

# Superior Court rejects town's claim to park land



[Mike Stimpson, Local Journalism Initiative Reporter](#)

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FORT FRANCES – The Town of Fort Frances has been shot down in its bid to establish legal title to Point Park and former councillor Douglas Judson says they should have seen it coming.

“It seems to me and others who have watched this unfold over the past number of years – and this litigation is very old, this started in 1998 when I was in the sixth grade – that this was a difficult case for the town to establish,” Judson said in an interview Wednesday.

Ontario Superior Court Justice John Fregeau ruled this week that the municipality can't claim ownership of the land on which Point Park lies, between Highway 11 and Rainy Lake.

Agency One, a group of four First Nations in the area, has laid claim to Point Park and asked the town to recognize their ownership of the land; the town instead claimed it had legal title to the park's land through a 1908 Ontario cabinet order.

Fregeau determined that the town's claim on the park had no merit and noted that the town entered into a 99-year lease with the federal government in 1910 for use of the land and paid rent on it until 2009.

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Judson, a lawyer, said by paying rent the municipality "acknowledged tacitly ... that it was a tenant, that it was renting a property."

For the town to then claim ownership "just didn't make any sense to anyone," Judson said, "and I think the court's decision reflects that."

Reached for comment, Mayor Andrew Hallikas emailed a written statement saying the town "is aware that a decision has been made by the Ontario Superior Court regarding the Agency One litigation.

"We know there will be questions, and we want to assure residents that we are carefully reviewing this complex matter, and it's important that we take the time to fully review and consider details before making any further comment," the statement continued.

Hallikas said the matter will be discussed at the next meeting of town council.

A news release Wednesday from Agency One said Fregeau's ruling "reaffirms what our Elders, leaders, and communities have always known — that the promises made to our people cannot be overridden by convenience or assumptions of entitlement."

The release further said future use of Point Park “must be rooted in mutual respect and a renewed relationship based on recognition of our jurisdiction and rights” and called for dialogue.

Agency One is composed of the Couchiching, Mitaanjigamiing, Naicatchewenin and Nigigoonsiminikaaning First Nations.

“This has all been very predictable, and municipal councils ... have been given so many opportunities to reach a resolution,” Judson said.

Ontario and Canada did reach a resolution with the Agency One group years ago, he noted, “but the town didn’t participate in that resolution. That was the choice that it made.”

Judson said he believes the town has been stubborn on the Point Park issue because of “racism around the council table.”

He also blamed “a certain chattering class in the community that has been unwilling to work collaboratively with their neighbors in the four First Nation communities to find a good path forward.”



***About the Author:* Mike Stimpson, Local Journalism Initiative Reporter**

After working at newspapers across the Prairies, Mike found where he belongs when he moved to Northwestern Ontario.

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