



# Sturgeon Point Association

84 Irene Avenue, Sturgeon Point, Ontario, K0M 1N0

April 2009

Dear Members:

Finally we are entering spring. It has been a long winter up here at the Point. Snow started coming in November, and it is still on the ground in many places. Now, an update on all that has happened over the winter at Sturgeon Point.

We have more to report on the Park. The Pavilion has been installed. Unfortunately, we didn't get the landscaping finished as it snowed right after the installation, so that will be finished in the spring. We still have a few small things to finish, but the Park should be complete by June.

We have received significant corporate donations from our fund raising packages and from grant applications. We are very pleased to have received \$5,000 from Hydro One's Power Play initiative towards our multi-purpose court. Bank of Montreal (through Colleen Clynch), donated \$2,000. and TD Bank, (through Liz Wallis), donated \$500.00. These donations have really helped to finish up all that has been needed. We are very fortunate to have received this help.

We have just received a matching grant of \$2,250.00 from the City for "beautification". We applied for it to see if we could qualify. It is usually given to towns for their downtown area, but we have qualified. We expect to use this money for the Park, the Upper Wharf and the Beach area. If you are interested in being part of "The Sturgeon Point Garden Club", and could give us some help in this area, please let us know. We will direct this money towards some trees and perennials in these areas.

The Board of Directors is now looking at the Public Beach. Chris Appleton did extensive research on getting a new slide installed at the beach. Unfortunately, due to major liability concerns, no company would install a slide in this situation. There apparently was a situation a few years ago that has resulted in a major lawsuit and the risks are too high. We talked with the Parks and Recreation department at the City who also told us that they would not put a slide in the water at a beach. Our survey has indicated that many users of the beach desire a shade structure. The feasibility of this is now being considered.

Last year, we had two very successful gatherings – the opening of the Park at the end of June and the BBQ and Street Dance on the August Civic Weekend. We have decided to continue those events to be paid for by SPA (included in your fees).

## Membership Fees

At our meeting on December 27, the Board of Directors voted to increase SPA membership fees to \$35.00 per member, an increase of \$10.00. This is the first increase in fees since our incorporation in 2000. The increase in fees is necessary to cover the costs of maintaining the trustee lands, the integrity of our community and our heritage. These costs cover such things as:

- the maintenance of our new playground; including landscaping, equipment maintenance, and assurance of continued compliance with CSA standards;
- the Public Beach enhancements and maintenance, including the swim raft and ladders;
- the Upper Wharf enhancements and maintenance of the grounds and building;
- the leaf dump and its maintenance;
- two annual social events:
  - Street Dance;
  - Park BBQ;

- the Annual SP Regatta and Running races;
- flowers and general beautification of the Point;
- ongoing liaison with the City of Kawartha Lakes;

We hope that existing members continue to renew their annual memberships as they have in the past, and that membership expands to include all members of the Sturgeon Point community. It would be great if all members of a family would join to support our historic community, our shared properties and our community social events.

Reminders from Sturgeon Point

Warm weather brings more activity on our narrow roads. Remember that children and dogs are now out enjoying spring!

- Please limit the speed of cars to 40 km.
- Please remember to clean up after your dogs.

Adverse Possession (squatter's rights)

We continue to receive questions about land titles. This information on "Adverse Possession" has been passed on to us from another association. We thought that we should share it with our members. If your deed is more than 40 years old, you should review your situation.

In Ontario there are two types of land registry systems. The older system is called Land Registry, the newer one Land Titles. Older properties that have not changed hands for a while are typically Land Registry, while newer ones are typically Land Titles. Eventually the province will convert all properties to Land Titles.

Adverse possession, or "squatter's rights", can still be established in Ontario for Land Registry properties in certain circumstances. However, adverse possession cannot be established for Land Titles properties, no matter what the circumstances, and property lines can always be established by survey.

In Land Registry adverse possession of a piece of property may be established by one property owner ("A") over the property of an adjacent owner ("B") if A can prove **open, continuous and exclusive use for 10 years without consent**.

In a simple example, A builds a big fence that is on B's property by 10 inches. A does not notice, object or consent. 11 years go by. A makes a claim for adverse possession of the 10 inches of B's property enclosed by the fence. The use by A of B's property is **open** because the fence is obvious, it is **continuous** because there is no interruption while the fence stands for eleven years, and it is **exclusive** because A has prevented B from using that piece of B's property. Therefore A can assert a claim over the 10 inches of B's property and have it annexed to A's property, despite objections from B. (Caveat – this is nuanced by facts and circumstances.)

**What To Do:**

- ✓ For Land Titles properties – sleep well.
- ✓ For Land Registry properties – check your legal boundaries and address any encroachments; if in doubt, call a surveyor; if the survey shows concerns, seek legal advice – boundaries can change.

We look forward to seeing everyone this summer.

Sincerely,

Lynne Manning  
President,  
Sturgeon Point Association