

DEVALUING PRIVATE LAND

ONTARIO PROPERTY AND ENVIRONMENTAL RIGHTS ALLIANCE

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TO: Municipal Councils in Ontario **FROM:** R.A. Fowler, OPERA Secretary **DATE:** November 12, 2008

RE: Linking Endangered Species and Municipal Drainage Legislation **NO. OF PAGES:** One (1)

Some months ago our coalition of trade associations, community groups and private citizens, advised municipal councils of the process by which a cartel of five professional lobbyists created Ontario's new Endangered Species Act (ESA 2007) as ratified by the provincial government on June 30th last.

Conservation Authorities, field agents of MNR although funded by local taxpayers through municipal councils, will evidently supervise enforcement of this Act. Thus so far unspecified costs of that service will further impact municipal budgets. Moreover, ESA 2007 interpretation and implementation parameters, initiated by the aforementioned cartel, are now linked to the regulatory footprint of the Drainage Act as well. Indeed, the following media excerpts highlight an arbitrary connection between these two statutes, thus guaranteeing more provincially-induced administrative problems for municipal councils and dire consequences for their constituents.

- *On September 30 the Ministry of Natural Resources was named an approving agency for new municipal drains and maintenance work on existing drains.*
- *After that date, any municipality planning drain maintenance or new construction must first contact a district Conservation Authority and the Department of Fisheries and Oceans for a permit. **
- *Before municipalities add municipal drains the MNR requires an environmental assessment costing up to \$5000.00 to create an endangered species inventory in the subject area.*
- *Assessment expense will be charged to property owners who contribute to a drainage problem, who benefit from a drain or who are parties to an existing drain that needs repairs.*
- *For new drains, engineering reports that tend to cost 20% of the total project plus fixed expenses of \$10,000.00 or \$15,000.00 must account for endangered species in the area of installation.*
- *If endangered species are found in a municipal drain that currently needs repair, the MNR will require an entirely new engineering study that explains how such species will be preserved.*
- *Full cost and related expenses of any combined municipal drain engineering / endangered species assessment demanded by MNR will also be charged to surrounding property owners.*
- *Municipalities facing this latest download of regulatory excess find no comfort in media reports that an MNR spokesperson has advised no one at the Ministry "is in a position" to comment on the situation.*

* Some years ago the County of Elgin paid \$60,000.00 for a legal opinion to verify its municipal drains were **NOT** fish habitat as then claimed by a Conservation Authority and the Department of Fisheries and Oceans.

These decrees forewarn of future linkages for other provincial statutes that MNR and its stable of professional lobbyists may declare subordinate to ESA 2007. As a result, municipal costs and hence property taxes will continue to accelerate into the stratosphere while mortgage worth and market value of privately owned land will descend into negativity. Exceptions are found in vast Ontario holdings of self-anointed "conservation" organizations entitled to claim exemption from municipal property taxes, thanks to an MNR dispensation posted as an Environmental Bill of Rights (EBR) announcement on the Internet. In stark contrast, tax assessments by the omnipotent MPAC on private land devalued by repressive provincial legislation offer no such relief.

The questionable origins of ESA 2007 and current provincial downloading of all its direct and indirect costs onto local municipal councils is strong argument for Land Ownership Rights legislation in Ontario as authorized in Canada's Constitution but never written into our Charter of Rights and Freedoms.

"to protect, and entrench in law, landowner rights and responsibilities"