable; however, they do require balancing to maintain an appropriate relationship between those seeking access to private land and the rural private landowners. This balance is jeopardized by the reported abuses that landowners see by those accessing their property. A further complication is the need for increasing crop biosecurity from invasive species and diseases spread by random access.

At the common law, trespass has always been a civil wrong. Legislation has been passed in Saskatchewan to modify the common law to provide guidelines regarding trespasses as well as offences and enforcement provisions where trespass occurs.

*The Trespass to Property Act* creates an offence of trespass. Under the Act, it is an offence to, without lawful authority:

- enter onto posted or enclosed lands or other premises without the consent of the owner or other occupier;
  - enter onto lands or other premises, even if not posted or enclosed, after being requested not to do so by the owner or other occupier;
  - engage in prohibited activities on the premises without the consent of the owner or other occupier;
  - fail to leave lands or other premises after being requested to do so by the owner or other occupier;
  - fail to discontinue an activity after being requested to do so by the owner or other occupier;
  - after leaving a premises or discontinuing an activity pursuant to the request of an owner or other occupier, re-enter the premises or resume the activity.
- An individual in contravention of the Act will be liable on summary conviction to a fine of up to \$2,000 - in most cases, the individual would make a voluntary payment of the amount set out on the ticket rather than going to court.
  - The owner or occupier can:
    - ask the individual to leave the land or premises or discontinue an activity on the land or premises; or,
    - give written notice to the individual not to enter the land or premises or engage in

an activity on the land or premises

- A peace officer can issue a summary offence ticket and, if the individual does not leave the land or premises or discontinue the prohibited activity, can arrest the individual.

*The Trespass to Property Act* was not meant to replace trespass provisions dealing with specific circumstances such as snowmobiling and operation of all-terrain vehicles, and such provisions continue to apply. Currently, where there is a conflict between the provisions of *The Trespass to Property Act* and specific trespass provisions in other legislation, the latter will prevail.

- *The Wildlife Act, 1998* prohibits hunting on posted land. The Act further provides that the lack of posting does not indicate consent to access for hunting. It also provides that where consent to hunt is provided, the owner/occupier owes no general duty of care to a person hunting on the land;
- *The All Terrain Vehicles Act* prohibits the operation of ATVs on private or Crown land without the prior permission of the owner or occupier, regardless of posting;
- *The Snowmobile Act* provides that, without the consent of the land owner or occupier, snowmobiles cannot be operated on posted private rural land or on private land within a city, town, village or hamlet (the use of designated trails created under *The Snowmobile Act* will not be impacted by any proposed changes to trespass related legislation); and
- *The Provincial Lands Regulations* provides that someone occupying provincial lands without authority from the province is a trespasser.

Having different access and posting rules for different activities as noted above may well be contributing to confusion as to the rules for access.

In addition, rural crime and other reported abuses by a minority of those accessing rural property under these Acts has significantly undermined land owner support for public access.

Land owners may also face fire risk and the increasing need for bio-security against crop diseases that can inadvertently be spread by even the most conscientious visitors. For example, Clubroot is a soil borne disease that can significantly affect yield in crops like canola with few options for control. The disease can be spread by soil being transported by agricultural or industrial field equipment, vehicles, tires, animals, and shoes.

Invasive species such as downy brome or leafy spurge can reduce of the productivity of grasslands and crop land and can be spread by vehicles, clothing, shoes, pets, etc.

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

(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."

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, unless they're coming straight to our door via a driveway, as the Alberta Act states.*

## 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 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 either in person at the home on the property, or by phone # obtained at an RM office if necessary.*

## 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. If people wish to have access for ANY reason, they must ask.*

## 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.

## 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.

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**Penalties and Express Permission Requirements in Canadian Trespass Legislation**

<b>Jurisdiction</b>	<b>Legislation</b>	<b>Fine</b>	<b>Express permission required</b>
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		

September 23, 2018

Ministry of Justice  
Legislative Services Branch  
800 – 1874 Scarth Street  
Regina, SK S4P 4B3  
[LSBQuestionnaire@gov.sk.ca](mailto:LSBQuestionnaire@gov.sk.ca)

Attn: Review of Trespass Related Legislation

On behalf of the Regina Prairie Prowlers Inc. (aka Prowler Snowmobile Club), I would like to contribute to the current consultation for the potential changes to the Trespass to Property Act. We are a not for profit organization based out of Regina, SK that is also a member of the Saskatchewan Snowmobile Association.

We understand that as time evolves, so do the needs of society. We also realize that it is the provincial government's role to find the best balance to address the needs of its citizens through legislation and associated programs. However, we believe that snowmobilers would be unduly impacted in this case if legislation was to change to require express advance permission of rural land owners. Particularly in areas throughout the province where the trail network does not extend, our membership believes that snowmobiling as a recreational activity, would be impossible. Generally, southern Saskatchewan does not have many trails and the ones that are in place are not connected to form a network. Several smaller communities that rely upon the economic activity generated by snowmobiling, through fuel purchases, meals, and other incidentals as they travel from town to town, would be negatively impacted as a result.

Impeding the activity would further negatively impact the industry overall as snowmobile purchases would fall off, provincial sales tax revenues would decline, and many jobs in the retail and service sectors would disappear. We believe that the domino effect would be felt by snowmobile and trailer dealers, parts and repair shops, gas stations, restaurants and lodging establishments. In fact, the entire organized trail network, which depends on snowmobile registration fees for their funding support to develop and maintain the trail network, would also be impacted as the number of licensed snowmobiles operating in the province, declines.

Below you will find further information from our snowmobile club's perspective specific to the questions in the consultation as follows:

***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. While there is merit to this approach, it is not considerate of all possible parties such as snowmobilers where no trail network exists. In addition, under the current structure it would be virtually impossible to gain express advance permission from each land owner if you were taking a snowmobile trip.

Imagine trying to contact every land owner between Craven, SK and Fort Qu'Appelle, SK for said permission for a single return trip. Between numbered companies, out of area ownership, owners on extended vacations and a lack of farm yards on every quarter section, it becomes virtually impossible to track down and contact all the rural land owners.

Take it one step further, what if you wanted to take a 5 day trip from Kindersley, SK to Yorkton, SK via Outlook, SK and on through Raymore, SK. There are no trails in this area. One can only imagine how many hundreds of contacts you would have to make with rural land owners to require the express advance permission.

And what form would be required to verify having gained the advance permission? We understand that written permission has been referenced as the standard. With thousands of snowmobilers active in this province, it is completely unrealistic to think that individual landowners, if they can even be located to seek permission, would be prepared to provide written documentation to the volumes of individuals who would be seeking it.

This would create a situation where most people would not even try to require the express advance permission due to the difficulties. This triggers two potential outcomes: most riders will give up the sport or take the risk and break the law by snowmobiling on private property without obtaining the express advance permission.

The existing laws are reasonable and the snowmobilers that belong to the Regina Prairie Prowlers Inc. respect posted "no trespassing" signs, rural yards, land, crops, fences, etc. and ride within the parameters of the current law.

A change in the law to require the express advance permission will not change the style of individuals that do not currently have any respect for existing laws, leaving law enforcement and rural land owners with the same issues regardless of how strict the penalties may be. Those that seek to steal, vandalize and be generally destructive in the rural areas would not be swayed by a change in legislation, even if it could be effectively enforced.

**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?**

A. It would be reasonable to fine tune this aspect to account for the differences, such as fenced land with a closed gate being treated the same as posted land. However, with open pasture land in the wintertime, there would be zero harm from a snowmobile crossing said land. As for cultivated land, again there would be zero harm from a snowmobile crossing said land unless there was a crop on the land, which could be identified through posting at access points.

**Q. How should permission be sought and granted?**

A. The province should maintain an open, accurate and live online data base that the various users could access to seek and/or confirm permission of the express advance permission of the rural land owner. The database could start as all rural land gives permission to all until the land owner update their profile for each parcel of land to no trespassing. When accessing to see if an owner gives permission, the app could access mobile and other devices GPS capabilities for current location, just like most mapping software. In a sense this would be a “virtual” equivalent to a no trespassing sign.

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

A. Absolutely YES, especially without an extensive trail network to be used as a viable alternative! For snowmobiling, most small to medium sized towns rely on the tourism dollars that come from this industry and they too would see a tightening of the laws and resultant limits to access as impediments to their business viability. .

Kindest regards

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Cc: [REDACTED] Saskatchewan Snowmobile Association @ [Sasksnow@sasktel.net](mailto:Sasksnow@sasktel.net)  
Prairie Prowler members that include Regina snowmobile dealers

Ministry of Justice

Legislative Services Branch

Attn: Review of Trespass Related Legislation

800 - 1874 Scarth Street

Regina, SK S4P 4B3

To whom it may concern,

I'm writing to provide input on the subject of updating the trespass laws in Saskatchewan. As the manager of over 5,000 acres of crop, pasture and hay land as well as being someone who enjoys hunting and a snowmobiling in this province I believe I'm well positioned to provide suggestions on this issue.

It is obvious that all rural residents have concerns about the nature of the activities taking place on and around their properties. What is less obvious is the fact that many distinct issues are being conflated into one larger problem. By far the most pressing issue is rural crime and safety. This is a topic that touches everyone and is very serious in nature. Rural crime can be as serious as armed break and entry for criminal purpose, to less aggravate but none the less important transgressions such as crop and soil damage to cut fences and harassment of livestock. What is less pressing, yet requires reform, is how nuisance trespassing is dealt with. This would people trespassing for recreational purposes that are not causing any other damage. This is a topic that seems to apply to only a vocal minority whom simply have no tolerance for outsiders to be on their property regardless of the purpose.

I will start with the topic of criminal trespass as it should be the easiest to deal with. Be it theft, property damage, vandalism or any other activity causing physical, emotional or financial harm we require much stricter laws with better mechanisms to enforce them. Clarification needs to be made to the laws to specify that soil, crop, and structure damage is absolutely unacceptable and the high value of this damage needs to be reflected in the enforcement and sentencing. These are people taking advantage of vulnerable people and situations to commit a crime and as such should be prosecuted as aggravated crimes especially when taking place on land occupied with buildings. I think there is a lengthy conversation to be had on this topic but as important as it is we seem to be focusing on the second type of trespasser.

Much of the conversation seems to be focusing on the concerns of a vocal minority who simply have a problem with people being on, or even near, their property. This province has a rich tradition of pursuing outdoor recreation and I do believe provisions must remain to allow for the lawful use of open spaces. Snowmobiling and hunting being the obvious examples. There is no reason not to have implied consent for those activities because those activities when conducted responsibly cause no harm to the land or the occupants. That being said I believe strongly in one's autonomy over their own property and as such we need to provide better tools for enforcing the rights of property owners to restrict entry. There seems to be too many loopholes in the current legislation allowing offenders to escape the consequences of trespassing. From my understanding this pertains shortcomings in legislation regarding signage and burden of proof.

The question has been posed whether changes will cause unreasonable barriers to recreational activity? The answer is yes. With large swaths of land owned by foreign entities and/or be operated by farmers other than the owners, possibly 10's or 100's of miles away, combined with the loss of habitat resulting from modern agriculture people would have to spend more time tracking down permission than they would enjoying the outdoors. What is also being missed is how changes to lawful access regulations would increase the burden on the majority of landowners whom do not take issue with lawful hunting and snowmobilers. Requiring consent, likely written as verbal will be difficult to prove in court, would create another level of management, paper work and time commitment to already busy farm business managers, all to capitulate to a small minority of people who don't want to take on the responsibility of posting their land. I shouldn't have to incur costs in order for someone else to restrict entry to their property.

As a taxpayer and customer of Saskatchewan Crop Insurance Corporation I'm also curious if there will be consequences for unreasonable hunting restrictions to wildlife damage coverage? In my opinion land posted, other than those surrounding residences and containing livestock, should be disqualified from wildlife damage claims. A similar argument could be made for vehicle insurance given the socialist nature of SGI combined with the no fault status of wildlife collisions.

Ideally I would like to see meaningful change made to criminal trespass laws for the more serious crimes and some better tools provided to landowners for nuisance trespass under our current model. That being said I would also suggest the idea of registering no trespass, or no hunting land with SCIC for a fee per quarter section. The occupant would then be provided with enough registered signs to adequately post their land. As mentioned above I believe wildlife damage coverage should also be waived to help fund the effort. Between the fee and reduced insurance payouts we would have extra funds to actually enforce trespassing laws. On the user end I would suggest a small fee be applied to the habitat certificate and snowmobile registration in order to create and maintain an app to show users the status of the land and manage permission for access. This model would help reduce sign damage, assist in enforcement and lay the costs with the people actually concerned with the matter and leave the rest of us out of it.

Hopefully this government recognizes that more restrictions on law abiding citizens is not the answer. What we need is better enforcement mechanisms to allow our current framework to function better and harsher punishment for those committing crime in our rural areas.

Thank you for your time,

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

### Penalties and Express Permission Requirements in Canadian Trespass 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.**

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**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.

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## 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?**

yes

## 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.

## 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?**

no

## 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?**

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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?**

no

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

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

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- A peace officer can issue a summary offence ticket and, if the individual does not leave the land or premises or discontinue the prohibited activity, can arrest the individual.

*The Trespass to Property Act* was not meant to replace trespass provisions dealing with specific circumstances such as snowmobiling and operation of all-terrain vehicles, and such provisions continue to apply. Currently, where there is a conflict between the provisions of *The Trespass to Property Act* and specific trespass provisions in other legislation, the latter will prevail.

- *The Wildlife Act, 1998* prohibits hunting on posted land. The Act further provides that the lack of posting does not indicate consent to access for hunting. It also provides that where consent to hunt is provided, the owner/occupier owes no general duty of care to a person hunting on the land;
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- *The Provincial Lands Regulations* provides that someone occupying provincial lands without authority from the province is a trespasser.

Having different access and posting rules for different activities as noted above may well be contributing to confusion as to the rules for access.

In addition, rural crime and other reported abuses by a minority of those accessing rural property under these Acts has significantly undermined land owner support for public access.

Land owners may also face fire risk and the increasing need for bio-security against crop diseases that can inadvertently be spread by even the most conscientious visitors. For example, Clubroot is a soil borne disease that can significantly affect yield in crops like canola with few options for control. The disease can be spread by soil being transported by agricultural or industrial field equipment, vehicles, tires, animals, and shoes.

Invasive species such as downy brome or leafy spurge can reduce of the productivity of grasslands and crop land and can be spread by vehicles, clothing, shoes, pets, etc.

## Review of Trespass Related Legislation

Saskatchewan's great prairies and parklands represent both a public and a private resource. Reasonable public access to these areas constitutes the foundation for extensive cultural and recreational opportunities. At the same time, over 90% of Saskatchewan prairie land in the southern area of the province is used for agricultural purposes.

These public and private interests are not irreconcilable; however, they do require balancing to maintain an appropriate relationship between those seeking access to private land and the rural private landowners. This balance is jeopardized by the reported abuses that landowners see by those accessing their property. A further complication is the need for increasing crop biosecurity from invasive species and diseases spread by random access.

At the common law, trespass has always been a civil wrong. Legislation has been passed in Saskatchewan to modify the common law to provide guidelines regarding trespasses as well as offences and enforcement provisions where trespass occurs.

*The Trespass to Property Act* creates an offence of trespass. Under the Act, it is an offence to, without lawful authority:

- enter onto posted or enclosed lands or other premises without the consent of the owner or other occupier;
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- An individual in contravention of the Act will be liable on summary conviction to a fine of up to \$2,000 - in most cases, the individual would make a voluntary payment of the amount set out on the ticket rather than going to court.
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BY WRITTEN CONSENT AND SIGNED BY LAND OWNER.

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  - engage in prohibited activities on the premises without the consent of the owner or other occupier;
  - fail to leave lands or other premises after being requested to do so by the owner or other occupier;
  - fail to discontinue an activity after being requested to do so by the owner or other occupier;
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    - ask the individual to leave the land or premises or discontinue an activity on the land or premises; or,
    - give written notice to the individual not to enter the land or premises or engage in

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

I believe at this point in time the resources are not there to find out contact info. Even the R.M maps are not up to date. Something has to be available where you can find Names , locations, and contact info of the land owners or renters. Before it is put as mandatory.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

First of all let me introduce myself. My name is [REDACTED] I live in the town of [REDACTED]. I have hunted my whole life starting with my dad at a young age for ducks geese and deer. I have never cut a fence or did any damage to any farmers fields. I love to hunt with my son and my cousins as much as I can. I believe it is a great thing to get kids interested in and a great way to help feed your family. Life lessons and family values. We are at the point now that where ever we hunt we have permission. For big game I hunt the same areas and talk to the farmers every year. Even if the land is not posted we let them know if we are out there and report anything we see to the land owner. Lots of times downed fences or livestock where is should not be. We believe it is our responsibility to work with the landowners who let us on the property. Yet it is not always possible to find out land owners or find there contact info.

**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?**

**At this time I would have to say no. There is no easy way of getting a hold of the land owners or finding out who the land owners are. I have many R.M maps and try to use them . We use the internet to try to find out who owns parcels of land but it is not always possible. If there was a data base provided online where you could click on the parcel of land and it came up with the land owners Name Number and home quarter locations this would make it possible to get a hold of them when needed. If this was readily available it would be a great tool for hunters, hikers or who ever would like to access the land to get the permission needed or wanted. This can also be used to contact the landowner if you do see something going on on the land that should not be . For example a fire, injured livestock, poaching, ect.**

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?

Really they are all private property and should be given the same respect. If it was easy to click and see who owns the land or leases the land with contact info. If I could click and see the Joe Smith owns the land and it is farmed by John Doe with both there contact info . I can make a quick call and access or try somewhere else.

Q. How should permission be sought and granted?

I try to get written permission from all the farmers we can. Now with texting once I talk to the land owner on the phone I will ask for him to text me from his phone with written permission. This is simple and if I ever get checked I just show the text and have had the C.O even call the landowner. As far as permission in the future it should be on line once you contact the landowner you can click on there land and it will turn a different color and you will be good on those parcels.

**Ministry of Justice**

**Legislative Services Branch**

**Attn: Review of Trespass Related Legislation**

**800 - 1874 Scarth Street**

**Regina, SK S4P 4B3**

**LSBQuestionnaire@gov.sk.ca**

**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?**

Absolutely. No deviations. Long overdue. It is private property.

**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. All agricultural land should be treated the same. Whether it is crops or livestock, they represent the owner livelihood.

**Q. How should permission be sought and granted?**

By phone or in person. RM offices could play a part in this (landowner phone numbers if the owner agrees to have their number given out) or possibly an app could be developed that could assist in this. Either way, recreational users should be required to have a RM map in their possession for the area they are in. And know how to use it. Ignorance is no defence.

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

Depends who you ask. As a landowner, I would say there are places you can hunt or atv in the north that would not require landowner permission, so go there if you are too lazy to get permission to private or leased land. A recreational user would probably consider this an impediment, but only because of the past requirements. This is long overdue. Landowners have had no rights and bore the liability in the past. Posting is an onerous or impossible task which has little to no effect on irresponsible recreational users. Along with this comes the argument that landowners would charge users and that makes hunting an rich man's game. I don't believe that the government should be able to say whether a landowner can charge. We feed these animals/birds all year long. I have been told that they don't eat that much, but they also make tracks and beds in the crops which can be numerous in some fields. I don't believe that it would make or break a farmer, but it can be a considerable cost that the landowner should be able to recoupe from the hunters. If the wildlife belongs to the province and you require a licence to hunt, you should be prepared to pay to access the land. Hunting is a privilege, not a right.

## **Response to Ministry of Justice Questionnaire:**

### **Personal Background:**

I have been a land owner and farmer in southeastern Saskatchewan for 50 over years and have had many negative experiences with trespassers. I have had international poachers invade my property to kill whitetail deer in the 1980's. I have had someone drive a vehicle across a quarter section of canola just prior to harvest. I had a buyer come to my yard to successfully purchase an advertised ½ ton only to return a week later when I wasn't home, steal a tank full of gas and my cocker spaniel. I know this because the dog (while blind from glaucoma) made it halfway home from the exact direction of the buyers residence 14 days later-coincidence – maybe but not likely. I have had items stolen from my yard and never recovered, quad riders in the middle of the night across my fields and I could go on. Fortunately, there has never been a physical confrontation. Salesmen are not welcomed ever unless previously invited.

I am also an avid hunter and know firsthand the difficulties in obtaining permission especially in the last few years with massive land holders that are also non residents of the province or just numbered companies. It is impossible to contact most of them even if you get their contact information. In pursuing a wounded animal, it may be impossible to contact land owners and I firmly believe in ending the animals pain in the quickest possible way. Discretion of enforcement officers is very important. Stopping to obtain permission for the next parcel of land almost always ensures the animal will get away only to die a slow painful death. I also know how difficult it is to post land as my signs are torn down within days of posting them. As well, surprisingly, it is almost impossible to find 'no hunting' signs for sale anywhere so you have to make your own now.

I am also a retired [REDACTED] and as such know the difficulty of catching offenders, know how people sometimes unknowingly break laws, know how **discretion** of the police works and can be used effectively, etc. I also know that every time a criminal gets caught, they learn from their mistake and are harder to catch next time. I also am very well aware of how hard it is to prosecute offenders and obtain a meaningful punishment. With that in mind I will try to give you some meaningful opinion on which to base your decisions.

### **Advance Permission:**

This I believe is a necessary evil if we are to address the trespass problem. Much like school zones that have different rules in every jurisdiction, if there are different rules for different locations or activities, there will always be a grey area and sometimes impossible to find out exactly what the law is. If there is a grey area, people (good and bad) will take advantage of it. I think it should be made very clear to all residents of the province that trespassing is against the law and violaters will be prosecuted

I believe in making the legislation as tough as possible. If there is an incident, the discretion of the police and/or leniency of the courts will more than compensate for any innocent people that run contrary to the law.

#### **Type of Rural Property:**

This subject again addresses grey areas in the law. There is much land that is vacant for years in this province and appears to be abandoned. Private land is **Private land** period. If you don't own it, then it's not yours to use. Perhaps a few years down the road if and when these current problems are under control, some leniency may be granted but for right now, we need 'tough love'.

#### **Method of Permission:**

First off, **Hunters are not the problem** and perhaps at worst an occasional irritation. **Criminals are the problem** and the law needs to be focused on them. I have concerns about the suggestion that hunters should attend at the nearest farm yard for permission. My wife is at home in the house or yard alone much of the time while I am in the field. She has expressed her fears to me as to what she should do if someone with bad intentions should come in the yard. After all, if confronted in a bad way and if she has time to call police on a cell phone that she now carries everywhere, the RCMP are only an hour away. We have conversed with my neighbours and they have the same concerns.

Today's switch to cell phones with no land line has complicated obtaining contact numbers but I do not want to see people coming to my yard for inquiries. **Criminals** will use that excuse to scope out the yard for later visits. Locally, everyone that needs to contact me can find out through other people how to get in touch with me if they are having difficulty finding my information. Unfortunately this makes it extremely difficult for urban people but rural residents did not ask for this problem and need help to fix it. The suggestion that RM offices might be a contact point bears some consideration but would need consultation with councils to see if they approve.

I only grant permission to people that I know. I do know that people have and are hunting on my land and they run the risk of being caught which under today's current laws is of no consequence other than being expelled from the property with a tongue lashing. Not knowing the name of the land owner on whose land you are hunting is a good indication that you don't have permission – something like 'I left my driver's licence at home or lost my wallet' when involved in a traffic stop. Carrying written permission from dozens of land owners is also not a solution because of absentee landowners, etc. A simple verbal permission to hunters is good enough for me and the hunter should know whose land he is on or he is not much of a hunter.

**Impact of Change:**

It is my belief that requiring consent is **not** a change. Rural people already obtain permission for any recreational activities that might impact a local land owner – its called **respect** and we generally communicate well.

The ministry's preamble mentions people enjoying recreational activities and causing damage to land and perhaps the transfer of diseases. It is my observance that recreational activities causing damage are miniscule when compared to the damage caused by careless farmers, wind, wildlife – not recreation. I have found that generally contractors in rural Saskatchewan are overly conscious about protecting the land and respecting the land owner. Again I emphasize that **criminals** are by far the largest concern and the laws need to address that problem.

**Enforcement:**

Enforcement has always been a problem and is growing with the lack of staff. As a [REDACTED] [REDACTED] I patrolled over 4000 sq km with 5 First Nation communities often alone and so I know firsthand the limitations of enforcement. Therefore, the punishments must be the deterrent much as laws pertaining to impaired driving. Only a small percentage of actual impaired drivers are caught and the most dangerous of those are the chronic offenders who have no fear of the punishments. The deterrents have removed the borderline impaired off the road. The same applies to other crimes, only a very small portion of criminal activity makes it through to the justice system to become a statistic and this I know from my experiences. Removing the occasional offenders by having a strong deterrent will make the serious chronic offenders more visible and easier to be caught.

**Summary:**

I hope my ramblings are useful to you in your deliberations and if you would like clarifications or more rambling opinion please contact me at [REDACTED] Thank you for this opportunity.

## 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. I have no problem with quads & snowmachines on my land as long as permission is asked & it is done responsibly.

## 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.

## 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 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?**

Yes prior permission and I have no problem with my RM. office giving out my email for that purpose. I also think permission should be given in written form with owners signature.

(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?**

Absolutely!

## Review of Trespass Related Legislation

Saskatchewan's great prairies and parklands represent both a public and a private resource. Reasonable public access to these areas constitutes the foundation for extensive cultural and recreational opportunities. At the same time, over 90% of Saskatchewan prairie land in the southern area of the province is used for agricultural purposes.

These public and private interests are not irreconcilable; however, they do require balancing to maintain an appropriate relationship between those seeking access to private land and the rural private landowners. This balance is jeopardized by the reported abuses that landowners see by those accessing their property. A further complication is the need for increasing crop biosecurity from invasive species and diseases spread by random access.

At the common law, trespass has always been a civil wrong. Legislation has been passed in Saskatchewan to modify the common law to provide guidelines regarding trespasses as well as offences and enforcement provisions where trespass occurs.

*The Trespass to Property Act* creates an offence of trespass. Under the Act, it is an offence to, without lawful authority:

- enter onto posted or enclosed lands or other premises without the consent of the owner or other occupier;
  - enter onto lands or other premises, even if not posted or enclosed, after being requested not to do so by the owner or other occupier;
  - engage in prohibited activities on the premises without the consent of the owner or other occupier;
  - fail to leave lands or other premises after being requested to do so by the owner or other occupier;
  - fail to discontinue an activity after being requested to do so by the owner or other occupier;
  - after leaving a premises or discontinuing an activity pursuant to the request of an owner or other occupier, re-enter the premises or resume the activity.
- An individual in contravention of the Act will be liable on summary conviction to a fine of up to \$2,000 - in most cases, the individual would make a voluntary payment of the amount set out on the ticket rather than going to court.
  - The owner or occupier can:
    - ask the individual to leave the land or premises or discontinue an activity on the land or premises; or,
    - give written notice to the individual not to enter the land or premises or engage in

an activity on the land or premises

- A peace officer can issue a summary offence ticket and, if the individual does not leave the land or premises or discontinue the prohibited activity, can arrest the individual.

*The Trespass to Property Act* was not meant to replace trespass provisions dealing with specific circumstances such as snowmobiling and operation of all-terrain vehicles, and such provisions continue to apply. Currently, where there is a conflict between the provisions of *The Trespass to Property Act* and specific trespass provisions in other legislation, the latter will prevail.

- *The Wildlife Act, 1998* prohibits hunting on posted land. The Act further provides that the lack of posting does not indicate consent to access for hunting. It also provides that where consent to hunt is provided, the owner/occupier owes no general duty of care to a person hunting on the land;
- *The All Terrain Vehicles Act* prohibits the operation of ATVs on private or Crown land without the prior permission of the owner or occupier, regardless of posting;
- *The Snowmobile Act* provides that, without the consent of the land owner or occupier, snowmobiles cannot be operated on posted private rural land or on private land within a city, town, village or hamlet (the use of designated trails created under *The Snowmobile Act* will not be impacted by any proposed changes to trespass related legislation); and
- *The Provincial Lands Regulations* provides that someone occupying provincial lands without authority from the province is a trespasser.

Having different access and posting rules for different activities as noted above may well be contributing to confusion as to the rules for access.

In addition, rural crime and other reported abuses by a minority of those accessing rural property under these Acts has significantly undermined land owner support for public access.

Land owners may also face fire risk and the increasing need for bio-security against crop diseases that can inadvertently be spread by even the most conscientious visitors. For example, Clubroot is a soil borne disease that can significantly affect yield in crops like canola with few options for control. The disease can be spread by soil being transported by agricultural or industrial field equipment, vehicles, tires, animals, and shoes.

Invasive species such as downy brome or leafy spurge can reduce of the productivity of grasslands and crop land and can be spread by vehicles, clothing, shoes, pets, etc.

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

(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."

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,

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(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?**

## 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?**

Either by phone or in person or written

## **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**

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.

## 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.**

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**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](mailto:LSBQuestionnaire@gov.sk.ca)

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### 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		

## **Response to 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?**

A. My answer is specific to snowmobiling.

When snowmobiling off trail in most situations the route is not predetermined. You are traveling as the crow flies when possible going around enclosed or posted land as well as natural barriers such as creeks and rivers, heavy bush etc.

Due to the nature of large industrial farming operations, rented land the exercise required to find out who owns the property and requesting access would be next to impossible. To cross one section of land could require consent from multiple owners.

Snowmobiling on Crown land I assume would continue to be legal without consent. The problem would be that how would one determine what is private and what is crown. What happens when you get lost or turned around? What do you do in an emergency situation? Do you trespass in hopes the owner will understand?

**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?**

A. My answer is specific to snowmobiling.

Yes.

Open cultivated land or open bush, treed land should be treated differently than posted, enclosed land or land clearly containing livestock. This could be expanded to include the "home quarter" containing the home and farm buildings.

**Q. How should permission be sought and granted?**

A. My answer is specific to snowmobiling.

As stated above acquiring permission would in essence limit the activity to crown land or designated groomed trails.

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

A. My answer is specific to snowmobiling.

Yes. In my opinion if consent was a prerequisite in all circumstances most snowmobilers would become innocent or knowing trespassers. Designated trails do not exist in many places and communities in Saskatchewan. These proposed changes could be a significant blow to already struggling communities that rely on snowmobile tourism to stay viable. Snowmobiling does not pose the risks associated with transfer of soil born diseases. The vast majority of snowmobilers understand the privilege of being on private land and will respect that land by obeying posted property or situations that could clearly be an irritant such as disturbing livestock.

Snowmobiling is an expensive recreation activity as well as a winter method of transportation. If these changes take place as proposed, many like myself may decide that our recreation budget is better spent in Mexico or trips to the mountains. For the few remaining hotels and restaurants this could be the last nail in the coffin.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

## Comments on the Review of The Trespass Act

To begin, the snowmobile Act and the All Terrain Vehicle Act already have provisions for mandatory permission, why is this not being enforced? I would suggest it is because there is not enough capacity with law enforcement.

The potential changes for the Trespass Act may be positive for the people of rural Saskatchewan. The positive effects of mandatory permission to enter on private land are already listed in the consultation draft: reduce the risk of spread of invasive species and disease, even the playing field for all people, reduce risk of wild fire, etc. I would endorse the notion that it applies to all private lands, not just cultivated or fenced property.

However, if landowners think that mandatory permission is going to reduce rural crime, they are fooling themselves. For the same reasons as outlined above, there is not enough law enforcement to deal with all of the trespass issues.

I think there are some positive reasons for tightening up provisions of The Trespass Act, but I would suggest the Act continue to leave hunting out of the Trespass Act and have it remain under the Wildlife Act.

In random order, here are the potential negative impacts of mandatory permission for hunters to hunt on private land:

- by mid to late fall, a lot of farmers are absent (snowbirds heading to the US) and therefore hunters cannot contact them or find them to ask for permission

- an increasing number of farms are now 'numbered' corporations or partnerships, which makes it difficult to find the owners, unlike the old days when an RM map would tell you the owners. This could also put additional stresses on RM offices by hunters trying to seek the contact names for these farm corporations.

- currently, there does exist a certain number of farmers who don't care about hunters, and they recognize that if they wanted to keep them off, they need to post their land. In the situation of mandatory permission, those people who didn't post their land may now find themselves unnecessarily inundated with hunters calling or stopping at their farmyards asking for permission, which may aggravate them.

- potential reduction in the number of hunters, which could result in increased depredation and predation problems and complaints for rural residents.

- excessive, increased pressure in localized areas like provincial pastures, provincial forest, vacant crown land (Fish Wildlife Development Fund lands), and lands like Ducks Unlimited and Saskatchewan Wildlife Federation owned properties

- increased number of Turn In Poacher calls complaining about hunters that are hunting without permission: there are not enough Conservation Officers to respond to all calls.

- we will undoubtedly see increasing complaints of reduced access for hunting as people will tie up key parcels of land for exclusive access of rich or family and friends or outfitters

- any prosecutions of hunters hunting without permission would not result in a hunting suspension, where as currently, hunters who are hunting on posted land are given a fine and an automatic one year hunting suspension.

- I seriously doubt how many hunters are using the guise of hunting to conduct thefts from rural property.

One suggestion to consider would be to exempt hunting from the Trespass Act (as it is now) so mandatory permission is not required (unless the land is posted as per Wildlife Act), but amend the Wildlife Regulations to restrict vehicle use to roads and trails unless permission is given by the landowner or if animal retrieval is occurring by the most direct path. This restriction exists in several parts of Saskatchewan already. It would be interesting to canvas the landowners in those parts of Saskatchewan to see what they think and how that is working. By restricting vehicle access, it would alleviate many of the concerns raised, like spreading of diseases and invasive species, and to reduce the risk of wildfire. This proposal would allow hunting by foot without permission, unless it is posted.

Thank you



## **Review of Trespass Related Legislation**

Saskatchewan's great prairies and parklands represent both a public and a private resource. Reasonable public access to these areas constitutes the foundation for extensive cultural and recreational opportunities. At the same time, over 90% of Saskatchewan prairie land in the southern area of the province is used for agricultural purposes.

These public and private interests are not irreconcilable; however, they do require balancing to maintain an appropriate relationship between those seeking access to private land and the rural private landowners. This balance is jeopardized by the reported abuses that landowners see by those accessing their property. A further complication is the need for increasing crop biosecurity from invasive species and diseases spread by random access.

At the common law, trespass has always been a civil wrong. Legislation has been passed in Saskatchewan to modify the common law to provide guidelines regarding trespasses as well as offences and enforcement provisions where trespass occurs.

*The Trespass to Property Act* creates an offence of trespass. Under the Act, it is an offence to, without lawful authority:

- enter onto posted or enclosed lands or other premises without the consent of the owner or other occupier;
  - enter onto lands or other premises, even if not posted or enclosed, after being requested not to do so by the owner or other occupier;
  - engage in prohibited activities on the premises without the consent of the owner or other occupier;
  - fail to leave lands or other premises after being requested to do so by the owner or other occupier;
  - fail to discontinue an activity after being requested to do so by the owner or other occupier;
  - after leaving a premises or discontinuing an activity pursuant to the request of an owner or other occupier, re-enter the premises or resume the activity.
- An individual in contravention of the Act will be liable on summary conviction to a fine of up to \$2,000 - in most cases, the individual would make a voluntary payment of the amount set out on the ticket rather than going to court.
  - The owner or occupier can:
    - ask the individual to leave the land or premises or discontinue an activity on the land or premises; or,
    - give written notice to the individual not to enter the land or premises or engage in

an activity on the land or premises

- A peace officer can issue a summary offence ticket and, if the individual does not leave the land or premises or discontinue the prohibited activity, can arrest the individual.

*The Trespass to Property Act* was not meant to replace trespass provisions dealing with specific circumstances such as snowmobiling and operation of all-terrain vehicles, and such provisions continue to apply. Currently, where there is a conflict between the provisions of *The Trespass to Property Act* and specific trespass provisions in other legislation, the latter will prevail.

- *The Wildlife Act, 1998* prohibits hunting on posted land. The Act further provides that the lack of posting does not indicate consent to access for hunting. It also provides that where consent to hunt is provided, the owner/occupier owes no general duty of care to a person hunting on the land;
- *The All Terrain Vehicles Act* prohibits the operation of ATVs on private or Crown land without the prior permission of the owner or occupier, regardless of posting;
- *The Snowmobile Act* provides that, without the consent of the land owner or occupier, snowmobiles cannot be operated on posted private rural land or on private land within a city, town, village or hamlet (the use of designated trails created under *The Snowmobile Act* will not be impacted by any proposed changes to trespass related legislation); and
- *The Provincial Lands Regulations* provides that someone occupying provincial lands without authority from the province is a trespasser.

Having different access and posting rules for different activities as noted above may well be contributing to confusion as to the rules for access.

In addition, rural crime and other reported abuses by a minority of those accessing rural property under these Acts has significantly undermined land owner support for public access.

Land owners may also face fire risk and the increasing need for bio-security against crop diseases that can inadvertently be spread by even the most conscientious visitors. For example, Clubroot is a soil borne disease that can significantly affect yield in crops like canola with few options for control. The disease can be spread by soil being transported by agricultural or industrial field equipment, vehicles, tires, animals, and shoes.

Invasive species such as downy brome or leafy spurge can reduce of the productivity of grasslands and crop land and can be spread by vehicles, clothing, shoes, pets, etc.

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

(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."

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, SASK SNOWMOBILES TRAILS  
EXCEPT BECAUSE LAND OWNERS  $\frac{1}{2}$   
SNOWMOBILE CLUBS WILL HAVE AGREEMENT  
 $\frac{1}{2}$  WAIVER IN PLACE. ONLY ALLOWED ACCESS  
WHEN TRAIL DEEMED OPEN ON WEBSITE.

## 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 THE SAME.

CLOSE ANY LOOP HOLES.

## 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?**

EMAIL DATA BASE AT RM OFFICE.  
OFFICE FOR LAND OWNERS, FOR THOSE  
INTERESTED IN ALLOWING ACCESS.

## 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. ANYTHING ELSE IN THE WORLD YOU GET CONSENT PRIOR TO GOING. GETTING CONSENT IS NOW PART OF A Enforcement HUNT PRIOR, NOT SOMETHING DONE WHEN OUT THERE.

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.

## 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.**

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**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](mailto:LSBQuestionnaire@gov.sk.ca)

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### 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		

**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

**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 treated the same.

**Q. How should permission be sought and granted?**

Landowners would have the option to provide email or contact information thru the municipal office. If they choose to not participate it is implied that do not want any public trespassing. I do not want individuals coming onto private property and simply have the option when confronted to conveniently say they are seeking the owners permission.

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

Not a valid question. Why would a individuals recreational interests be considered over a landowner? I own and pay taxes on the land not the public. Individuals have the same opportunity as myself to purchase land if they feel the need to participate in recreational activities on private land. I would not consider the denial to travel over their personal property " an unreasonable impediment to my recreational activities".

**From:** [REDACTED]  
**To:** [LSBQuestionnaire\\_JU](#)  
**Subject:** LSB questionnaire email revised slightly  
**Date:** Thursday, September 27, 2018 10:38:38 AM

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Short of a couple clarifications this is is the letter I sent in besides filling out the questionnaire online.

**Subject:** LSB questionnaire email

Good morning [REDACTED] here. I have been shown an email with an attachment outlining proposed changes to our rural landscape. I am a snowmobiler and I have been doing snowmobile tours for many years, to many to count! Of course I am interested in knowing what is going to happen with our provinces changing legislation.

As it stands we do tours in and around the Nisbet Forest that runs roughly from Duck Lake across the North Sask River to Shellbrook/Holbein then east past Prince Albert and a portion east of the number 11 highway around Adamson Lake. This area is not all Provincial forest.

***A good portion of it is private land, bottlenecking natural barriers such as the rivers and heavy stands of bush.***

Any one can say they went riding in the forest but ultimately they come to one of the bottlenecked borders and have to cross an open pasture or field, then find a road allowance before they can continue on with their journey to a...

***...small community for gas or lunch and/or reconnect with more of the forest.***

There is no way you could travel the extent of the Forest without missing the hourglass bottlenecks impeding any or all traffic. This is just snowmobiling as we know it. No official snowmobile trails for the masses like you find 3 hours east of Saskatoon or 3 hours north of Saskatoon in the Lakeland region. The Nisbet is used a lot because it is a most reasonable 1 hour tow out of the city for a days snowmobiling. There is a official groomed trail that lies in the ditch from Saskatoon to Duck

Lake that is open periodically depending on snow conditions. We do not use it because we offer a backcountry Nisbet tour not a ride along a groomed trail in the highway ditch. Any one can ride the groomed trail with the appropriate plate/permit. Other than the experience such as orientation on a snowmobile, I would compare this to ...

***"would you pay someone to guide you in your car from Saskatoon to Prince Albert?"***

I think not and see these services offered thru snowmobile associations but I couldn't imagine what it entails for traffic.

## Ok why the Nisbet Forest, and why is it one of the places we ride?

The Nisbet Forest is based on rolling sand dunes created by the receding shores of an ancient ocean. Because of its nature there is virtually no rock that would inflict thousands of dollars damage to the snowmachines. This is also why a lot of the immediate country side adjacent has a low productivity and is often pasture land...a lot of crown pasture land. These areas are utilized as well when we snowmobile as livestock in the middle of winter is not allowed under pasture co-operative rules similar to grazing within the Nisbet forest. It is a very specified seasonal affair. Not to say I haven't heard of the authorities doing an audit finding "overgrazing by number of animals" and "early or late livestock application", you see whether it is right or wrong everyone takes a little bit when mother isn't looking.

More than just the Nisbet Forest, we also ride in and around the ***Fort a la Corne Forest*** to the east of the forks. We have utilized the Fort a la Corne Forest for close to the last 10 years. And this is because it makes up a fantastic remote and very secluded portion of our province that at the same time is surrounded by our rural landscape and has cell phone coverage incase of an medical emergency. The Fort a la Corne Forest is remote and we certainly bill it as such but the truth is in any direction you are really only maybe an hours ride out maximum, if you choose the right direction, this is very important! We have rode from the small community of Macdowall Sask which closely borders the Nisbet Forest (\*2 -3 miles) cross-country thru or along the roads and fields cross-country over the rivers to the Fort a la Corne Forest thru to another small community that welcomes tourism and the trip every year. We have had German citizens on this trip a few times and likely will again this year. When you ride cross-country like this we are talking a trip that has been in the planning for awhile to arrange time off work and flights into the country for others. We are not in the position to "change the dates" just because the selected date is a little nippy out. This of course boils down to my personally

choosing gear and snowmobiles that are function able in all weather. I often go early in the year with my car, and scout out variations in the trail so that new country is seen and rode along, especially in years of poor snow conditions. We have found our selves riding in a bit of a blizzard simply because we cannot change the date or the weather. Under these conditions or any deep snow winter conditions it is guaranteed that you will eventually wonder off course and end up exiting a field or the forest on private land. In all these years we have only seen a couple No Trespassing signs and in one case only discovered it on the way back because it was only posted on the more typical vehicle traffic side of the property. We would call that a One Way and respect it on the way back.

***It is interesting to note that in the fall during hunting season we have noticed a large number of no trespassing signs on the land bordering the Fort a la Corne forest.***

This would certainly impeded access to the forest if you did not specifically study and know where the road allowances corridors were located. It is interesting to note that these same signs are not there when it is snowmobile season. Of course this is just an observation and not a detailed photographic or documented study just the landscape observation.

I understand that there are a lot of issues that may be responsible for the proposed legislation.

I personally think that the ATVs running wild everywhere in the livestock and cultivation time of year is may be the motorized downfall for everyone. Sadly their foot print is not light and this is a fact.

The other problem is crime. Unfortunately the saying that locks "***only keep honest people out***" probably applies to, but will likely have very little effect on victims of crime who have private property whether there is a change in legislation or otherwise.

I couldn't imagine the number of people that would be effected in snowmobile season by this. There was a John Gormely call in talk show 10 or so years ago. The talk show was Gormely elaborating on the destructive quality's of the snowmobile and all the problems with private property and crime around the city of Saskatoon. The call was with the then Corman Park Chief of police McGillivray .

This was interesting, there was a number of callers who were clearly farmers and they objected to the proposed restrictions because they snowmobiled and rode on their neighbour's land and were fine with the same treatment the other way. Out of all the call ins who were against the

restrictions there was 2 who were for the restrictions proposed by the sensationalized Gormely, one I don't even remember, think it was a cross country skier who objected to snowmobiles riding at night in the ditch because it nauseated him seeing the lights bob up and down on the bumps.....I was on the Nisbet Forest Authority board for 15 years studying various impacts and forest public access, and I am sure it was the same guy who wanted all the berry trees pulled out of the forest and re-transplanted along the Carlton Grid road or other nearby roads so that berry pickers did not have to enter the forest any longer potentially using a trail potentially changing the forest appearance. He was from Holland and did not understand that we like to go into the forest on its trails! The second was a woman who had a farm near the Hiway and she was all for the restrictions because on one occasion she said that "her 3 year old thought that daddy was on his way home on his snowmobile and that when the 3 year old ran out to the Hiway to greet daddy, instead a stranger on a snowmobile ditched past their driveway nearly hitting the child." Her other comment was that they grew berries (berries again!! surely just a coincidence) and she "thought that this snowmobile restriction would stop people from climbing or going thru their fence and taking their produce!" **TAKE IT FROM THERE.**

At the end of this radio sensation the Chief of police McGillivray said to Gormely, before Gormely cut off the program, and said friend to friend

***"John you know we haven't had a snowmobile complaint in Corman park for years and years."***

I am sure Gormely could supply you with the tape.

Of course that all probably changed after a couple city dudes rode up past and likely thru an acreage a few years ago and were stopped in another persons yard with a rifle! Maybe the dudes should of been charged I don't know.

For people who just exit the city and unload anywhere this is probably going to be start of either snowmobiles running "illegally" everywhere with no one enforcing or worried about enforcing new legislation, the same old story it is easy to do nothing and leave lying dogs lie.

But what about us? So how do we approach land crossings and easements?

We could reach out to the land owner for the proper permissions. What is tough is, who do you reach out to?

Well it will take a lot more planning, with all the rural county watch I really do not want to be caught dead driving into farm yard, after farm yard, trying to approach the owners. In this day and age even in the city when some stranger shows up on your doorstep or suddenly finds him/her self

behind your home, off your driveway, you are first more likely to angrily show them the way they came right on the spot. It is the way it is these days you protect your valuables and vulnerability's with privacy and invitation.

The RM office could have a comprehensive list of phone numbers and email addresses, a land location of their residence is not required unless they have no other form of communication. This would give them privacy regarding their home location.

The land owner may only want to register his home quarter or property that has cattle or beehive activity etc etc. He may not want to register other open fields.

***Maybe a summer or winter registration is an option land owners would appreciate especially the ones who called into Gormely's radio talks show as mentioned in this email.***

What if there is no response to emails or your calls. This would be especially true in the case where an RM administrator or assistance insists that a land owner register all their property regardless of intent just as a make work project (lets call in the relatives) for the RM office.

Perhaps some one who did not have this information registered with the RM office (appropriately) and or neither responded with in a week of your email or phone call would have to be deemed as not concerned with the land situation one way or the other. In other words they are choosing as simple as it is to do nothing.

Another concern I do have and I have discussed it with the DNR a couple times over the years is rural folks whether on an acreage or farm who live adjacent to crown land, or road allowances of one sort of another. They go ahead and get feeling possessive about the land just because they live next to it or maybe because they graze cattle on it. These folks probably have their hands full with cattle getting out and gates being left open, I would have to sympathize with them but these folks go ahead and POST forest entrances and road allowance easements. Many times experience tells you the signs are bogus but this is hard to explain away to a group of people from out of the country who are with you on a snowmobile tour . Folks at the DNR have said just tear the signs down, but I don't want to do that either.

***Maybe the legislation should be critical of these false postings.***

A good example is we have used the back road corridors for 30 years to access the Nisbet forest off of Callahan Lake near Shellbrook and inquiring a few years ago because of a rash of NO TRESPASSING

POSTS, authorities there suggested we not use the back roads to get to the forest ???? REALLY ???? because there have been gun shots fired in defiance. Perhaps some guns have been shot off near by when quadders have been around, don't know, but clearly even our motorized traffic in the winter was deemed risky by the town administrator. I have noticed that the locals next to the forest there refer to it as a pasture co-operative not by the name of Nisbet forest and there are or have been signs posted.

***I will send a second copy of this email with links in it.*** These links take you to years and years of these snowmobile trips complete with videos. Often times the weather dictates your path when you snowmobile and you don not end up quite exactly where you expected because the snow depth obscures rural country property lines or road allowances. You can see that in winter the specific direction on the ground we take is based on visibility, snow depth, snow hardness, and correspondingly the direction that the snow has firmed up in and also how much gas is still left in the tank! IE: one side of a tree line will be soft while the opposite side will be rock hard because of the wind.

Hopefully this long winded email makes some sense to you folks.

We are one of the last frontiers. One of the last stands in the wild west.

There have been a lot of small towns that gave up their right to ownership and access to abandoned rail lines, now regrettably it is to late for them to turn them into snowmobile atv or just walking corridors, authorities and administrators are regretful but once turned over to adjacent land owners the access to these corridors is gone for ever.

Our current system may have flaws but if you look at it historically it may be just the last frontier, maybe the most valued asset that we have for tourism in the future, yes a drawing card for tourism, an exclusive great west in North America.

We have more land per capita than most places in the world and really we have no one to blame but the forefathers who invited us as immigrants over the last 200 years to become a part of Saskatchewan.

Best regards



## Review of Trespass Related Legislation

Saskatchewan's great prairies and parklands represent both a public and a private resource. Reasonable public access to these areas constitutes the foundation for extensive cultural and recreational opportunities. At the same time, over 90% of Saskatchewan prairie land in the southern area of the province is used for agricultural purposes.

These public and private interests are not irreconcilable; however, they do require balancing to maintain an appropriate relationship between those seeking access to private land and the rural private landowners. This balance is jeopardized by the reported abuses that landowners see by those accessing their property. A further complication is the need for increasing crop biosecurity from invasive species and diseases spread by random access.

At the common law, trespass has always been a civil wrong. Legislation has been passed in Saskatchewan to modify the common law to provide guidelines regarding trespasses as well as offences and enforcement provisions where trespass occurs.

*The Trespass to Property Act* creates an offence of trespass. Under the Act, it is an offence to, without lawful authority:

- enter onto posted or enclosed lands or other premises without the consent of the owner or other occupier;
  - enter onto lands or other premises, even if not posted or enclosed, after being requested not to do so by the owner or other occupier;
  - engage in prohibited activities on the premises without the consent of the owner or other occupier;
  - fail to leave lands or other premises after being requested to do so by the owner or other occupier;
  - fail to discontinue an activity after being requested to do so by the owner or other occupier;
  - after leaving a premises or discontinuing an activity pursuant to the request of an owner or other occupier, re-enter the premises or resume the activity.
- An individual in contravention of the Act will be liable on summary conviction to a fine of up to \$2,000 - in most cases, the individual would make a voluntary payment of the amount set out on the ticket rather than going to court.
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    - ask the individual to leave the land or premises or discontinue an activity on the land or premises; or,
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an activity on the land or premises

- A peace officer can issue a summary offence ticket and, if the individual does not leave the land or premises or discontinue the prohibited activity, can arrest the individual.

*The Trespass to Property Act* was not meant to replace trespass provisions dealing with specific circumstances such as snowmobiling and operation of all-terrain vehicles, and such provisions continue to apply. Currently, where there is a conflict between the provisions of *The Trespass to Property Act* and specific trespass provisions in other legislation, the latter will prevail.

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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

(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."

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

## **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 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?**

Email, phone call or direct route from a main access to inhabited residence.

## 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.

## 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.**

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**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

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

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### 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
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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		

## Review of Trespass Related Legislation

Saskatchewan's great prairies and parklands represent both a public and a private resource. Reasonable public access to these areas constitutes the foundation for extensive cultural and recreational opportunities. At the same time, over 90% of Saskatchewan prairie land in the southern area of the province is used for agricultural purposes.

These public and private interests are not irreconcilable; however, they do require balancing to maintain an appropriate relationship between those seeking access to private land and the rural private landowners. This balance is jeopardized by the reported abuses that landowners see by those accessing their property. A further complication is the need for increasing crop biosecurity from invasive species and diseases spread by random access.

At the common law, trespass has always been a civil wrong. Legislation has been passed in Saskatchewan to modify the common law to provide guidelines regarding trespasses as well as offences and enforcement provisions where trespass occurs.

*The Trespass to Property Act* creates an offence of trespass. Under the Act, it is an offence to, without lawful authority:

- enter onto posted or enclosed lands or other premises without the consent of the owner or other occupier;
- enter onto lands or other premises, even if not posted or enclosed, after being requested not to do so by the owner or other occupier;
- engage in prohibited activities on the premises without the consent of the owner or other occupier;
- fail to leave lands or other premises after being requested to do so by the owner or other occupier;
- fail to discontinue an activity after being requested to do so by the owner or other occupier;
- after leaving a premises or discontinuing an activity pursuant to the request of an owner or other occupier, re-enter the premises or resume the activity.

An individual in contravention of the Act will be liable on summary conviction to a fine of up to \$2,000 - in most cases, the individual would make a voluntary payment of the amount set out on the ticket rather than going to court.

The owner or occupier can:

- ask the individual to leave the land or premises or discontinue an activity on the land or premises;
- or,
- give written notice to the individual not to enter the land or premises or engage in

an activity on the land or premises

A peace officer can issue a summary offence ticket and, if the individual does not leave the land or premises or discontinue the prohibited activity, can arrest the individual.

*The Trespass to Property Act* was not meant to replace trespass provisions dealing with specific circumstances such as snowmobiling and operation of all-terrain vehicles, and such provisions continue to apply. Currently, where there is a conflict between the provisions of *The Trespass to Property Act* and specific trespass provisions in other legislation, the latter will prevail.

*The Wildlife Act, 1998* prohibits hunting on posted land. The Act further provides that the lack of posting does not indicate consent to access for hunting. It also provides that where consent to hunt is provided, the owner/occupier owes no general duty of care to a person hunting on the land;

*The All Terrain Vehicles Act* prohibits the operation of ATVs on private or Crown land without the prior permission of the owner or occupier, regardless of posting;

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Having different access and posting rules for different activities as noted above may well be contributing to confusion as to the rules for access.

In addition, rural crime and other reported abuses by a minority of those accessing rural property under these Acts has significantly undermined land owner support for public access.

Land owners may also face fire risk and the increasing need for bio-security against crop diseases that can inadvertently be spread by even the most conscientious visitors. For example, Clubroot is a soil borne disease that can significantly affect yield in crops like canola with few options for control. The disease can be spread by soil being transported by agricultural or industrial field equipment, vehicles, tires, animals, and shoes.

Invasive species such as downy brome or leafy spurge can reduce of the productivity of grasslands and crop land and can be spread by vehicles, clothing, shoes, pets, etc. 3

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,

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(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.

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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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(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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"[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**

5

## **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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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?** I believe the best way for permission to be sought and granted, would be by a sign(s) possibly reading the following; Private Property, No Trespassing. Ph: (000) 111-2222

## **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?** Not at all, it would be a phone call. Followed by either consent or denial, would be cut and dry.

## **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

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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?**

I think 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?**

I think contacting the land owner is necessary. The land owner could register with local municipal office on the best method to contact.

Hunters should come to the nearest house to ask permission.

## **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, I think this would be a reasonable change to make.

## **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**.

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**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.

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### 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		
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## Review of Trespass Related Legislation

Saskatchewan's great prairies and parklands represent both a public and a private resource. Reasonable public access to these areas constitutes the foundation for extensive cultural and recreational opportunities. At the same time, over 90% of Saskatchewan prairie land in the southern area of the province is used for agricultural purposes.

These public and private interests are not irreconcilable; however, they do require balancing to maintain an appropriate relationship between those seeking access to private land and the rural private landowners. This balance is jeopardized by the reported abuses that landowners see by those accessing their property. A further complication is the need for increasing crop biosecurity from invasive species and diseases spread by random access.

At the common law, trespass has always been a civil wrong. Legislation has been passed in Saskatchewan to modify the common law to provide guidelines regarding trespasses as well as offences and enforcement provisions where trespass occurs.

*The Trespass to Property Act* creates an offence of trespass. Under the Act, it is an offence to, without lawful authority:

- enter onto posted or enclosed lands or other premises without the consent of the owner or other occupier;
  - enter onto lands or other premises, even if not posted or enclosed, after being requested not to do so by the owner or other occupier;
  - engage in prohibited activities on the premises without the consent of the owner or other occupier;
  - fail to leave lands or other premises after being requested to do so by the owner or other occupier;
  - fail to discontinue an activity after being requested to do so by the owner or other occupier;
  - after leaving a premises or discontinuing an activity pursuant to the request of an owner or other occupier, re-enter the premises or resume the activity.
- 
- An individual in contravention of the Act will be liable on summary conviction to a fine of up to \$2,000 - in most cases, the individual would make a voluntary payment of the amount set out on the ticket rather than going to court.
- 
- The owner or occupier can:

- ask the individual to leave the land or premises or discontinue an activity on the land or premises; or,
- give written notice to the individual not to enter the land or premises or engage in an activity on the land or premises
- A peace officer can issue a summary offence ticket and, if the individual does not leave the land or premises or discontinue the prohibited activity, can arrest the individual.

*The Trespass to Property Act* was not meant to replace trespass provisions dealing with specific circumstances such as snowmobiling and operation of all-terrain vehicles, and such provisions continue to apply. Currently, where there is a conflict between the provisions of *The Trespass to Property Act* and specific trespass provisions in other legislation, the latter will prevail.

- *The Wildlife Act, 1998* prohibits hunting on posted land. The Act further provides that the lack of posting does not indicate consent to access for hunting. It also provides that where consent to hunt is provided, the owner/occupier owes no general duty of care to a person hunting on the land;
- *The All Terrain Vehicles Act* prohibits the operation of ATVs on private or Crown land without the prior permission of the owner or occupier, regardless of posting;
- *The Snowmobile Act* provides that, without the consent of the land owner or occupier, snowmobiles cannot be operated on posted private rural land or on private land within a city, town, village or hamlet (the use of designated trails created under *The Snowmobile Act* will not be impacted by any proposed changes to trespass related legislation); and
- *The Provincial Lands Regulations* provides that someone occupying provincial lands without authority from the province is a trespasser.

Having different access and posting rules for different activities as noted above may well be contributing to confusion as to the rules for access.

In addition, rural crime and other reported abuses by a minority of those accessing rural property under these Acts has significantly undermined land owner support for public access.

Land owners may also face fire risk and the increasing need for bio-security against crop diseases that can inadvertently be spread by even the most conscientious visitors. For example, Clubroot is a soil borne disease that can significantly affect yield in crops like canola with few options for control. The disease can be spread by soil being transported by agricultural or industrial field equipment, vehicles, tires, animals, and shoes.

Invasive species such as downy brome or leafy spurge can reduce of the productivity of grasslands and crop land and can be spread by vehicles, clothing, shoes, pets, etc.

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

(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."

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, this will help protect the rights of the land owner as well as preserving and protecting the land in its best interest. The reality now is only honest people that look to use the land for decent reasons gain permission before proceeding on the property. The people looking to take advantage of the land and use it for irreparable reasons use the current laws to their advantage and do not always gain permission first.

### **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

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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?**

### **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 from contacting the Land owner (contact information can be held at the RM office) via a supplied phone number. If no phone number is or can be provided then permission can be gained from visiting the owner's place of residence. This would negate the "excuse" of the trespassers saying they are getting permission when they are caught illegally trespassing.

## **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?**

Not at all. Again this how all honest individuals go about it currently, enacting this would put the trespassers and criminals on the same playing field as honest citizens. With the current practice of having the onus on the land owner to post the land trespassers simply bypass this by ripping down the signs, throw them in the bush and when caught trespassing on land they simply say there was no sign.

Property rights in Saskatchewan need to be strengthened, without strong property rights in our province we risk losing the back bone of what makes our province strong and proud- civil liberty- without it we reward the people that are only interested in taking as much as possible from this great province and not the citizens with good character that are hardworking individuals that built this into the greatest place to live in the world.

## **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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(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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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 have written permission. This would stop people from saying "so and so told me I could go on the 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:

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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?**

They should all be treated the same. Many people drive through the farmers swaths or destroy hay fields with their off road vehicles.

## 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?**

Personal e-mail should never be given out EVER. The person wanting permission should have to see you in person (at that time you can decide (IF) by how they act if you WISH to give them permission.

## 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 - snowmobiles / atv's should be driven on their own land , not on other peoples property and public roads .

## 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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- enter onto posted or enclosed lands or other premises without the consent of the owner or other occupier;
- enter onto lands or other premises, even if not posted or enclosed, after being requested not to do so by the owner or other occupier;
- engage in prohibited activities on the premises without the consent of the owner or other occupier;
- fail to leave lands or other premises after being requested to do so by the owner or other occupier;
- fail to discontinue an activity after being requested to do so by the owner or other occupier;
- after leaving a premises or discontinuing an activity pursuant to the request of an owner or other occupier, re-enter the premises or resume the activity.

An individual in contravention of the Act will be liable on summary conviction to a fine of up to \$2,000 - in most cases, the individual would make a voluntary payment of the amount set out on the ticket rather than going to court.

The owner or occupier can:

- ask the individual to leave the land or premises or discontinue an activity on the land or premises; or,
- give written notice to the individual not to enter the land or premises or engage in

an activity on the land or premises

- 11 A peace officer can issue a summary offence ticket and, if the individual does not leave the land or premises or discontinue the prohibited activity, can arrest the individual.

*The Trespass to Property Act* was not meant to replace trespass provisions dealing with specific circumstances such as snowmobiling and operation of all-terrain vehicles, and such provisions continue to apply. Currently, where there is a conflict between the provisions of *The Trespass to Property Act* and specific trespass provisions in other legislation, the latter will prevail.

- 11 *The Wildlife Act, 1998* prohibits hunting on posted land. The Act further provides that the lack of posting does not indicate consent to access for hunting. It also provides that where consent to hunt is provided, the owner/occupier owes no general duty of care to a person hunting on the land;
- 11 *The All Terrain Vehicles Act* prohibits the operation of ATVs on private or Crown land without the prior permission of the owner or occupier, regardless of posting;
- 11 *The Snowmobile Act* provides that, without the consent of the land owner or occupier, snowmobiles cannot be operated on posted private rural land or on private land within a city, town, village or hamlet (the use of designated trails created under *The Snowmobile Act* will not be impacted by any proposed changes to trespass related legislation); and
- 11 *The Provincial Lands Regulations* provides that someone occupying provincial lands without authority from the province is a trespasser.

Having different access and posting rules for different activities as noted above may well be contributing to confusion as to the rules for access.

In addition, rural crime and other reported abuses by a minority of those accessing rural property under these Acts has significantly undermined land owner support for public access.

Land owners may also face fire risk and the increasing need for bio-security against crop diseases that can inadvertently be spread by even the most conscientious visitors. For example, Clubroot is a soil borne disease that can significantly affect yield in crops like canola with few options for control. The disease can be spread by soil being transported by agricultural or industrial field equipment, vehicles, tires, animals, and shoes.

Invasive species such as downy brome or leafy spurge can reduce of the productivity of grasslands and crop land and can be spread by vehicles, clothing, shoes, pets, etc.

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

(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."

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?**

100% 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?**

*As far as I am concerned if it isn't yours regardless of state you should have permission.*

## 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 Call or email any communication is fine. Once permission is granted the person granted permission should have it in writing on their person.*

## 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?**

*Not at all - private land should be considered no different than someone's home.*

## 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.

## 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**.

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**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.

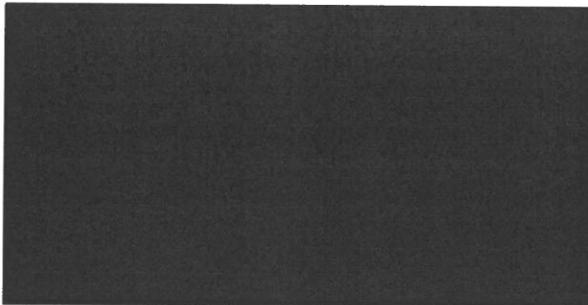
## Contact

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](mailto:LSBQuestionnaire@gov.sk.ca)

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Response to Questionnaire:

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

There should be no distinction. I don't want anyone trespassing on my land. I can't keep the signage up as either weather or trespassers are damaging the signage. It is not infrequent to find bullet holes in my posted signs and them laying on the ground. This disrespect is not tolerable and given this lack of conscience I am weary to tell people to leave. I find traces of alcohol use and soon marijuana will be legal. How do I as a landowner guard against these abuses? How can Conservations Officer ensure that permission is granted also? There should be a regulation that requires written permission be attained before entering someone's land.

At a meeting related to Rural Crime we were told to take note of ATV's, vehicles, etc.. In hunting season the area around my farm is crawling with hunters who do not have permission and do not respect or even know the boundaries of one landowner or the other.

Last fall I had someone show up at my home asking permission to hunt coyote on my property. He was not willing to take no for an answer, there are not proper distances from buildings on my home quarter to shoot. This was of little consequence to him. He would not leave until I escalated and my dog became protective of me, barking and stood the guy down. Remembering that he showed up at my home with a gun and intended to use it, I should not have to feel so unsafe in my own home.

2. How should permission be sought and granted?

In this day and age we should be able to electronically post our land by means of forwarding this electronically to Information Services Corp. By way of forwarding this we could indicate if hunting or other recreational use of any kind is allowed on that property, if so what means, bow hunting, rifle, snow mobiling, etc as well as what species may be hunted. The landowner may also put a restriction on such as when the crop is harvested, with written permission of the landowner, or other suggestions. Hunters, when planning their hunt, could identify which lands they could hunt on, if others are already granted permission, what conditions or restrictions the land owner stipulates. All of this should be available for a fee to the hunter to cover the costs of the service. None of this should be borne back to the taxpayer in any way. Liability would be squarely on the hunter as a waiver of same could be incorporated in the process.

Compliance officers would be able to access this information and enforce the wishes of the landowner. If there are illegal hunters, land owners could take photos of the offending vehicles and parties and forward them to the Tips line or Conservation Officers. Vehicle owners should be responsible for the actions of those that are using their vehicles if it is not them, in the same way as photo radar is enforced. Many land owners use trail camera on their property these pictures should also suffice as evidence of trespassing/illegal hunting.

3. Should all access by members of the public to rural property require the express advance permission of the rural landowner regardless of activity?

Yes, as stated earlier I believe that this should be done electronically via ISC. Also consideration should be given to forbidding all hunting (not trapping) within 15 kilometre of a urban area. With the Government's growth agenda, the need for Official Community Plans and Planning Bylaws, the largest number of multi-lot subdivisions and industrial/commercial developments are within that 15 kilometre radius. When considering this and the need for communities to be safe there should be a complete moratorium on hunting in that zone. The need to trap may still be there as beavers have a significant impact for these areas given the number of flooding years. Also there may be a need to trap other species and this also could be done with explicit permission using electronic access via ISC.

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

No, it would not represent an unreasonable impediment, if the recreational user needs to get fuel, insurance, proper gear, how could get permission from the lands they intent to use be an impediment.

There is a chronic issue with hunters in the area that I live, namely [REDACTED]  
[REDACTED] The hunters do not ask permission to hunt and feel free to trespass on my property routinely starting in the late summer and until the season closes. There are real safety issues for the residents of the rural municipality in that it is not safe to go on our roads and even our own property – walking, biking, horseback riding, running, etc for fear of these illegal hunters. If you do post your land they shoot down the signs, they leave refuse on the land, leave the waste from butchering animals, evidence of alcohol use.

Last fall I was awakened in the morning by a flurry of shotguns within a quarter mile of my home on my property, no permission was sought nor would it be granted. My property is within [REDACTED]  
[REDACTED] in a relatively densely populated area.. Given what happened to Jordan Darchuk recently I am fearful of approaching these illegal hunters. I am fearful of going to my garden or walking to my neighbours.

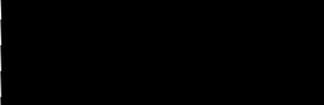
In the recent Rural Crime discussions, I suggested that there be a zone around major centres of 15 km where there is a moratorium on hunting but alas this was not taken up as a recommendation. As such I feel that I need to address the health and safety issues that hunting creates in my area, not just to raise the issue but also to offer up a suggestion to remedy the ever growing problem.

I understand that there may be issues for lands that are specifically set aside for hunting, ie Ducks Unlimited lands. I am quite certain that DU will be interested in promoting safe, ethical and legal practices on their lands and surrounding lands. As well Crown lands may also present a unique challenge, one I am certain that is not insurmountable.

Thank you for the opportunity to forward my comments to this questionnaire. I am hoping that you will consider this submission in your upcoming discussions.

If you have any questions about the comments above please feel free to contact me directly at my e mail address – [REDACTED] or my cell phone [REDACTED]

[REDACTED]



Environment Minister

Government of Saskatchewan

Dear Mr 

It has come to our attention that you are interested in how Saskatchewan people feel about current hunting laws.

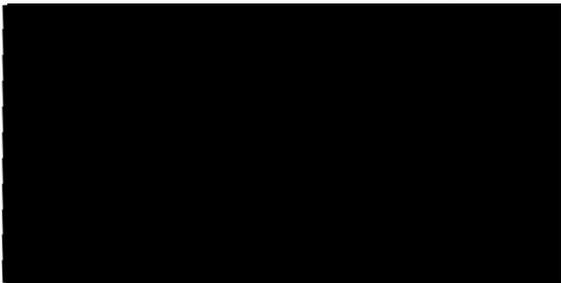
We used to put up "No Hunting" signs to warn potential hunters that we do not welcome them. We have stopped putting them up! The reason: They are a waste of time. If a deer is spotted on our land, as these hunters drive by, they simply remove the sign and do their thing. We have had signs driven over, totally stolen and removed, painted over so as to cancel what the sign is trying to say, blown up, yes blown up! Hunters in general may be this law-abiding group that we hear about. A few are very crude criminals. During hunting season, we simply do not feel safe. To date, the bullets have not hit our house or killed anyone but we do worry.

The Sunday hunting is not a necessary thing. Maybe increases the money coming to Saskatchewan, but the way it was introduced (premier declaring it) is a really good example of BAD Governing! I used to take Sunday to go skiing outside the yard. Not any more. Might get shot.

Hunting should not be allowed within the distance presently designated. Make it 3 miles from an occupied house. Other jurisdictions can and do.

Make it the law that hunters need permission to hunt on anyone else's land, instead of the unworkable owner must put up signs!!!

I have lived here all my life and farmed most of that. One reason to quit farming is our hunting season. It could be improved...



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October 1, 2018

Minister of Justice

Legislative Services Branch

Attn: Review of Trespass Related Legislation

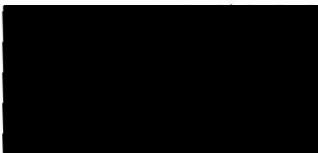
800 – 1874 Scarth Street

Regina, SK S4P 4B3

Dear Minister Morgan:

I am writing to urge your government to maintain the status quo with regard to access to private land in Saskatchewan. I believe all legitimate hunters, anglers, and other recreational users ought to have easy access to unposted private lands, as long as they travel on foot. That access should only be prohibited in law when the land has been properly posted by the land owner. Hunters should also continue to have the right to access unposted private lands, with a vehicle, to retrieve legally obtained game animals. Our wildlife and game species are part of the commons and we have a long tradition of hunting and fishing rights in Saskatchewan. I urge your government to maintain my right to freely hunt and fish. At the same time, the law must continue to make provision for penalties for not respecting properly posted private lands and for the damage of private property. Please note that I am the owner of agricultural land in Saskatchewan and feel that I am adequately served by the existing trespass laws.

Sincerely,



[REDACTED]

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**From:** [REDACTED]  
**Sent:** Tuesday, September 25, 2018 12:06 PM  
**To:** [REDACTED]  
**Cc:** Minister JU  
**Subject:** RE: Trespassing Legislation Survey  
**Attachments:** [REDACTED] Sept 24 2018.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

September 25, 2018

Thank you for your email. Premier Scott Moe's reply is attached. If you are not able to open this document, please contact us by email so we may send you the original by mail.

[REDACTED]

NOTICE: This e-mail was intended for a specific person. If it has reached you by mistake, please delete it and advise me by return e-mail. Any privilege associated with this information is not waived. Thank you for your cooperation and assistance.

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**From:** [REDACTED]  
**Sent:** Sunday, September 16, 2018 2:19 PM  
**To:** Office of the Premier [REDACTED]  
**Subject:** Trespassing Legislation Survey

[REDACTED]

[REDACTED]

Government-Government policy concerns and complaints

Recently via a Saskatchewan Stock Grower's Association publication I became aware of a public survey the government was conducting regarding possible changes to Trespassing Legislation. The URL that was provided within the publication was quite cumbersome: (122 characters in length!). I double checked my character entries twice but was still unable to access the site.

Is there an open commentary available on the topic of changes to trespassing legislation? If so, I hope the government is providing access to said survey in a more user friendly manner.

Please let me know of a better access option if it is an open survey to Saskatchewan landowners or inform the public if it a random selection survey.

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Friday, September 21, 2018 9:58 AM  
**To:** Minister JU  
**Subject:** Proposed trespass legislation

It is with dismay that I learned about the new proposed legislation concerning access to private land for the purpose of recreational hunting and other outdoor pursuits. As Saskatchewan is vast and farms are becoming increasingly large it is very difficult to determine who owns a particular parcel of land let alone find contact information for an owner who may live a good distance away. Another issue is since many people now do not have landlines it is impossible to get contact information from RM maps.

The issues of security and safety for landowners is already dealt with by the 500m distance from occupied buildings requirement when hunting. The possibility of field contamination could be dealt with by having affected zones designated as hunting on foot only including the retrieval of game. Legislation cannot prevent crime as thieves will still steal and vandals still trespass to do damage

This legislation will curtail outdoor opportunities for the majority of people and relegate, for all intents and purposes, wildlife to private ownership. The relationship between hunters and landowners has always been friendly and respectful for the most part keeping a link between rural and urban communities. I hope that your party will reconsider this legislation as it will do little good and more harm.

Yours truly

[REDACTED]

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Thursday, September 13, 2018 4:39 PM  
**To:** Minister JU  
**Cc:** [REDACTED]  
**Subject:** Proposed changes to The Trespass Property Act

Good Day:

I have a question about the proposed changes to The Trespass to Property Act.

Specifically I am wondering if the proposed changes could affect Snowmobile access to non posted, non enclosed private rural land?

The questionnaire suggests that the act was not meant to replace trespass provisions dealing with specific circumstances such as snowmobiling and goes on to say that where there is a conflict between the provisions of The Trespass to Property Act and specific trespass provisions in other legislation, the latter will prevail.

- The Snowmobile Act provides that without the consent of the land owner or occupier, snowmobiles cannot be operated on posted private rural land or on private land within a city, town, village or hamlet (the use of designated trails created under The Snowmobile Act will not be impacted by any proposed changes to trespass related legislation).

I have had the understanding that snowmobiles (separate from designated trails) could operate on non posted, non enclosed private rural land without prior consent. This of course should be done in a respectful manner and if asked to leave you must.

Would proposed changes affect consent for off trail Snowmobile access to non posted, non enclosed private rural land?

I look forward to your response.

Thanks

[REDACTED]

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Thursday, September 13, 2018 3:03 PM  
**To:** [REDACTED]  
**Cc:** Minister JU  
**Subject:** Re: Trespassing on rural properties

Mr. [REDACTED]

Thank you for taking the time to communicate to this office your thoughts on the matter of trespassing on rural properties. This office is not compiling the feedback, however, so I've forwarded your comments on to the Legislative Services Branch which is collecting the comments.

Please consider reviewing and completing the questionnaire at [this web page](#) and returning it to the address indicated on the page before October 1, 2018.

Best Regards

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Thursday, September 13, 2018 2:42 PM  
**To:** Minister JU [REDACTED]  
**Subject:** Trespassing on rural properties

Dear Sir,

I understand that you are interested to receive input into the subject above.

I have lived on a 40 acre acreage South of [REDACTED] since 1997. Despite "No Hunting and No Trespassing Signs" on fences surrounding my property, on which I have always had horses, I have experienced the following:

Fences cut and snow mobile tracks inside the property during the winter months (hence I have to check fences every Spring for cut wire);  
No Hunting signs removed and dumped at my gate; and  
Hunters walking across my property.

I bring my horses into corralled areas from end of October until the hunting season is finished, despite our area, which now has a number of acreages situated in it, still being a rifle zone. Bullet holes can be seen in road signs throughout the area.

Thank you for showing interest in this subject matter.

Yours sincerely,



[REDACTED]

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**From:** [REDACTED]  
**Sent:** Monday, September 17, 2018 10:34 AM  
**To:** [REDACTED]  
**Subject:** FW: access to rural properties by the general public

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**From:** [REDACTED]  
**Sent:** Monday, September 17, 2018 10:18 AM  
**To:** [REDACTED]  
**Subject:** FW: access to rural properties by the general public

Good morning [REDACTED]

Can you please have someone in your office prepare a response to the inquiry below.

Thanks

[REDACTED]

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This email (and any attachment) is intended for a specific recipient. It may contain information that is privileged, confidential or exempt from disclosure. Any privilege is not waived. If you are not the intended recipient, do not distribute it to another person or use it for any other purpose. Please delete it and advise me by return email or telephone. Thank you

**From:** [REDACTED]  
**Sent:** Sunday, September 16, 2018 4:08 PM  
**To:** [REDACTED]  
**Subject:** access to rural properties by the general public

[REDACTED]

[REDACTED]

Rights, Justice and the Law-Policing, law enforcement and corrections services

I wish to respond to a subject brought up at municipal meetings regarding access to private property and lands in rural areas. I feel very strongly that ALL access by members of the public to rural private property should

require advance written and signed permission from the landowner and/or renter regardless of the reason for entering the property. Only the person or persons who obtained the written permission should be allowed on the property. This should apply to Ski-doo's, quads, motorcycles and vehicles. This is only right. A person living in a city or town or village would not want strangers entering their property at any time of the day or night without permission so why shouldn't that apply to farmland and pastures as well.