

1. This is a decision whether to permit Mr. Katerberg (the "Applicant") to erect the proposed billboard (the "proposed billboard") within the highway right-of-way on the north side of a bush country highway, Highway 17, approximately 0.09 km west of Walker Road near Thessalon. Bush country highways are highways where considerable amounts of bush (trees, shrubs, etc.) are adjacent to the highway which do not allow for the standard setback of a billboard sign on private property.
2. The proposed billboard includes faces of several publicly known political figures and states the following message: "They knowingly lie about safety and stopping transmission [and] Canadians demand accountability."
3. The Applicant intends to place the proposed billboard within the highway right-of-way on the north side of Highway 17. The highway right-of-way is owned and designated by the Ministry of Transportation (the "Ministry"). The Ministry has authority to regulate the use of such lands through common law as the occupier of the lands and through the *Public Transportation and Highway Improvement Act* (the "PTHIA").
4. Section 34(2) of the PTHIA states that any sign visible within 400 meters of a provincial highway requires a permit from the Ministry. Additionally, section 34(16) of the PTHIA states that "the Minister may issue permits under this section in such form and upon such terms and conditions as he or she considers proper and may in his or her discretion cancel any such permit at any time." The discretion provided by the PTHIA to the Ministry is guided by the Highway Corridor Management Manual (the "Manual") which assists with interpreting the PTHIA. The Manual's purpose is to provide guidance on how the Ministry exercises discretion provided by the PTHIA. However, the final interpretation lies with the Ministry. Section 5.7 of the Manual sets out requirements for billboards, while s. 5.8.2 of the Manual sets out additional requirements for billboards along bush country highways ("bush country billboards").
5. The Ministry acknowledges that this decision impacts the Applicant's right to freedom of expression which is protected under section 2(b) of the *Canadian Charter of Rights and Freedoms* (the "Charter") and that the proposed billboard is a form of political expression that lies at the core of the *Charter's* guarantee of freedom of expression. The Ministry recognizes that it cannot reject the proposed billboard because it is political expression and/or because some people may be offended by it.
6. The Ministry will not permit the Applicant's proposed billboard to be placed at its proposed location.

7. The reason for not permitting it is not the content of the proposed billboard but rather it is because of the proposed location on Ministry owned-lands along Highway 17, which is a bush country highway. The Ministry, as the occupier of Ministry owned lands, did not historically permit billboards along bush country highways. The Ministry began permitting bush country billboards to support their immediate communities.
8. The Ministry never intended for bush country billboards to be used to promote causes of any kind (i.e. political, social, etc.). With that said, the Ministry acknowledges that there may have been some past inconsistency in the application of the Ministry's intention with bush country billboards.
9. As such, to remove any ambiguity of the Ministry's policy intention for the bush country billboard, the Manual has been clarified in section 5.8.2.1. It states that a billboard sign on a highway right of way on a bush country highway "shall only promote goods and services or authorized local events offered by, or related to, businesses, municipalities, charities, not-for-profit organizations, or indigenous communities." The proposed billboard does not promote a good, service or authorized local event offered by or related to businesses, municipalities, charities, not for profit organizations or indigenous communities. Therefore, it is not permitted.
10. The Ministry wants to clarify that Section 5.8.2.1 of the Manual applies to any billboard signs on the highway right-of way only, and does not apply to billboards placed on private property adjacent to bush country highways. As such, if the Applicant were to place the proposed billboard on private property adjacent to the bush country highway, the Ministry will reconsider permitting the erection of the proposed billboard.