



The Corporation of the Town of Tecumseh

Community & Recreation Services

To: Mayor and Members of Council

From: Beth Gignac, Director Community & Recreation Services

Date to Council: Tuesday, March 11, 2025

Report Number: CRS-2025-04

Subject: Fairplay Woods Update

Recommendations

It is recommended:

That Report CRS-2024-04 Fairplay Woods Update **be received**;

And that a by-law to amend By-Law 2001-37 **be prepared** to prohibit the discharge of Firearms and Bows in Fairplay Woods, including the farmed section, the closed right of way (12th Concession), Pike Creek and the parking lot at Baseline Road and to provide for enforcement penalties related to infractions thereof;

And further that the signage on the entire perimeter of the property be approved as follows:

- identify the area described above as property of the Town of Tecumseh;
- indicate that the use of Firearms and Bows is prohibited;
- indicate that motorized vehicles are prohibited except for agricultural equipment within cleared areas and the former road right of way.

Background

Fairplay Woods is 51.2 hectares (126.4 acres) of Carolinian forest. The site is bordered on the west by a closed section of Concession Road 12. The other sides abut agricultural fields, except for the extreme south of the site, which is adjacent to a disturbed meadow. The fourth is composed of the Pike Creek municipal drain and creek side vegetation.

The property was obtained by the Town in 2003 for the purposes of conservation and has remained untouched.

In late January 2025, it was brought to Administration's attention that hunting activity was occurring at Fairplay Woods and the adjacent right of way. Administration conducted an investigation, and this report is provided to offer the results of the investigation and recommend the next steps for the property.

Comments

In the investigation of the potential hunting occurrences, several items surfaced including:

- The area is not designated as a Town Park, and its use is not regulated through the [Parks By-Law 2024-107](#).
- The area is Town-owned property and is identified in the Official Plan (OP) as part of the Natural Heritage System. It is designated as a Natural Environment and a Natural Environment Overlay. Both designations are supported by Policies in the OP 4.9.2 which are focused on the preservation, restoration and enhancement of natural features.
- The area is not currently identified as a No Hunting area in [By-Law 2001-37](#) which regulates and prohibits the discharge of Firearms and Bows in the Town of Tecumseh.
- The area does not have any signage indicating that it is the property of the Town of Tecumseh.
- There are conflicts between recreation users of the closed 12th Concession, which serves as both a trail adjacent to Fairplay Woods and as a right of way for agricultural equipment for the farms on the westerly side of the trail.
- There is evidence of non-agricultural vehicle use (ATV's) on the trail and the edges of the woodlot (ingress to the area is occurring over privately owned lands to the east and south of the woodlot).

- Four (4) hunting structures have been discovered in the woodlot and there is evidence of trail cameras having been installed/removed.

From a risk management perspective, there is a need for immediate actions to erect signage identifying the property as Town of Tecumseh lands, prohibiting non-agricultural vehicles on Town-owned property, and adding the area as a hunting exclusion zone through an amendment to By-Law 2001-37.

The following information provides details on By-Law 2001-37, the closure of 12th Concession and comments regarding the Official Plan designation.

By-Law 2001-37 to prohibit and regulate the discharge of Firearms and Bows in the Town of Tecumseh

The Town regulates the discharge of firearms and bows through By-Law 2001-37. These items are further described as guns, firearms, airguns, spring-guns, cross-bows and long-bows.

As per the by-law, Section 3, Exemptions 3.2 (c): this by-law does not apply to a farmer, members of his/her family or nominee of the farmer, within the confines of property classified as farmland on the assessment roll. This exemption could be problematic in trying to impose a buffer zone to protect recreational users of Fairplay Woods as the exempted group are allowed to hunt:

- for the purposes of controlling animals or birds deemed to be pests; or
- for the purpose of hunting in season pursuant to any current and valid licence under the Game and Fish Act, R.S.O 1980, Chapter 182, as amended or any successor legislation thereto;

Currently, Fairplay Woods and the closed right of way are within permissible hunting areas per the by-law. Amendments to By-law 2001-37 are proposed to include Fairplay Woods and the closed right of way as part of the prohibited hunting area.

12th Concession Road Closure

The closed section of Concession Road 12 was approved by the Township of Sandwich South per By-Law 93-18 which was “a by-law to close and stop up that portion of the 12th Concession Road between Provincial Highway 401 and Baseline Road” on June 28, 1993.

By-Law 93-18 provides:

2. That each owner or subsequent owner of land abutting the portion of the 12th Concession Road close by this by-law shall have the right of ingress and egress from his or her land over that closed portion.

3. (i) That tenants of the agricultural land of each owner or subsequent owner of land abutting the portion of the 12th Concession Road closed by this by-law may be granted the right of ingress and egress over that closed portion for agricultural purposes related to their tenancy.

3. (ii) Right of ingress and egress for tenants may be granted, withheld or revoked on such terms as the Council of Township of Sandwich South deems appropriate from time to time.

Currently, access to the closed right of way is managed via a small parking lot on Baseline with a non-locked gate. Vehicle traffic for farm use is limited from the entry to the first farm property.

There is no signage indicating that the closed right of way is Town property.

Official Plan Designation

Fairplay Woods is 51.2 hectares (126.4 acres) of Carolinian forest. The site is bordered on the west by a closed section of the 12th Concession. The other sides abut agricultural fields, except for the extreme south of the site, which is adjacent to a disturbed meadow. The fourth is composed of the Pike Creek municipal drain and creek side vegetation.

The area is part of the Natural Heritage System and is designated Natural Environment in the Town's Official Plan adopted by Council on February 23, 2021, and approved by the County of Essex on June 21, 2021.

Per the Official Plan, the following policies shall apply to those lands designated Natural Environment on the Land Use Schedules of this Plan:

- i) development and site alteration is not permitted on lands designated Natural Environment; and
- ii) permitted uses on lands designated Natural Environment shall be limited to passive recreational uses and activities that create or maintain infrastructure authorized under an environmental assessment process of work subject to the Drainage Act

The 8.094 hectares (20 acres) of the Town's property on the north side of the woodlot are designated as Restoration Opportunities Overlay and are currently leased, on an annual basis, for agricultural use.

The Town does not have easy access to most of the woodlot due to the Pike Creek municipal drain on the west which also traverses the interior of the woodlot, thus limiting access from the south. There is not any access available on the north side of the property from Baseline Road other than via private property on the east.

There are no signs indicating that the woodlot or the closed right of way are the property of the Town.

There are no signs indicating that the woodlot is designated as part of the Town and the County of Essex Natural Heritage System or as a Natural Environment.

Next Steps

On Council's approval, Administration will immediately implement the recommendations of this report.

Consultations

Chief Administrative Officer
Development Services
Legislative Services & Clerk

Financial Implications

It is anticipated that the cost of signage and improvements to the entry area at Baseline Road will be up to \$6,000 which will be funded through the Parks Annual Re-occurring budget.

Link to Strategic Priorities

Applicable	2023-2026 Strategic Priorities
<input type="checkbox"/>	Sustainable Growth: Achieve prosperity and a livable community through sustainable growth.
<input checked="" type="checkbox"/>	Community Health and Inclusion: Integrate community health and inclusion into our places and spaces and everything we do.
<input type="checkbox"/>	Service Experience: Enhance the experience of Team Tecumseh and our citizens through responsive and respectful service.

Communications

Not applicable

Website

Social Media

News Release

Local Newspaper

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Beth Gignac, BA Hons
Director Community & Recreation Services

Reviewed by:

Robert Auger, LL.B.
Director Legislative Services & Clerk

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	Map of Fairplay Woods