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File No. 0039218

Bill White
The Corporation of the Town of Minto
5941 Highway #89
R.R. #1
Harriston ON N0G 1Z0

VIA EMAIL (bwhite@town.minto.on.ca)

Dear Mr. White:

**Re: The Corporation of the Town of Minto (the "Town")
Bait-Fishing By-law Review**

The Town asked us to review the current Baitfishing By-law and provide advice on revising such by-law.

Further to our consideration of the statutes, regulations, and jurisprudence on baitfishing regulation as well as discussions with the Ministry of Natural Resources, we can advise that it will be very difficult for the Town to effectively enforce and create a valid and enforceable baitfishing by-law. The *Fish and Wildlife Conservation Act*, 1997, S.O. 1997, c. 41 as amended and related regulations is comprehensive Provincial legislation that effectively regulates the licensing and enforcement of baitfishing through the Ministry of Natural Resources. It is unlikely that the Town will be able to effectively enforce baitfishing anywhere other than their own properties, for example, rivers and streams that may traverse Town parkland or baitfishing that may occur at the location of a road and bridge crossing a river or stream. Even in the instance of individuals using unopened road allowances to access streams and rivers are unlikely to be prohibited by the Town as such individuals would simply need to move upstream off of Town owned property to actively baitfish.

The Ministry of Natural Resources has indicated their willingness to cooperate with the Town in regard to illegal baitfishing, including a willingness to charge and prosecute against individuals baitfishing without a license. The Ministry of Natural Resources has advised that

there was only one license issued within the geographic boundary of the Town for baitfishing in 2015.

Notwithstanding the above, we are able to re-draft the Town's baitfishing by-law for enforcement on Town owned lands. Please provide your instructions as to whether or not you require us to complete our drafting of the by-law.

Yours very truly,

DUNCAN, LINTON LLP

A handwritten signature in black ink, appearing to read "Patrick J. Kraemer", written over the printed name.

Patrick J. Kraemer

PJK/lk