

Court File No. CV-23-000061500-0000

ONTARIO  
SUPERIOR COURT OF JUSTICE

THE HONOURABLE MR.  
JUSTICE A.J. GOODMAN

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)  
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THURSDAY, THE 17TH DAY OF  
AUGUST, 2023

BETWEEN:

EVELYN SUSAN DUCK and JEFFREY LAWRENCE DUCK

Applicants

- and -

HIS MAJESTY THE KING IN RIGHT OF ONTARIO,  
as represented by the Ministry of Natural Resources and Forestry  
and ROYAL BANK OF CANADA

Respondents



IN THE MATTER OF the *Beds of Navigable Waters Act*, R.S.O. 1990 c.B-4;

And in the matter of the lands legally described as Part of Lot 2, Range 2, Former Township of South Grimsby as in RO660971; Township of West Lincoln, being PIN 46056-0355 (LT)

**ORDER**

**THIS APPLICATION** made by the Applicants for an Order declaring that the North Creek as it passes through the property of the Applicants legally described as Part of Lot 2, Range 2, Former Township of South Grimsby as in RO660971; Township of West Lincoln, being PIN 46056-0355 (LT), was navigable within the meaning of the *Beds of Navigable Waters Act*, R.S.O. 1990, c.B.4, at the time of the original Crown grant; was heard this day at the Courthouse, 59 Church Street, St. Catharines, Ontario.

**ON READING** the Application Record of the Applicants, and the Consent filed,

1. **THIS COURT ORDERS AND DECLARES** that the North Creek as it passes through the property of the Applicants, Evelyn Susan Duck and Jeffrey Lawrence Duck, legally described as Part of Lot 2, Range 2, Former Township of South Grimsby as in RO660971; Township of West Lincoln, being PIN 46056-0355 (LT), is navigable within the meaning of the *Beds of Navigable Waters Act*, R.S.O. 1990, c.B.4.
  
2. **THIS COURT ORDERS AND DECLARES** that His Majesty the King in Right of Ontario, as represented by the Ministry of Natural Resources and Forestry, has title of those lands which lie below the water's edge at the location of the said North Creek as it passes through the said lands of the Applicants, being as shown in a draft reference plan of Rasch & Hyde Ltd. dated August 31, 2022 and attached to this Order.
  
3. **THIS COURT ORDERS** that the draft reference plan of Rasch & Hyde Ltd. dated August 31, 2022, as attached to this Order, be deposited as a reference plan in the Land Registry Office for the Registry Division of Niagara North (No. 30).
  
4. **THIS COURT ORDERS** that there shall be no costs of this Application.

A handwritten signature in black ink, consisting of stylized initials followed by a horizontal line extending to the right.

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EVELYN SUSAN DUCK and JEFFREY LAWRENCE DUCK  
Applicants

-and- HIS MAJESTY THE KING IN RIGHT OF ONTARIO et. al  
Respondents

*ONTARIO*  
SUPERIOR COURT OF JUSTICE  
PROCEEDING COMMENCED AT: St. Catharines

**ORDER**

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