

# Entering Farmlands- What You Need to Know

## RECREATIONAL AND PERSONAL USE OF FARM PROPERTY

Farms and farm lands are beautiful spaces and add to the landscape of Nova Scotia. But, did you know that farm properties including farm yards, fields, orchards, laneways, vineyards, gardens, and Christmas tree plantations are privately owned lands? Entering farmlands without permission from the appropriate land owner is considered trespass in Nova Scotia. No damage needs to occur to commit trespass. Trespass also occurs when a person remains on an individual's land after permission has been withdrawn. Farmers can restrict the use and access of their lands (even if signage is not posted).

### Hunting or Recreational Use

Using farm lands and fields for hunting or recreational use isn't something that anyone can do. There is an exception on forest lands though. Trespass on forest land (wooded area, forest stand, tract of land covered in underbrush, barren ground, marsh or bog) is not subject to prosecution. Recreational activities include: hunting (as defined in the Wildlife Act), fishing, picnicking, camping, hiking, skiing, or the study of flora or fauna. If forest lands are surrounded by agricultural land, orchards, vineyards, or yards, permission from the landowner needs to be obtained before entry.

### Disorderly Behaviour

It is also an offence under the Act to disturb a property owner with “disorderly behaviour.” This offence does not even require that the offender be physically on the owner's property; it applies even if they are only “near” the property while behaving in a disorderly way.

### Signage



Although entering property without permission is trespass, many farms will post 'No Trespassing' or 'Restricted Access' signage. You may also see 'No Hunting' during hunting season. Posted signage around fields or driveways is not required, but it is the farmer or land owner asking you to not enter their property without their consent.

### All-Terrain and Recreational Vehicles

All-terrain and recreational vehicles including four-wheelers, side-by-sides, dirt bikes, snowmobiles, and others can cause significant damage to farm fields and crops. What might look like 'just grass' could be a newly seeded crop that the farmer has invested thousands of dollars in. Farm lands grow important crops for people and livestock. Always seek permission to bring a recreational vehicle onto a farmers lands.



# Examples of Trespass Understanding Situations

## EXAMPLE 1: SNOWMOBILING ACROSS A FARM FIELD

You enjoy riding ATV's and snowmobiling and love to get out whenever you can. You asked your farming neighbour if you could cross their field to access a public trail. The farmer gave you permission to cross the field to get to the trail. The farmer showed you the entry and exit points on the field to get to the trail. You invite a friend to go with you and you both ignore the directions the farmer gave you and do a few laps through the field. What you didn't realize was the farmer had seeded a new crop into that field.

### What can happen?

You and your friend have both committed trespass because you did not follow the instructions and consent the farmer gave you. You damaged the farmers crops and you may be asked to provide compensation. The farmer can take legal action in civil courts to seek compensation for the damage. The farmer can ask you to stay off the field and not enter any of their fields or property and you will not be able to access the snowmobile trail.

## EXAMPLE 2: HUNTING IN A WOODED AREA

You are an avid hunter and love to get out into the woods as often as you can. You know that hunting is a recreational activity permitted on forest lands. In order to access the wooded area that you want to hunt on, you must cross a field. You don't see any signage posted so you cross the field and go hunting for the day. When you come back to your vehicle later in the day, the farmer approaches you about hunting in the woods.

### What can happen?

While you were hunting in an area that you were permitted to be on, you did not seek permission to cross the field to access the wooded area. You need to ask the farmer for permission to cross the field. They may not grant you access and you will be trespassing if you continue to enter the property. Signage does not need to be posted to restrict your access. Implied consent doesn't apply as your intent to use the field driveway or access point was not for harvesting crops or for farm related activities. You should always seek permission to enter a property (even if only on foot).

