



**THIS LAND
IS YOUR
LAND...**



Dear Landowner...

For over 35 years, Nova Scotia's non-profit snowmobile clubs have depended on the generosity of landowners who volunteer their land for snowmobile trails. This partnership has resulted in irreplaceable social, economic and recreational benefits to communities across our rural snowbelt. Thanks to thousands of landowners, the Snowmobilers Association of Nova Scotia operates and maintains 4600 kilometers of snowmobile trails.

These trails foster a new opportunity, prosperity and enjoyment for communities during a winter season that is often dormant and stagnant. The establishment of snowmobile trails is a classic Canadian example of caring neighbors volunteering to help each other. Ultimately, through this generosity of time and resources, everyone wins.

Those of us associated with organized snowmobiling know the voluntary use of your land each winter is a privilege, not a right – a privilege we have to earn continuously through our diligent care of and respect for your land and property. Our commitment to your land starts at the grassroots, with our volunteers and clubs and continues to the highest levels of our provincial organization, the Snowmobilers Association of Nova Scotia (SANS).

That's why SANS, in cooperation with your local snowmobile club, has developed this brochure. It is intended to answer many of your questions about volunteering the use of a portion of your land for a snowmobile trail. It also contains the contact information for your local snowmobile club, SANS, and a copy of the official SANS Snowmobile Trail Land Use Permission Form.

We trust that this information will help to convey our sincerity and commitment to the responsible use of your land for a snowmobile trail. We thank you for your consideration and cooperation, and welcome you as an important partner of organized snowmobiling in Nova Scotia.

Q: Is there a reason I should sign the land use permission form?

A: The official SANS Land Use Permission Form has been developed in cooperation with legal and insurance advice to ensure it complies with all the terms and conditions of the SANS Third Party Liability Insurance Policy. This means you are covered in the event of a claim resulting from the snowmobile trail on your land. By not signing this official form or by altering it in any way, you may place your liability coverage in jeopardy. It is recommended that any special considerations be attached to the form as an appendix initialed by both parties.

Q: By giving land use permission to my local snowmobile club, do I lose any ownership rights to my land?

A: You are allowing the local club seasonal use of a specific portion of your land for a snowmobile trail. We do not want to use all your land, to prevent you from using any of it, or even to use the designated trail any other season. The land is always yours to own and control, and ultimately you may revoke the land use permission if you choose to terminate the partnership. You also retain your full rights throughout the balance of the year. Under the Occupier's Liability Act or the Trespass to Property Act, there is no reference to such trail use affecting ownership, regardless of how long you allow a snowmobile trail on your land.

Q: When I give land use permission to my local club, can anything be done to stop others from using this trail?

A: The land use permission you give to your local snowmobile club is for winter use only as a snowmobile trail for snowmobilers displaying a valid SANS Trail Permit. Under the law, no other trail users are allowed on this trail or any other part of your property at any time of the year without your specific permission. Your local club is responsible for patrolling the trail regularly during the winter and for opening at the beginning of the season and closing at the end of the season any applicable gates or barriers as specified in the appendix to your land use agreement. The club will also place signs on the trail to indicate its use, and warnings as you request. As legal occupiers of that specific portion of your land during the winter, the club can also act on your behalf to lay trespass charges against anyone in violation of your agreement.

Q: Can I ensure that my land will be used in accordance with my wishes?

A: Before signing the SANS Land Use Permission Form, talk to your local club contact about any special needs, concerns or considerations you may have. It is strongly recommended that the land owner and the club contact walk the proposed trail site together, specifying the exact layout, permitted width, and signage requirements, as well as such diverse items as noting work allowed, listing gates and fences that need attention, designating fields that need to be marked, crops that need protection and agreeing on methods for water crossing. If you are planning to do any winter work that might impact the snowmobile trail, that is also a good time to discuss it. These items should be placed on a site map and/or in writing and attached to the Land Use Permission Form as an appendix initialed by both parties.

Q: Is there any remedy if I am dissatisfied later?

A: Should you have any concern throughout the snowmobiling season, we urge you to contact your club representative immediately and advise them of the exact details. Often, small irritations can grow into large difficulties that could have been easily resolved with immediate action. All contact information will be included on your SANS Land Use Permission Form.

Finally, call the SANS office listed on this brochure. If your concerns are not satisfied within a reasonable time, then you have every right to revoke the Land Use Permission by giving your local club written notice, as specified. We encourage the mutually satisfactory settlement of any concerns before revoking the rights granted because a sudden mid-season trail closure can be very difficult for all concerned especially club volunteers. Provincial trail maps have already been circulated showing the trail across your land, so most snowmobilers will expect this route to be open for the season. Your club will have limited ability to advise otherwise during the current season.

Your local club will also have done their best to link the trail across your land with those on adjacent properties, so a trail closure not only disrupts the local trail system, it may also affect the safety of snowmobilers who suddenly may be forced to use alternate routes until a trail can be re-established.

Q: Will I benefit from this winter use of my land?

A: If you are a snowmobiler, you will have a groomed trail on your property. The presence of a snowmobile trail often adds value to your land through the improvements made by your local club at no cost to you. Landowner approved improvements such as brush clearing, grading, widening, and adding bridges or culverts can enhance your own land use in other seasons. The SANS club trail wardens can also help watch your land during the winter, reporting anything out of the ordinary to your attention.

Q: Is there legislation covering this kind of land use?

A: Two laws exist in Nova Scotia to protect the property rights of occupiers and at the same time, encourage occupiers of rural land to make their land available for a variety of recreational activities.

For the purpose of both acts, the person who is important with respect to the premises (and allowing land use permission) is known as the occupier. An occupier is the person who has physical possession or responsibility for the condition of the premises, including anyone to whom the landowner may have rented the land. In the case of snowmobile trails, the snowmobile club becomes a temporary occupier, for the corridor of land being used as a snowmobile trail, by the right of the signed land use permission. The landowner thereby, gains a strong ally in the enforcement of land rights.

The two Acts are:

- The Occupiers Liability Act defines the liability of all occupiers of land. It protects occupiers of most rural land from being sued for damages by most people who come onto the land.
- The Trespass to Property Act provides protection from trespass to land, should the occupiers wish to prevent others from entering or to control the use of their land.

Contact Info:

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Local Club: