



**Close to nature.
Close to home.**

**THE BRUCE TRAIL
CONSERVANCY**

Landowner Relations Manual

November 3, 2010

Table of Contents

1.	INTRODUCTION.....	1
2.	LANDOWNER RELATIONS (LOR) COMMITTEE	2
2.1	Committee Mandate	2
2.2	Committee Membership	2
2.3	Accountabilities and Responsibilities	2
2.4	Authority	2
2.5	Reporting.....	3
3.	THE LANDOWNER RELATIONS PROGRAM	3
3.1	Strategic Importance	3
3.2	Our Landowners	3
3.3	Common Landowner Concerns.....	4
4.	YOUR RESPONSIBILITIES AS LANDOWNER RELATIONS DIRECTOR	4
4.1	Develop a landowner contact strategy.....	5
4.2	Create a list of landowners to contact.....	5
4.3	Prioritize your properties.....	6
4.4	Determine Trail access or land securement options.....	6
4.4.1	<i>Handshake agreements</i>	7
4.4.2	<i>Fee simple (donation or purchase)</i>	8
4.4.3	<i>Partial acquisitions (donation or purchase)</i>	8
4.4.4	<i>Life interest agreements</i>	8
4.4.5	<i>Bequest by will</i>	8
4.4.6	<i>Small projects</i>	8
4.4.7	<i>License agreement</i>	9
4.4.8	<i>Legal right-of-way</i>	9
4.4.9	<i>Road allowances</i>	9
4.5	Contact your landowner.....	9
4.5.1	<i>Identify the best person for the job</i>	9
4.5.2	<i>Identify the best approach</i>	10
4.5.3	<i>Ways to communicate</i>	10
4.5.4	<i>Methods of contact</i>	10
4.6	Continue connections and appreciation for our landowners	12
4.6.1	<i>Calendar ordering and delivery</i>	12
4.6.2	<i>Landowner appreciation events</i>	13
4.7	Other responsibilities	13
4.7.1	<i>Permission for structures</i>	13
4.7.2	<i>Liability and the landowner</i>	14
5.	LANDOWNER FREQUENTLY ASKED QUESTIONS.....	16
6.	CONCLUSION	18

1. INTRODUCTION

The Bruce Trail Conservancy is a charitable organization committed to establishing a conservation corridor containing a public footpath along the Niagara Escarpment, in order to protect its natural ecosystems and to promote environmentally responsible public access to this UNESCO World Biosphere Reserve.

There are currently 885 km of main Bruce Trail along the Niagara Escarpment, and a further 415 km of side trails. However, only half the main Trail's length is secured on public land (e.g. through conservation areas, municipal parkland, provincial and federal parks, and BTC-owned land). The balance is on roads or crosses private property by "handshake" agreements with the landowners, which can be taken away at any time. The BTC is committed to securing a conservation corridor that contains the Bruce Trail along the full length of the Niagara Escarpment. To learn more of the BTC's history, please see Appendix A.

Currently about 29 per cent of the Optimum Route of the Bruce Trail is on private property. This is only possible through the generosity of our landowners. In order to maintain and appreciate these relationships, the BTC has a policy of regularly keeping in touch with its landowners.

The role of the Landowner Relations Director is maintaining good relationships with landowners. This is vital to the continuing existence of the Bruce Trail. Your role as a Landowner Relations Director is fundamental to the success of securing a permanent corridor for the Trail as well. This manual will explain your duties and suggest some of the best and most effective ways to carry them out



Caledon Club hike – Photo by Gary Hall

2. LANDOWNER RELATIONS (LOR) COMMITTEE

The following information has been in part extracted from the *Manual for Directors, Committees Chairs and Club Presidents* available from the BTC. For more information on Clubs and Committee roles and responsibilities please see Appendix A.

2.1 Committee Mandate

Landowner Relations is responsible for the management of landowner activities in order to establish and maintain effective relations with all Landowners (existing route, side trail, optimum route, and adjacent.) The focus is the securing of Landowner permissions for Trail location on the existing trails and optimum route.

2.2 Committee Membership

The Committee consists of a Chair and the Landowner Relations Director of each Club, and may include other BTC members. Members may be drawn from outside the BTC as well – e.g., a landowner who is not a member but who may be of assistance to the work of the Committee. Members must have good communication skills and be able to communicate with landowners effectively.

The Landowner Relations Program is in place to directly connect the BTC with all private landowners who allow us to use their land for the Trail. The Program administrators consist of:

- The Director of Land Securement (a full time staff position),
- A Landowner Relations Chair (Board appointed)
- Nine Club Landowner Relation Directors

Together these people form the Landowner Relations Committee.

2.3 Accountabilities and Responsibilities

The Landowner Relations Committee has the following accountabilities and responsibilities:

- To develop and maintain an effective program of communication with Landowners.
- To provide a coordinating role to the Clubs in maintaining accurate and up-to-date Club landowner records.
- To forward information to BTC Staff so they can maintain accurate and up-to-date property records for each Club.
- With the BTC Trail Development and Maintenance Chair, to secure from the Landowner permission for Trail location, reroutes, and major construction projects such as bridges, ensuring that no such trail activity occurs without landowner permission.
- To follow up to satisfactory resolution all issues with and concerns of landowners.
- To order and manage the annual delivery of BTC calendars to Landowners.
- To assist Clubs in organizing a program of Landowner recognition.
- To keep copies of communications to and from Club Landowner Relations Chairs

2.4 Authority

To assist in carrying out its responsibilities, the Landowner Relations Committee has the authority to:

- Review the landowner database
- The Chair is able to attend and receive minutes of Land Securement Secretariat meetings
- Liaise with landowners
- Relay information on potential land donors or land sellers to the Land Securement Secretariat

- Make handshake agreements with landowners for Trail passage across their land
- Discuss insurance issues and BTC indemnification with landowners
- Make recommendations to the Risk Management Committee on adding landowners to the BTC insurance policy

2.5 Reporting

The Committee reports to the BTC Board. The Committee will meet at the discretion of the Chair and will communicate with each other frequently as to Club/BTC needs and successes by email (or an acceptable alternative method). Written reports are provided to the Board on an as-needed or as-requested basis. The Chair can attend a Board meeting to present the report; alternatively the report can be presented on the Committee's behalf by the Vice President of Programs.

3. THE LANDOWNER RELATIONS PROGRAM

3.1 Strategic Importance

Landowner Relations is a major goal of the Bruce Trail Conservancy's Strategic Plan. It appears under Strategy 1.2 *'Maintain and enhance landowner relations so that Trail on private land continues to be accessible to the public in the long term.* Within the Plan there are three objectives that aim to advance landowner relations which are as follows:

Objective 1: Maintain and improve processes to provide the BTC with up-to-date information on landowners and to update the landowner database to assist with landowner relations and land securement needs

Objective 2: Cultivate and maintain landowner relations through regular contact with landowners on the Optimum Route or on land that is not Optimum Route where the Trail currently crosses.

Objective 3: Continue to identify and address landowner concerns that may be barriers to securing handshake agreements or eventual donations or sales of land.

The Landowner Relations Program relies on you, the Landowner Relations Director, with the help of your Trail Captains, Land Securement Representatives and other Club members, to maintain good relationships with landowners. Your role is to form new relationships with owners on whose land we wish to put Trail and people who could donate their land in the future. The following quote, from 1973, provides a sense of the important role you play within the Conservancy from a historical perspective. The article tells how Philip Gosling, one of the founding members of the BTC, took a year off work to help mark the Trail.

The next big step was to secure permission for a public Trail to cross private lands. Almost without exception, volunteers who knocked on private doors were astonished by the helpful response of landowners. Many welcomed and supported the Trail, and personally helped to blaze it across their land. Even those who were reluctant or unsure usually capitulated with remarks like, "I can't conscientiously refuse" or "This Trail is bigger than I am." In the 12 years that have passed, the incidents of land owners withdrawing permission to use their land has been small.¹

3.2 Our Landowners

The type of landowners with whom the BTC communicates ranges greatly. The landowners you will deal with may be farmers, developers, members of the general public, or incorporated

¹ Taken from Canadian Geographical Journal, Volume 87 Number 3, September 1973

Ontario companies. Although not considered private, municipalities and government agencies are also landowners and we need to maintain good relationships with them as well.

Most of our landowners are generous, public-spirited people who are pleased to have the Bruce Trail cross their lands.

Land ownership changes when property is sold or inherited. It is important to form good relationships with new landowners to continue the Trail on the land after the property changes hands.

3.3 Common Landowner Concerns

The most common concern raised by landowners is that Trail changes may be made on their land without their permission or knowledge. Another common concern is that they do not hear from BTC volunteers frequently enough, and that they do not know who to contact regarding problems related to Trail maintenance or improper use. More than one landowner has asked that the Trail be removed from their property out of frustration over concerns that they could not get answered, due to lack of communication. Not all landowners will be proactive in bringing problems to our attention, especially when they may not know who to contact.



David Kendall and Grecia Meyers – Land Donors

Conversely, landowners who mention how happy they are with their relationship with the BTC tend to know and hear regularly from both the Trail Captain for their section, and the Club Landowner Relations Director. Personal contact with BTC volunteers on a frequent basis helps to improve landowner relations and avoids situations where small problems grow large over time.

Landowner feedback stresses the following important points:

- The need for regular and effective communications between Landowner Relations Directors and Trail Maintenance volunteers within Clubs.
- The importance of getting the approval of the landowner before any Trail changes or construction occurs on their property.
- The importance for Landowner Relations Directors to know their landowners and maintain contact with them. This involves at a minimum introducing yourself to the landowner, leaving a number you can be reached at in the event of problems, and dropping in or phoning occasionally.

4. YOUR RESPONSIBILITIES AS LANDOWNER RELATIONS DIRECTOR

You, as Landowner Relations Director, are responsible for maintaining contact with landowners and resolving concerns. Trail Captains may also maintain regular (perhaps twice yearly) contact with landowners in their section as well. Although less formally, landowners may also have contact with other Club members. As such, it is important that you have good and open communications with the Trail Captain and other members of your Club to ensure that any concerns or requests the landowner may have are responded to quickly. Your main responsibilities are summarized here and are provided in more detail below:

It is important to get the approval of the landowner before any Trail changes or construction occurs on their property.

- Connecting with landowners on whose land we would like to locate the OR. Interest them in handshake agreements or greater forms of land conservation when appropriate.
- Maintain contact with landowners who have already formed agreements with the BTC to allow the Trail on their land. Keep them informed and pleased.

4.1 Develop a landowner contact strategy

Before connecting with landowners, it may be helpful to develop a plan for your section of the Trail. Different landowners will require different approaches. With your Club directors, or others who are familiar with the unique challenges along your section of the Trail, develop a strategy for how to best connect with your landowners. Which landowners will best respond to a handshake agreement? Is there a specific piece of property that may be an excellent candidate for acquisition? Keep in mind that you may not always be the best person to contact the landowner. Do you know of other connections to whom the landowner may respond better? Setting priorities and planning your activities are the first steps to contacting landowners. The following steps will help you with that process:

- Create a list of landowners to contact
- Prioritize the properties
- Determine the best Trail access or land securement options that may work for each situation
- Identify the best Club contact may be for each property
- Identify the best approach to use when contacting your landowner

4.2 Create a list of landowners to contact

The Landowner Relations Director is responsible for updating landowner contact information and obtaining a list of current landowners for the Club. The landowner's information is listed in the Landowners Database at the BTC Head Office. The database is used to generate contact lists including information such as a property's legal description, the type of Trail on their land (main, side or the Optimum Route) or whether they are adjacent landowners. The database also includes the landowner(s) full name(s), their current mailing address and phone numbers.

Landowner Relations Directors can request copies of the database with the information for their Clubs from the BTC Cartographer. It can be provided in digital format as an Excel database via email or CD, which can be stored on your home computer. You can also request it as a paper copy, or both. The paper copy may be more readable for some and allow you to jot down quick notes. Others may find the digital copy handy because it will allow you to keep track of more detailed or lengthy notes on the landowner such as correspondence records.

You can request a limited list of landowners, such as only those that have the main Trail crossing their property. For those of you who have stored the database on your home computer, it is important to know when printing the list that printing requires 11x17 size paper. If your printer cannot accommodate this, simply request a modified list to be sent to you from the BTC Cartographer. See Appendix I for an example.

4.3 Prioritize your properties

Developing a landowner contact list will help you prioritize properties of importance to your Club. Though it is intuitive that landowners along the Optimum Route are your highest priority, you, with input from your Club LSS director and/or Executive Committee, may choose to flag specific landowners whose properties may be important for the following reasons:

- Their property will get the Trail off a busy road
- Their property has open water within a Provincially Significant Wetland, a natural feature whose conservation is readily funded by organizations such as Ducks Unlimited
- Their property is one of several properties that terminate at the bottom of a valley or along the top of a steep slope (see securement strategies for an explanation)
- The landowner has expressed an interest in donating or selling their property or the property is actually listed for sale

To help you locate your priority properties, digital cadastral maps are available from the BTC Cartographer. The BTC can also generate a hard copy 1:20,000 map for those who prefer. The Cartographer can help you interpret the maps and let you know (via the staff ecologist) if any sections of the Trail have rare or endangered species. It may be helpful to speak to the Trail Captain to find further information on which properties may have high ecological value.

4.4 Determine Trail access or land securement options

A major goal in the BTC's Strategic Plan is securing a continuous conservation corridor containing the Bruce Trail. At the present time, the Optimum Route of the Bruce Trail is 885 km in length. The BTC is committed to securing the entire OR using a variety of land protection methods including:

- Receiving lands or an interest in lands through donations
- Purchasing lands
- Securing Trail on lands owned by other public agencies such as Conservation

Making changes to the database

The BTC Cartographer relies on the Landowner Relations Directors to provide up-to-date landowner information. If you know of any change in ownership or contact information, it is your responsibility to notify the Cartographer. There are many ways to find out current ownership information. You may prefer to knock on the landowner's door, or take the landowner contact list to your local municipal offices or land registry office to update the list by hand.

Municipalities are required to prepare an assessment roll which contains the names and contact information for property owners. This information is considered public record and is available for inspection by the public. Assessment roll information is available at your local city hall or municipal offices. It is also available at the land registry office, but often for a fee. You may want to use popular websites such as <http://www.canada411.ca> for a quick search.

When there are many changes or changes that are complex, the new information must be added directly to the Excel database. You will need to add a column entitled "modify" to the database and insert a "1" in the column where there is a change in information (see Appendix I). When reporting a small number of changes or corrections of errors, you can just send the new information to the Cartographer in an email. You are encouraged to contact the Cartographer via email to find out more information about the database and how you can use it since there are many 'tricks' you can learn that will enable you to use your gathered information more effectively. For instance, you can use the CLUB_CATEG (club category) column for classifying a record by a certain code that you have created to flag records. For example, you might want to flag your OR landowners so they receive mail by hand thereby giving you an opportunity to get to know them more. Or maybe a certain landowner requires specific mailings. You will come up with your own way of grouping your landowners but it is important to know that Excel allows you to generate a short list of just that group through a feature called Auto Filter that uses your individually designated CLUB-CATEG records. Please remember that if you add coded notes to landowner files, you should also have a key explaining your codes for others that may be using the file in the future.

Excel is a fun program to learn but the most important activity is for you to check over your list to ensure that all entries are correct and complete on a yearly basis. Send the corrections to the Cartographer who will then update the Landowner's Database and will return an updated list to you.

Authorities, Provincial, Federal or Municipal parks or other land trusts.



Boundary Bluffs – Peninsula

As of 2010 the BTC manages 203 parcels of land consisting 7208 acres. There are also 24 easements securing the Trail consisting of 326 acres and approximately 49 percent of the OR is secured in public ownership (e.g. Conservation Areas; Federal, Provincial and Municipal parks; BTC-owned land; Ontario Heritage Trust). The balance is divided between road allowances, roads and private land by handshake agreements.

4.4.1 Handshake agreements

When a landowner gives permission for a pedestrian footpath on his/her land, the BTC calls it a handshake agreement. The handshake deal is fundamental to securing the Bruce Trail and Conservation Corridor because it enables us to provide continuous public access to the beautiful Niagara Escarpment which, in turn, draws support for its preservation.

This agreement is a non-contractual understanding between the Bruce Trail Conservancy and the landowner and can be terminated anytime by either party without cause or prior notification. Neither in provincial or federal law, nor in common law, is there any possibility of the loss of property rights by the landowner as a result of such a handshake agreement. Regardless of how long the Trail has crossed the landowners' property, we will never be able to claim rights to the land. Providing a letter of thanks that also acknowledges the landowner's right to terminate the agreement is a step to reassure the landowner. See Appendix B for a sample letter to a new landowner.



Erica Pratt and Peter Goring – Landowners with Handshake Agreements allowing the Trail across their land.

The handshake deal provides an important inroad to securement but it does not secure land. Therefore, it is important for the Landowner Relations Director to have an understanding of the different land securement options should a landowner be interested in more than a handshake.

The following sections provide information about the different land securement options available to landowners.

4.4.2 Fee simple (donation or purchase)

Transferring all the rights of property ownership from a landowner to the BTC is the most common and highest level of securement achievable. Fee simple transfers can be donated or purchased and can encompass the whole or part of the property, the latter of which is also called a partial acquisition. Unlike easements that transfer some of the rights to a property, the fee simple option transfers all of the rights and therefore tends to be the simplest and most secure option available.

4.4.3 Partial acquisitions (donation or purchase)

When the BTC acquires part of a property, it is called a partial acquisition. This can be done through municipal consent to sever or a direct conveyance with the assistance of a public body such as a conservation authority. A clause within the Niagara Escarpment Plan restricts partial acquisitions to conservation organizations. Therefore a landowner can only access this option with the help of a conservation group such as the BTC. A partial acquisition is attractive to landowners since it allows them to sever lands in restricted areas while retaining most of the value associated with their developed or developable parcel.

4.4.4 Life interest agreements

Life interest agreements allow a former landowner to continue living on the land or provide access to and use of the property after title has been conveyed to the BTC. A life interest agreement should contain provisions ensuring the land will be kept in its natural state (e.g. no trees are cut or removed) and that no damage to the natural features (other than acts of nature) occurs for the duration of the agreement. The value of land is discounted according to market values and the terms of the life interest agreement. These deductions make the purchase more affordable to the BTC and may make a donation more appealing to the landowner.

4.4.5 Bequest by will

A landowner can bequeath land to the BTC by naming them as a primary or secondary beneficiary in a Will. A bequest can assist with the donor's estate planning process. As Canada Revenue Agency deems donors to have disposed of all their assets at fair market value immediately prior to death, the donor's estate must pay tax on any capital gains on land. As such, there could be significant taxes owing upon one's death that will leave less money for the intended beneficiaries. However, bequests can generate a large tax credit for a donor's estate, which helps minimize taxes and preserves assets for beneficiaries. A bequest cannot secure land but can contribute to securing property in the future.

4.4.6 Small projects

A relatively new approach to securing land is to create neighbourhood "small" projects within Club areas. The idea is for the Club to select an area or street where the OR passes through at the rear of a number of adjacent properties, ideally through sensitive lands not easily accessed by the landowners. These lands are typically at the bottom of a ravine or at the top of long steep slope, largely out of sight of the landowner's house and not used for any other purpose but the Trail. The objective is to generate concern among neighbours about the land's sensitivity and the need to protect it and provide them with incentives for doing so. A severance and donation of the land can reduce property taxes and insurance. It can generate a tax receipt to reduce income taxes and give them peace of mind that the land will be professionally managed.

4.4.7 License agreement

A license agreement is a legally binding contract that gives someone permission to do a certain activity or to use certain property owned by someone else. Although it does not create an interest in the land it can be established for a specified term (maximum 21 years). For example, the BTC has license agreements with quarries in hopes of receiving a land dedication to permanently secure the Trail in the future. License agreements are also held with conservation authorities and MNR to ensure continued BTC access and use of the Trail crossing the land. License agreements can be unregistered or registered, the latter of which requires a registered plan of survey delineating the Trail. A license agreement does not secure land in perpetuity but can begin a relationship that might evolve into more permanent conservation.

4.4.8 Legal right-of-way

A right-of-way is an easement that is registered on title and allows hikers the legal right to cross land owned by another landowner. The BTC must be the dominant tenement (own the abutting land) appurtenant to the easement in order to hold one. A right-of-way is useful if the length of Trail required is very small or establishes a small connection over private land between one parcel and another or if purchasing the land for a particular section of the OR is cost prohibitive.

4.4.9 Road allowances

Road allowances are roads laid out in the original Crown surveys of townships, towns and villages with numbered concessions and lots. With municipal permission, it is possible to establish Trail along a road allowance but how permanent the Trail is depends entirely on the municipality. Municipal councils have the sole power to determine whether to open or close road allowances for public travel or dispose of it. At a maximum of 66 ft wide, the road allowance can accommodate the Trail but it is not an ideal approach to securing a conservation corridor. Therefore, it is recommended that land beside the road allowance be secured whenever possible to position the BTC to acquire the road allowance if ever the municipality decides to dispose of it. The BTC can approach a municipality for a conveyance of a road allowance either through a donation or sale.

4.5 Contact your landowner

4.5.1 Identify the best person for the job

When initiating contact with a landowner, you may want to first assess whether you are the best person to make the connection. Even though you are the Landowner Relations Director you may want to delegate communication responsibilities for some landowners to others in your Club. Reasons for wanting someone else take the lead role in landowner contact include:

- They have a personal relationship with the owner
- They live adjacent to the owner
- They have a business relationship with the owner
- They speak the same language as the owner
- They are of the same generation as the owner
- They share common interests with the owner

If the landowner seems serious about donating or selling the land, or is interested about permanent conservation options, you may want to have them speak directly with the BTC's Director of Land Securement right from the start. As the Landowner Relations Director, it is your responsibility to decide who may do the most effective job of keeping the landowner informed and happy with the work of the BTC.

4.5.2 Identify the best approach

Sometimes the initial contact with a landowner may be as simple as knocking on their door and having a brief doorstep conversation. With other landowners it may not be so simple. You may want to develop an overall contact strategy. After you have identified who the solicitor or main contact for the landowner is, you will want to decide which approach they may respond to best. Ask yourself:

- Would they prefer it if you met with them in their local diner?
- Is a quick email the only way you will get a minute of their time?
- Do they have hearing and/or sight issues and require a clearly typed letter?

A general approach is recommended below. Please feel free to adjust your strategy according to you, your Club and your landowner's needs.

4.5.3 Ways to communicate

Success for getting permission to cross private land is based on developing a trusting, respectful relationship with landowners. To accomplish this, a Landowner Relations Director must be able to communicate effectively with them. You must take the time to carefully listen to the landowner and respect their concerns. This requires attentive listening or active listening which seems intuitive but it is in fact learned and requires self-awareness and skill.

We have all had the experience of trying to speak to someone who is distracted or is half focused on something or someone else. We also know what it feels like when someone interrupts us mid-sentence or ask questions unrelated to what is being discussed thereby conveying the message that they have little or no interest in what we are saying. It feels frustrating, rude and sometimes makes us angry. Learning active listening skills (a series of verbal and nonverbal techniques) helps guard against making such mistakes. Employing active listening skills will not only enable you to understand fully the needs or concerns of the landowner but will also make them feel respected and valued, which will foster a happier and more long-term relationship. See Appendix C for verbal and nonverbal techniques to help improve your active listening skills.

Regardless of your active listening skills, the final decision on permission for Trail location will rest with the landowner. In some cases no amount of persuasion will convince a landowner to give permission. The owner may change their mind about the BTC or the property may change hands. Do not be discouraged. Situations and circumstances that prevent a landowner from considering the BTC can change more quickly than you may think.

4.5.4 Methods of contact

Landowner contact may consist of three steps. These steps are not mandatory and circumstances may alter your approach:

Send a letter

Introduce both yourself and the Bruce Trail. The letter must be informative, polite, personal, and easy to understand. Do not use a form letter but do use your Club's letterhead to make the letter more official. If you know the individual, a handwritten note may add an extra personal touch. See Appendix B for a sample introduction letter.

The Landowner Relations Director makes the initial contact for getting approval for the Trail. The Trail Director must contact the landowner to get permission to re-route the Trail.

Follow up by phone

A week or so after sending a letter, phone the landowner to establish personal contact. Besides introducing yourself, the primary purpose of the call is to arrange a personal visit to talk about the Trail and access options. Be polite, respectful, patient and considerate. Explain your business in a friendly but professional manner. Listen closely to their concerns if they arise. You will have much better success if you truly understand the driving factors behind why they may or may not allow the trail across their land. If the owner becomes critical, be diplomatic. Take your time but show that you value their time also. It may take a while for them to gain trust and respect for you and the BTC.

Keep in mind that first impressions are often the most important. If you get their voice mail, introduce yourself and let them know you will try back again later. This allows them to prepare for your phone call without making them responsible for calling you back.

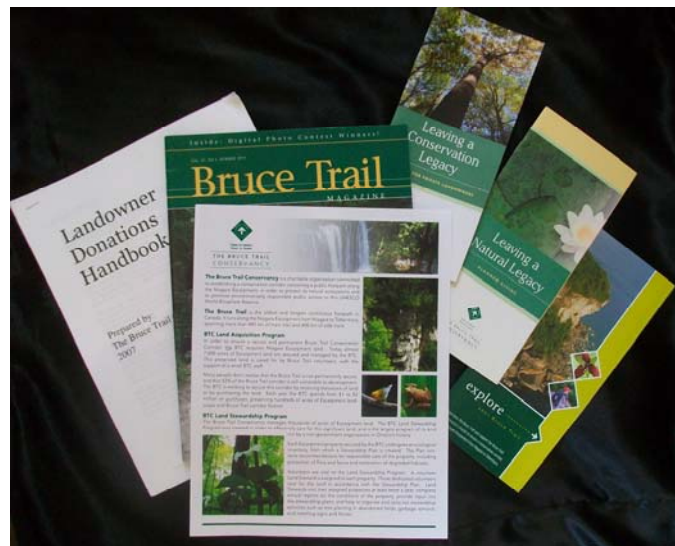
After introducing yourself and the BTC, refer to your letter. Was it received? Has the landowner had a chance to read it? If yes, you are probably over the biggest hurdle. Although you can be mildly persistent you should be very sensitive to the landowner's responses to you. Never risk closing the door forever by pushing so hard as to be offensive! Even with outright rejection, there is always the chance that a landowner may find out more about the BTC from neighbours and contact you later. Never argue with a landowner – active listening techniques can help diffuse antagonism. See Appendix C for active listening techniques. Always be diplomatic and in control of your emotions.

For landowners who are particularly difficult to reach you might consider sending a self addressed stamped envelope and a reply form along with your letter of introduction and a map showing the proposed route for the Trail. See Appendix D for an example.

Pay a visit

The visit will initiate and/or maintain open lines of communication between the landowner and the BTC. Our contact must be viewed as an ongoing process. Be honest, and above all, maintain a high level of respect for landowners. They own the land on which we wish to locate the Trail. It is important that they understand that you are listening to their concerns and that they do not feel like 'just another landowner' on the Trail.

During this first meeting, if possible, visit the location where the Trail may be located. Getting out on the property may help the landowner feel more comfortable and will often encourage a dialogue about their property and allow them to explain how they really feel about access and management. Open communication will also help prevent any later issues with Trail placement. During this visit you may want to give the landowner one or more of a number of handouts the BTC has available either from the Head Office or from the BTC website as a download. These handouts provide information on the land securement and the land stewardship Programs, as well as land donations and some of the tax incentives associated with them.



A few of the BTC Handouts available for distribution

These handouts provide information on the land securement and the land stewardship Programs, as well as land donations and some of the tax incentives associated with them.

Stay in Contact

The first follow-up after a visit to a new landowner may be a simple thank you note for the landowner's time and permission for the Trail to cross their land. This is an opportunity for you to provide any information that they may have requested. The note will reiterate what has taken place during the visit, confirming the granting of permission for the Trail and any special conditions that may have been agreed upon. See Appendix E for a sample agreement letter. You may also want to be on hand to introduce the landowner to your Club's Trail Captain if they need to connect regarding any changes to the Trail. Some landowners may feel overwhelmed by meeting more than one or two BTC representatives and may prefer only have contact with the BTC through you. Use your judgment.

4.6 Continue connections and appreciation for our landowners

The best way to maintain contact is show to appreciation for the landowner. Landowners who support us with handshake agreements are considered as non-paying or landowner members of the Conservancy. As such, the following is available to them at no cost.

- Bruce Trail Magazine (x4)
- Member access to the BTC Website
- Newsletter (2-4 annually depending on Club)
- Calendar (yearly)
- Landowner Appreciation Event (takes place at Club discretion)



David Moule and Sally Cohen - Landowner Appreciation Award

Such gifts allow us to continue to stay in touch with the landowner while also letting them know they are an important part of our organization. Occasionally you want to include a letter with the gift to convey our continued appreciation for a handshake agreement. A sample letter is provided in Appendix F, which can be delivered to your landowner along with the calendar or as you think is needed. There are a variety of other ways a Club can recognize landowners and some are listed below. Whichever you choose, landowner appreciation events should be part of a Club's annual program.

- Christmas Cards
- Special awards or Certificates of Appreciation
- Further personal visits
- Magazine articles written by the Club about the landowner's participation.
- Information brochures
- Plus your own ideas.

4.6.1 Calendar ordering and delivery

The BTC calendar is given to landowners who have granted the BTC handshake agreements for the Trail. It is a token of our appreciation and depicts selected original paintings related to the Niagara Escarpment by individual artists. However, calendars should be given to *any* landowners you wish to encourage a handshake agreement from or engage further in BTC or Club activities.

The calendar order and delivery system is simple. Every year, just prior to the Annual General Meeting (AGM), the BTC head office calls each Landowner Relations Director to tell them how many handshake agreements that particular Club has. This number is derived from the BTC database which you update throughout the year. If you need extra calendars for new landowners or individuals to whom you want to promote your Club or the BTC, feel free to order more at that time. Once the number of calendars has been confirmed for each Club section, they are packed into boxes at the BTC head office and brought to the AGM for pickup. Alternatively, if you are confident of how many calendars you need you may wish to place your order as soon as they are available in order to receive them ahead of time. Call the BTC Head Office to confirm the availability date.



In small Clubs the Landowner Relations Director may personally deliver calendars. In larger Clubs this responsibility may be shared by a committee that may include Trail Captains. Whoever your delivery agents are, they should be supplied with a list of names and addresses and the appropriate number of calendars for his/her landowners. It would be best that calendars be delivered personally as it is an opportunity to visit with the landowner and to see and discuss the Trail situation. Don't forget that calendar delivery can be used as an entrée to meet and cultivate landowners who have not yet given permission for the Trail. However, personal delivery is not always possible and some calendars will have to be mailed. With the calendar, include a note of thanks and inquiry as to any problems or concerns they might have. This is a valuable contact and must not be overlooked.

4.6.2 Landowner appreciation events

Recently many Clubs have had great success and turnout by hosting landowner appreciation events. Before planning an event, review your landowner list to determine what type of event may be best received. Events to consider include:

- A naturalist-led hike (Some landowners may appreciate having an expert on hand to identify the flora and fauna found on their land and that of their neighbors')
- A wine and cheese gala
- A meet and greet potluck dinner or picnic lunch
- A BTC history night with a chance to enjoy snacks and the company of others who share in the Trail

4.7 Other responsibilities

4.7.1 Permission for structures

Part of the Landowner Relations Director's responsibilities includes obtaining permission to erect structures on the owners' property to accommodate the need for the improvement of the Trail or to allow for better, safer access. You will need to work closely with the Trail Director



Caledon Club – Geology Hike

to correctly relay the information to the landowner.

As the Landowner Relations Director, you must be able to provide information about the type of structure for which permission is being requested, who is responsible for its construction and maintenance, as well as its removal should the handshake agreement terminate. Although it is the responsibility of the Trail Director to acquire any permits or approval from the NEC that the structure may require, you must be familiar enough with the process to be able to answer questions and address any concerns your landowner might have.

The Landowner Relations Director should work closely with their Club Trail Director in following these steps:

1. Discuss the proposed project with the landowner. Collect a number of stock photographs showing dodge-ways, steps, boardwalks and stiles and of a typical treadway through both forest and field, to include with any correspondence or to show the landowner at your meeting. If the landowner is a private individual, meeting with them may be as simple as a home visit or a walk across their land with them. If the landowner is a conservation authority, the Ministry of Natural Resources, a municipality, or corporation, you may need involve BTC staff to facilitate discussions.
2. The discussion should include a review of the location where the structure is to be built; this should be identified on an accompanying map. A drawing of the structure with specifications should also be part of the review. Drawings and specifications are available for this purpose in the "Guide for Trail Workers" Manual which is available on the BTC website. When you are discussing the proposed project be sure to talk about how best to access the area, as you may need to enter from a portion of the property where you do not currently have explicit permission to use.
3. After the landowner has given approval the agreement should be formalized in a letter to the landowner.
4. Once your Trail Director has received all approvals and has acquired all the necessary permits construction of the structure can begin.

Concerns about use of the structures and Trail by the public will inevitably raise questions about liability.

4.7.2 Liability and the landowner

Landowner Relations Directors will be asked questions about the landowner's liability in case of an accident. Your familiarity with liability problems will help allay concerns that landowners may have. If the landowner is still uncomfortable with the information you put forward, the landowner should be advised to consult a solicitor or their insurance agent. This may sometimes be the deciding factor in securing permission from a landowner for Trail location.

There are two relevant Acts: ***The Occupiers' Liability Act***, which defines the liability of all occupiers of land and protects occupiers of most rural land from being sued for damages by people who come onto their land; and ***The Trespass to Property Act***, which provides protection from trespass to land should the occupiers wish to prevent others from entering or to control the use of their land. Together, these Acts outline the rights and responsibilities of both occupiers and visitors and are designed to encourage continued cooperation between them. Both Acts can be found at the following website. <http://www.e-laws.gov.on.ca>

4.7.2.1 Occupiers' Liability Act

The best way to explain this Act is to refer to a recent case that ruled in favour of the landowner under this Act.

Schneider v. St. Clair Region Conservation Authority (2009), 97 O.R. (3d) 81 (C.A.)

Schneider was injured while skiing in a conservation area when she left a marked Trail and her ski struck a wall hidden by snow. During the winter months, the area was used for activities such as skiing, tobogganing and hiking, but the defendant did not perform any maintenance of the area. Section 3 of the Occupier's Liability Act imposes a duty on occupiers to take reasonable care to ensure that people are reasonably safe while on the premises. Where a person willingly assumes the risks of entering premises, section 4(1) of the Act substitutes a lesser duty on the occupier to not create a danger with deliberate intent to do harm and to not act with reckless disregard. Section 4(3) of the Act is a deeming provision that provides that a person who enters certain types of premises that are outlined in section 4(4) is deemed to have willingly assumed the associated risks. Those premises outlined in section 4(4) include such property as rural premises and recreational Trails.

The trial judge held that the lesser duty of care did not apply because the premises did not come within one of the categories listed in section 4(4). He noted that although the premises contained recreational Trails, the concrete wall was not on one of the Trails.

However, the judgment that the landowner was at fault was appealed. The Court of Appeal allowed the appeal and dismissed the action. The court reviewed the purpose and history of the Occupier's Liability Act. The purpose of section 4 was to encourage landowners to make their lands available to the public for recreational use. The Court of Appeal stated that it would make little sense to impose a lesser standard when users remained on the Trail, but to impose a higher standard when they veered off of it. The Trail was being used by Ms. Schneider for recreation and it met the definition of recreational Trail, thus bringing it within the provisions of section 4. In other words, the landowner was not held liable for the injury sustained.

The law reflects the self-reliance of most people who enjoy sports and recreation on our countryside. You accept and respect the environment as you find it. Non-paying entrants are responsible for their own safety when they enter road allowances, reasonably marked private roads as well as recreational Trails.

4.7.2.2 Trespass to Property Act

The Trespass to Property Act is designed to give occupiers very clear control over the entry and use of their premises. The act also facilitates recreational use of private land, by providing a simple marking system to indicate where and how the property may be used. The intent of the act is to encourage shared recreational opportunities while discouraging trespassing.

The Act makes it an offence, without lawful authority, to:

- 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 lands or other premises without the consent of the owner or other occupier
- fail to leave lands or other premises, or to discontinue an activity, after being requested to do so by the owner or other occupier. and

- after leaving lands or other premises or discontinuing an activity pursuant to the request of an owner or other occupier, return to the lands or other premises or resume the activities.

A sign indicating permitted uses is a legal notice that any other activities are prohibited on the property. These signs are available at the BTC's Head Office.

4.7.2.3 Landowner Indemnification Process

Sometimes, the knowledge the *Occupiers' Liability Act* and the *Trespass to Property Act* is not enough to reassure a landowner of their protection. In 2004, the BTC Board approved a Landowner Indemnification Policy that allows the BTC to add a landowner as an Additional Insured to their policy, provided that their land is along the OR. It is acceptable for a Landowner Relations Director to advise a landowner of the existence of the policy if it will result in getting the landowner to agree to allow BTC access to their land.

The process for adding a landowner as an Additional Insured to the BTC policy is as follows:

- ✓ Landowner Indemnification Additional Insured Request is completed by the Club and given to the Executive Director. See a copy of the Landowner indemnification additional insured request under Appendix G.
- ✓ The Executive Director sends the request to the Risk Management Committee and BTC Secretary for approval.
- ✓ Once approved, the Executive Director informs the BTC insurance company who provides the BTC with a Certificate.
- ✓ The BTC staff prepares 3 copies of a letter which outlines the terms under which the Trail will remain on the property, what kind of insurance the BTC has, who the landowner's contacts are and any other pertinent information. See template letter under Appendix G.
- ✓ The letters are signed by the BTC President, the insurance Certificate is attached, and the signed letter and Certificate are sent to the Landowner Relations Director.
- ✓ The Club president and landowner then sign all 3 copies of the letter; one copy goes to the landowner, one is kept on file at the Club and one copy is returned to the BTC.

5. LANDOWNER FREQUENTLY ASKED QUESTIONS

What part(s) of my property does the BTC intend to use? How wide will the Trail be?

The actual Trail is a relatively narrow footpath we call a treadway. We keep a corridor approximately 1.5 meters wide clear of obstructions such as tree branches and long grass.

How will it be marked?

The Trail is marked with blazes painted on trees, poles, posts and the like. While blazes do not stand out, they can be seen by those using the Trail.

What happens when the Trail crosses my fences?

Where the Trail crosses a fence, we build and maintain a stile which protects your fence and facilitates hikers getting over it. We have guidelines in our Trail Workers Manual to help our Trail workers in doing their job. We will always request your permission to construct a stile.

What are my responsibilities when I agree to have part of the Trail on my land?

Our volunteer Trail Captains maintain the Trail, oversee its use, stay in touch with you, and keep you satisfied with our use of your land. Landowners should contact their Landowner Relations Director, Trail Captain, Trail Director or the BTC anytime they have any Trail maintenance problems or concerns.

What agreements/arrangements are available if one is interested in having the Trail on one's property?

Your agreement to allow part of the Bruce Trail on your land is really a simple one. You give permission for the Bruce Trail Conservancy to use part of your land as a Trail corridor. The exact location is determined with you and is approved by you. The arrangements can be confirmed by letter. You have to be completely satisfied.

If I grant permission to the BTC to cross my property, will the BTC maintain the Trail?

A volunteer Trail Captain will look after the Trail on your land, keep it clean and well-maintained. The Club Landowner Relations Director and/or Trail Captain are your first points of contact with the BTC. We ask that all owners contact the BTC if there is a maintenance problem on the Trail.

If I allow the BTC to use my land for its Trail can I be sued by users in cases of accident and injury?

(See the liability section above.)

Provincial legislation and your property insurance should protect you. We recommend you consult your insurance agent. The Bruce Trail Conservancy maintains third party liability insurance to protect itself, its employees, officers and volunteers as a result of an incident on the Bruce Trail, including that part on your land.

What happens if there is loss or damage to my property caused by people using the Trail?

Your Trail Captain patrols the Trail, removing any litter and keeping it clean. We shall repair any damage to the Trail resulting from use by hikers. However, your property insurance should cover you in the event of any damage, as it would even if the Bruce Trail was not there.

Can I change my mind and have the BTC remove the Trail from my land once I have given permission?

You as the landowner can have the Trail removed from your property. A call to your local BTC Club President or Landowner Relations Director is all that is required, and the Trail will be closed, on reasonable notice from you. Your permission will not at any time result in the BTC expropriating a permanent Trail corridor on your land.

What is the effect of an agreement with the BTC on my future use, transfer or sale of my property?

The agreement with the BTC will not be registered on title, and if you sell your land, a new agreement will be entered into with the new owners. Your consent for us to have part of the Trail on your land will in no way affect how you use your land now or in the future.

Will BTC Trail Maintenance people and other workers respect instructions?

All Bruce Trail volunteers, such as Trail Maintenance workers and Hike Leaders, will respect instructions that are consistent with the safe use and maintenance of the Trail.

Can I determine the uses to which the Trail corridor on my land will be put?

You can always determine how your land, including the Trail, is used. The Bruce Trail is used only for hiking (hiking may be as slow as a crawl or as fast as a run). Signs can be posted, and maintained by us, stating what the Trail can be used for and how.

Consider keeping a log of other common concerns so that we can add them to the BTC website and to this manual at the next revision.

6. CONCLUSIONS

Probably the most important qualities a Landowner Relations Director can have are to be friendly, personable and be a good communicator. This is based on a willingness to listen, to be honest and flexible and have good interpersonal skills. Since Landowner Relations Directors will be meeting people who are initially strangers, and might need to negotiate conflict, they must also be confident, outgoing people with a degree of tenacity. You



Photo by Steve Arscott

are our ambassadors and link to the generous people who allow the Bruce Trail to continue, and for that we sincerely thank you.

Appendix A - The Bruce Trail Conservancy at a glance

Background

The Bruce Trail was conceived in 1960 by a small group who were concerned about the impacts of development on the ecology of the Niagara Escarpment. In recognition of the pivotal roles played both individually and collectively in the initial establishment of the Bruce Trail, The Bruce Trail Conservancy has designated Philip Gosling, Ray Lowes, Robert McLaren and Norman Pearson as “Founders of the Bruce Trail”.

The Founders’ ambitious idea was to build a public footpath spanning the Escarpment from Queenston to Tobermory, in order to raise awareness for the protection of the Escarpment. In 1963 the Bruce Trail Association (renamed The Bruce Trail Conservancy in 2007) was incorporated as a registered charity by letters patent, and during that same year regional Clubs were established. Each Club was given responsibility for organization of their volunteers, landowner approvals, construction and maintenance of the Trail in their area. In 1967, in Tobermory, the cairn at the northern terminus of the Bruce Trail was unveiled and seven years of determination and support and the founders’ vision were realized with the official opening of the Bruce Trail.

The public footpath that was a dream more than forty years ago is a reality today. The Bruce Trail has increased awareness of the uniqueness and rich diversity of the Niagara Escarpment and played a key role in the Escarpment being named a UNESCO World Biosphere Reserve by the United Nations in 1990.

There are currently 885 km of main Bruce Trail along the Niagara Escarpment, and a further 415 km of side Trails. However, only half the main Trail’s length is secured on public land (e.g. through conservation areas, municipal parkland, provincial and federal parks, and BTC-owned land). The balance is on roads or crosses private property by “handshake” agreements with the landowners which can be taken away at any time. The BTC is committed to securing a conservation corridor that contains the Bruce Trail along the full length of the Niagara Escarpment.

Responsibility for building and maintaining the Bruce Trail main and side Trails is vested by the BTC in the nine Bruce Trail Clubs that span the length of the Trail. Volunteers in the Clubs also organize a hiking program for the membership, assist the BTC in identifying land that may be secured within the conservation corridor, and act as Land Stewards for BTC-managed properties.

The BTC, with a current membership of 8,700, is governed by an elected Board of Directors of nineteen, and supported by fourteen staff members and more than 1,000 active volunteers. BTC programs are funded from annual fees paid by its members, from donations, and from successful applications for grants.

Charter objectives and corporate name

The Bruce Trail Association was established by Province of Ontario Letters Patent, Registered March 13, 1963, with the following Charter Objectives:

- To establish and maintain for the use of the public a Trail to be known as “The Bruce Trail” along or adjacent to the Niagara Escarpment and the wild lands associated therewith from the Niagara Gorge to Tobermory on the Bruce Peninsula; and to establish and maintain similar Trails in such other areas as may be determined.

- To establish, maintain and operate on the Bruce Trail and such other Trails camps, campsites and other facilities to enable members of the public to resort thereto for purposes of year round hiking, recreation, physical fitness and study.
- To engage in and promote conservation of wildlife and natural resources.
- To accept donations, gifts, legacies, devises and bequests

On December 22, 1986, a Supplementary Letters Patent was issued to add the following new object to the Charter Objectives:

- To acquire, receive, purchase and hold real property and other rights therein for the purpose of securing the route of the Bruce Trail and other such Trails, Trailheads, camps and campsites which may from time to time be established, maintained and operated by the Bruce Trail Association.

On October 23, 2007, a Supplementary Letters Patent was issued authorizing a change of name from “The Bruce Trail Association” to “The Bruce Trail Conservancy”.

Mission and Vision

Mission: The Bruce Trail Conservancy is a charitable organization committed to establishing a conservation corridor containing a public footpath along the Niagara Escarpment, in order to protect its natural ecosystems and to promote environmentally responsible public access to this UNESCO World Biosphere Reserve.

Vision: The Bruce Trail Conservancy and its partners will secure a conservation corridor along the entire Niagara Escarpment that contains the Bruce Trail. Our steadfast commitment to responsible land stewardship will significantly contribute to the preservation and enhancement of the Escarpment ecosystem.

Organization and Authority of a BTC Board Committee

The terms and conditions described below apply to all BTC Board Committees as a basis for their operations.

There are 15 Standing Committees established by the Board of Directors of the BTC:

- Land Securement Secretariat (LSS)
- Landowner Relations (LOR) Committee
- Land Stewardship Committee
- Trail Development and Maintenance (TD&M) Committee
- Fundraising Committee
- Finance Committee
- Risk Management Committee
- Environment Committee
- Human Resources Committee
- Steering and Strategic Planning Committee (SSPC)
- Nominating Committee
- Club Communications Committee
- Program Management Council (PMC)
- Policy Advisory Council (PAC)
- By-Laws Committee

The Board may create Ad Hoc Committees, and establish terms of reference of such Committees. The Board may also terminate Committees as needed.

Authority

The BTC operates under a traditional board governance model. This model provides for the delegation of authority to the Committees, to permit the Board to pursue major policy and strategic issues.

Each Committee is empowered to inquire into any matter it considers appropriate to carry out its responsibilities, with access to authorized books, records, facilities and personnel of the Conservancy. The Committee has the power to seek the advice of experts both within and outside of the BTC, to assist it in carrying out its activities, subject to its authorities.

Only Board Committees have the authority to make recommendations to the Board. The Board can establish taskforces to address specific issues on an as-needed basis; the taskforce will be a subset of an existing Board Committee (a “subcommittee”) and report to the Committee and through the Committee to the Board.

The Board can delegate to each Committee responsibility and authority to make decisions on behalf of the Board in the Committee's defined area of responsibility. In turn, the Committees have the authority to create a subcommittee to address a specific need. The delegation of authority by the Board to the Committees is intended to be sufficiently broad so the issues referred by a Committee to the Board would generally be:

- High level strategic, budgetary and stewardship policy issues or matters of significant risk to the BTC
- Any matter involving an alteration in the mandate, terms of reference, membership, or structure of a Committee
- Matters which a Committee considers to be of major strategic significance, or to have a long-term impact on the organization
- Matters of substance on which, in the opinion of a Committee chair, there has been a strong division of opinion within the Committee
- Issues involving benchmarking and performance
- Issues involving potential conflict of interest, and
- Issues in which there is a lack of clarity as to which Committee is responsible and which may require redirection to another Board Committee.

Committee Accountabilities and Responsibilities

Each Committee has a mandate, and the responsibilities listed below are provided as a guide for fulfilling these mandates, with the understanding that the Committee's activities may change with the ongoing development of the organization and accomplishments of the Board. The Committee is accountable for carrying out its mandated responsibilities, activities and other actions reasonably related to the Committee's purpose, and other tasks as assigned by the Board. Accountabilities and responsibilities specific to Landowner Relations Committee are provided in the Landowner Relations Committee section.

Each Committee will:

- Establish policies and procedures to provide guidance to Staff and volunteers on key program areas and to mitigate key areas of risk;
- Conduct the business of the BTC as mandated by the BTC Board;
- Conduct an annual self-evaluation of the performance of the Committee, including its effectiveness;

- Review and reassess the adequacy of the Committee's mandate every two years, and recommend to the Board amendments as the Committee deems appropriate;
- Submit a budget to the Treasurer by March 31 of each year, for the following fiscal year, and
- Make expenditures that are within the Committee's budget, as approved by the Board
- Where appropriate, delegate any of its responsibilities to a subcommittee so long as such subcommittee has one or more members of the Committee.

With respect to Committee records, each Committee will:

- Appoint a person to act as the secretary of that Committee. That person need not be a member of the Board or of the Committee and may be an employee of the Association.
- Circulate an agenda to the Committee members at least 1 week in advance of the meeting date
- Keep minutes of meetings, and circulate the minutes to the Committee members and the Executive Director within 30 days of the last meeting; circulate minutes to other BTC groups as appropriate

Committee Decisions and Resolutions

Committee decisions and resolutions must be approved by a simple majority of Committee members present in a meeting with a quorum.

All Committees report to and make recommendations to the Board. Prior to reporting to the Board the Committee may consult with other BTC bodies such as the Program Management Council (PMC). Where the activities and/or recommendations of a Committee affect other Committees, it is the responsibility of the Committee Chair to consult with relevant Committee(s).

Role and Appointment of the Committee Chair

The primary functions of a Board Committee Chair are to provide effective leadership of the Board Committee, facilitate the operations, discussions and decisions of that Committee, and oversee the Committee's functions and responsibilities under its mandate.

The Chairs of Board Committees are appointed at the first regular Board meeting after the AGM. The Chair of a Board Committee can also be appointed at subsequent regular Board meetings if circumstances demand (e.g., resignation). The Chair may be appointed to serve annually as a Chair for a term of up to five consecutive years maximum. The BTC President and the Executive Director will jointly recommend to the Board the appointment of the Chairs for the Committees.

At times, the Committee members can elect a Chair from among themselves, if needed, subject to confirmation by the Board. Where this occurs, this will be stated in the Committee Mandate.

Committee Membership

Membership requirements for each Committee vary. If a BTC Board member sits on the Committee, they will act as liaison between the Committee and the Board. If there is no Board member on the Committee, the Committee Chair may submit a report to the Board when necessary (see Committee Mandate), either directly to the Board, or the report can be presented to the Board by the Vice President of Programs on behalf of the Committee.

Non-Board members may be drawn from the Clubs, the membership and from the public, as the Committee or Board considers appropriate. Some Committees will need specific skill sets or leadership, and those will be detailed in the Committee Mandate.

A staff member will participate in meetings at the invitation of the Chair and will assist the Committee in gathering information, managing any follow-up actions, and assisting the Committee in fulfilling its purpose in other ways.

Each Board Committee volunteer is appointed to serve for one or two successive Board terms, up to a maximum of 6 years. If Committee members are willing and interested, their terms can be renewed on a 2 year rotation by the Committee's Chair. The Chair may also request short-term service by expert or experienced volunteers for particular questions and projects. Any Committee membership expires upon resignation.

The Chair of the Board and the Executive Director are ex-officio non-voting members of each Standing Committee.

Committee Meetings

The Chair of a Committee is responsible for calling meetings and setting or approving the agenda for each meeting of that Committee. The Chair of a Committee may establish rules of procedure to be followed at each meeting of that Committee. The Committee shall meet on a regular basis at least once per year, or more frequently as needed.

In the event of a Chair's absence the Committee can appoint a temporary chair for the meeting to facilitate the work schedule of the Committee.

Quorums for Committee Meetings

A quorum at any meeting of a Board Committee is a number equal to a majority of the voting members of the Committee present in person or by telephone or other communication means/media that permit members participating in the meeting to communicate with each other. For purposes of determining the quorum for meetings of a Committee, the ex-officio members and Staff are not voting members.

Reporting

Through the Chair of the Committee (or other members as the Committee or Chair may appoint), each Committee will regularly report to the Board on the business conducted and duties discharged by that Committee. The person making the report shall be prepared to provide such additional information and detail to the Board for the Board to be properly informed as to the activities and decisions of the Committee. Key issues and policies are referred to the Board for discussion and decision, as outlined above. Regular and maintenance decisions of the Committee's work will be reported to the Board without need for decisions.

Appendix B - Introductory letter to landowner

Date

Address

Dear (insert landowners formal name):

I am a local volunteer contacting you on behalf of the (local club). You may have heard of the Bruce Trail – a footpath running from Queenston to Tobermory. I'm hoping you may be interested in joining in the long-standing tradition of private landowners who have allowed Trail access along their land. This is part of our effort to locate the Trail on the most scenic locations in an effort to encourage the preservation of the Niagara Escarpment.

I will phone you in about a week to discuss setting up time where we can meet to talk further about the Trail. At that time, I shall be happy to answer all your questions and discuss all aspects of your opportunity to become a vital landowner member of the (local club) and Bruce Trail Conservancy.

I look forward to meeting with you in the near future.

Yours truly,

Landowner Relations Director
_____ Bruce Trail Club

Appendix C - Active listening techniques

Being part of a Club is a social activity. Communicating with our friends and other members is something we do naturally. However, there is a difference between casually talking and listening to our friends and active listening. Active listening is a collection of communication techniques that require the listener to understand, interpret, and evaluate what they hear. Active listening uses a number of verbal and non-verbal techniques that are as follows: .

Non-verbal:

- Good eye contact, do not stare, but maintain regular eye contact, glancing away once in a while is a good thing, but return back to the person's face after a few seconds. Avoid wearing sunglasses.
- Facial expressions, smile and nod often. These are the visual cues to let others know you are listening to them.
- Body language, positive body language means keeping your posture open, do not cross your arms and your legs, this is a closed posture. Sit with your arms at your sides or on your lap
- Silence, allow silences to develop and the person to take their own time in telling their story. Don't feel you have to fill every silence with chatter.
- Give them time. Remember, this may be a hard decision for some landowners. Don't show that you are in a hurry or check your watch.

Verbal:

- "I'm listening" cues, either saying I'm listening, I hear you, or nodding and saying umhm in the appropriate places. These are the verbal cues to let others know you are listening to them and understand what they are saying.
- Don't be afraid to share a bit about yourself. Revealing something relevant about yourself confirms that you are just a person too and helps instill camaraderie.
- Validate statements if you concur. You can be as blunt to say 'I believe you' or , 'I trust what you are saying' to show your support.
- It may be helpful to make summarial statements – especially at the end of a long conversation. You can repeat what was said to you in a slightly different manner to ensure comprehension. You may also want to summarize your conversation and make sure you are in agreement on what will be done regarding any important points that have come up.

These techniques show others that you are paying attention to them and are interested in what they are saying. We stand a greater chance of keeping our landowners involved when they feel listened to and cared for

Appendix D - Landowner reply form example

(To be sent with a self addressed stamped envelope in conjunction with your letter of introduction and map)

Mrs. Jane Doe Reply

_____ Yes, you can go ahead with the proposed Trail as shown by a green line on the map.

_____ We would like to meet with you to discuss and new the current proposal or another location.

Contact name and number to make an appointment with:

_____ We will not welcome the Bruce Trail onto the property

Signature _____

Appendix E - Handshake agreement letter

(To be given to a new landowner)

Date

Address

Dear (insert landowner's formal name):

On behalf of the _____ Bruce Trail Club, we wish to thank you for allowing us to located part of the Bruce Trail across your property. You join nearly ___ other landowners in the _____ section of our Trail, and many many more along the Niagara Escarpment, whose public spirit has helped create this over 800-kilometre hiking Trail through some of the most magnificent land in Ontario.

Please be assured that at no time do we presume any rights to ownership of the land used for the Trail. It will always be your decision to request that we move or remove the Trail passing across your land. Simply notify our Club of your wishes and we will carry out your request.

We appreciate very much the privilege you have afforded us. We hope that you will enjoy exploring this and other parts of the Bruce Trail. If you ever have any questions or concerns, please don't hesitate to contact me or our Trail Director (or Club president – whoever is more likely to be available to help).

Sincerely,

Club President
(insert contact Info)

Landowner Relations Director
(insert contact info)

Appendix F - Handshake agreement thank you letter

(To be given to landowners with whom we have ongoing handshake agreements)

Date

Address

Dear (insert landowner's formal name):

The Bruce Trail Conservancy is now (current number of years) years old, and is proud of its accomplishments during those years.

We are very much aware that Trail development and maintenance, and its use by hikers are possible only with the cooperation and permission of the landowners, like you. Without you, there would be no Trail. We are most grateful to you for giving us this permission. We shall make every effort to see that this privilege is used responsibly at all times.

If at any time you have comments or concerns about the Trail on your property please call me at the phone number listed below, or contact the Club at the address noted above.

It is through the local assessment office that we try to keep our landowner records up to date. However, we realize that there is often a delay in learning of landowner changes. We ask you to bear with us should our landowner information be out of date.

We understand that your permission for the Trail to be on your land can be withdrawn at any time. Should you wish at any time to take such action we will act promptly on your wishes. Simply call me at the number below.

Again, we thank you for your support of the Bruce Trail in allowing us to use part of your property. You are part of a long-standing tradition of landowners allowing Trail access along their land, and for that we are ever grateful.

Sincerely,

Club President

Landowner Relations Director

Appendix G - Landowner indemnification additional insured request



Close to nature.
Close to home.

THE BRUCE TRAIL CONSERVANCY

Landowner Indemnification: Additional Insured Request Information to be collected by Club Landowner Relations Director

1. Name and address of registered landowner:
2. Name and address of resident, if not the owner:
3. Legal description of the property:
4. Property identification number from the Bruce Trail Conservancy property database:
5. Does the landowner have general liability insurance? *(if not, please provide additional information on Page 2)*
6. Description of how obtaining landowner permission for Trail location will support the BTC Trail securement strategy (e.g. on optimum route, may be willing to sell or donate, avoids other difficult area of Trail, etc.):
7. Confirmation the landowner has been advised about insurance broker consultation (if applicable) and seeking other professional advice (Yes/No):

Information Required re - Uninsured Landowners

If the landowner does not have insurance on the property for which the request is being made, additional information about potential hazards on the property is needed.

Please provide, in two or three paragraphs, a description of the property as a whole, and any unusual risks that may be encountered on the property, including off-Trail locations. Examples may include uncapped wells, animal traps, hazardous ruins, abandoned mine shafts, and ponds. Should you have questions about the type of information required, please contact the Chair of Risk Management or the Executive Director for assistance.

Appendix H - Terms of agreement for indemnification

[date]

[name]
[address]

Dear [name]:

We confirm on behalf of the [club name] Bruce Trail Club and the Bruce Trail Conservancy (BTC) discussions you have had with [contact name(s)] regarding a portion of The Bruce Trail that crosses your property in [location].

Please accept our sincere thanks for your generous permission to allow The Bruce Trail on your property. It is through the generosity and public spirit of landowners that there is a Bruce Trail.

Set out below are the terms and conditions under which the [club section] Bruce Trail Club will continue to locate, maintain and use The Bruce Trail on your property:

1. The property is legally described as [lot and concession description].
2. Any changes to the existing location and routing of the Trail on your property, including preliminary flagging of the route on the ground, will be reviewed with and approved by you before any work is done to develop and mark the Trail.
3. We confirm that the BTC has comprehensive general liability insurance in the amount of \$5,000,000 per occurrence to a maximum of \$10,000,000 in any policy year for bodily injury, including personal injury, death, and damage to property, including use thereof, showing [landowner's name] as an additional insured. Adding you to the BTC's general liability insurance deals with any possible BTC negligence arising from activities in placing, maintaining and using that part of the Bruce Trail located on the property described in item #1 above.
4. A copy of the insurance company's confirmation is attached. You will be advised of any changes to our comprehensive general liability insurance.
5. Please be assured that at no time does the BTC presume any rights to ownership of that part of your property on which the Trail is located.
6. The following representative(s) of the [club name] Bruce Trail Club will be your contacts for any questions, comments or concerns you may have with regard to the indemnification:
 - o [contact name, address, phone and email]

We note our earlier advice that you consult your insurance broker regarding this arrangement and seek other advice you feel may be appropriate.

We appreciate the privilege you have afforded the [club name] Bruce Trail Club and the BTC. We hope you will enjoy using this part, and exploring the rest, of the Bruce Trail.

Sincerely,

[BTC president's name]
President, The Bruce Trail
Conservancy

Date: _____

[club president's name]
President, [club name] Bruce
Trail Club

Date: _____

[landowner name]
[landowner address]

Date: _____

Appendix I - Example modified landowner data print out

MODIFIED	Club_Categ	BT_MAG	PROP_NUM	PROP_NAME	ASSESSMENT	ACR	LOT	MainTrail	F_NAME_1	ADDRESS_1
	High	YES	1.001	Queenston Heights	26270200231590000000	610		3444.7		
	High	YES	1.001	Queenston Heights	26270200231590000000	610		3444.7		
	High	YES	1.002	Queenston Heights	26270200220080000000	610		355.9		
1			1.003	UNKNOWN	26270200220020000000	0		0.0		
			1.009	Niagara Parks Commission	00000000000000000000	0		0.0	David	7400 Portage Rd S, P O Box 150
1	Med	YES	2.002	Gale	26270200231450000000	5.84	Pt Lt 44	0.0	Robert	1819 York Road, PO Box 285
1		YES	2.003	Buksbaum	26270200231440000000	5.5	Pt Lt 44	0.0	Maria	1805 York Rd, RR 1
	Med	YES	2.004	Pozojevic & Edwards	26270200231420000000	1.71	Pt Lt 44	0.0	Donald	R.R. 1, 1791 York Rd
		YES	2.005	Croy	26270200231400000000	19.25	Pt Lt 44	0.0	Carl	R.R. 1, 1755 York Rd
		YES	2.006	Fiedorek	26270200231390000000	11	Pt Lt 44	0.0	Jan	6535 Thorold Stone Rd
	High		2.007	Redland Quarries Inc	26270200240470000000	247.84	Pt Lt	35.3	Redland Quarries Inc-Queenston	R.R. 1, Stanley Ave. N.
1		YES	2.008	Bonetta	26270200231430000000	1.99	Pt Lt 44	0.0	Angelo	R.R.1, 1797 York Rd

Appendix J - Landowner Relations Committee contacts

Executive Director Beth Kümmling (800) 665 4453 bkummling@brucetrail.org	Committee Chair Rhoda DeJonge (289) 237-0254 rhodadejonge@yahoo.com	Director of Land Securement Antoin Diamond (519) 823 – 7768 adiamond@brucetrail.org
Cartographer Scott Langley (800) 665 – 4453 slangley@brucetrail.org	Risk Management Committee Eric Best (905) 203-0270 emosquito@aol.com	
Director Peninsula Marlene Rothenbury (519) 795-7483 mrothenbury@amtelecom.net	Director Sydenham Ron Savage (519) 371-2276 savey@sympatico.ca	Land Acquisition/Trail Development Director Beaver Valley Jack Morgan (519) 538-1115 j.morgan@bmts.com
Director Blue Mountains Jansje & Denman Lawrenson (705) 445-0014 j.Lawrenson@rogers.com	Director Dufferin Hi-Land Carl Alexander (705) 466-6352 carlalenaalexander@yahoo.ca	Director Caledon Carol Sheppard (519) 941-5331 4sheppard@rogers.com
Director Toronto Maureen Smith (905) 873-9757 mosmith@cogeco.ca	Director Iroquoia John Farquharson (905) 639-3092 nita@lara.on.ca	Director Niagara Denise Bradden (905) 688-4841 dizzyb@sympatico.ca