

**SUBMISSION TO THE LEGISLATIVE STANDING COMMITTEE**

On

**PROPOSED GOLDEN HORSESHOE GREENBELT LEGISLATION**

From

**The Ontario Property and Environmental Rights Alliance**

**Presented February 3, 2005 in Committee Room 1, Legislative Building, Queen's Park**

Launched in 1994, the Ontario Property and Environmental Rights Alliance (OPERA) is a provincial coalition of citizen groups and trade associations under a common mandate to “protect, and entrench in law, the rights and responsibilities of landowners against arbitrary decisions and restrictions of government”.

Apart from individual adherents, OPERA voting member organizations currently include:

- Association of Rural Property Owners
- Georgian Triangle Development Institute
- Grey Bruce Landowners Association
- Halton Federation of Agriculture
- Lanark Landowners Association
- Neebing Citizen Action Committee
- Ontario Ski Resorts Association
- Renfrew County Private Landowners Association
- Municipality of Pelee Island
- Wood Producers of Ontario

The OPERA coalition functions as a research and communication centre with respect to issues and concerns resulting from government action, municipal, provincial and federal, that impacts the lives, livelihood and major assets of private landowners across Ontario.

Good afternoon, ladies and gentlemen. My name is Bob Fowler. I'm the unpaid Secretary of the Ontario Property and Environmental Rights Alliance or OPERA in shorthand. On behalf of our member organizations and individual supporters I want to express sincere thanks for this opportunity to confirm the views of our coalition with respect to the proposed Golden Horseshoe Greenbelt. Our submission today is divided between a condensed summary of the OPERA position relative to the Greenbelt concept and an equally brief outline of specific Recommendations addressed to the possibility of its legislative enactment. To save time and conceal my lack of expertise as a public speaker, I'll read the first part and one of our members, professional agrologist Dr. James White, will deliver the second part. It's hoped this arrangement will accommodate the 15 minutes allotted to us for this presentation with some residual time for questions and answers. We have, as requested, filed copies of our remarks today with your Clerk for later review by all Committee members.

OPERA is fundamentally opposed to the concept, principles and unilateral application of Greenbelt legislation on the following grounds:

- Arbitrary transfer to state control of almost 2 million acres of land, almost all of it privately owned, represents a massive re-distribution of wealth. Statutory devaluation of property by what amounts to a government lien will increase market value of lands adjacent to, but conveniently outside, the Greenbelt at the expense of those inside it.
- Stripped of its ostensibly noble purpose and flowing rhetoric, we see the Greenbelt proposal as yet another exercise in government expropriation of private property without compensation, a perception reinforced by the haste in which the whole enterprise is being introduced on the promise, but never the production, of impartially prepared and independently developed science to support it.
- Individual landowners targeted for "green belting" were not given prior notice. Queen's Park bureaucrats and their paid consultants instead provided invitation-only workshops and narrowly advertised public meetings. Few affected landowners were aware of, and fewer still attended, these contrived meetings, most of which were dominated by government-supported professional lobby groups.
- The proposal cites increasing urban sprawl, loss of viable agricultural land, environmental degradation and future immigration/population densities as justification for legislated manipulation of private property rights, uses, title, collateral worth and market value. In fact, the proposed Greenbelt is a remedy politically and cosmetically useful in treating the effects of these problems while clearly ignoring their entrenched causes.
- Like most land planning initiated by senior government, the Greenbelt proposal assumes that citizen rights and natural justice are subordinate to the so-called public good and that relevant legislation need not include draconian Regulations and plans designed to enforce its compliance. These critical details will, as usual, be introduced and quietly enacted months or years after public attention has eroded.

Here's Dr. White to list specific Recommendations that, in our view, address each of the five structural flaws profiled in the foregoing synopsis.

(1) Compensation:

We recognize that the provincial government has cleverly written Bill 135 to differentiate between the taking of uses from the taking of possession, thus allowing it to claim that compensation is not appropriate. This legal slight of hand ignores the moral imperative of fairness. While devaluing private property by statute may be legal, it is not right, ethical or justified.

- (A) We recommend, as have others, that a commission be established to monitor property values using 2003 as the base period.
- (B) A compassionate Compensation Program should be established to immediately purchase lands of those individuals of retirement age who can no longer sell their properties at reasonable or recent prices because of the Greenbelt designation.

(2) Notification:

- (A) All landowners in the Greenbelt must be notified by the province within one month. Many landowners, especially those in the Niagara Escarpment Plan Area and the Oak Ridges Moraine, do not know their land is also in the Greenbelt. No plan review or Task Force meetings were held north of Highway 9 despite written requests by one of our member organizations, the Grey Bruce Landowners Association.

(3) Implementation:

We believe the planning process has been too short. The finalization of the Niagara Escarpment Plan required 12 years.

- (A) We suggest a period of at least two years to allow all those impacted to be notified, informed and to provide real feedback based on discussion, not contrived meetings designed to create the illusion of consensus where none exists.
- (B) We want to see the regulations and plan details, not just the legislation. We are very afraid that many additional land use restrictions will be added and there will be no opportunity to comment on them or explain why they will be counter-productive.
- (C) We are aware that additional controls are being planned for the Niagara Escarpment Plan but we have not been apprised of their intent, application or impacts.

(4) Objectives:

The proposed Greenbelt legislation will not protect agricultural land because it does not protect farmers. Nor will it provide urbanites with a large green park. We support the recommendations of the Ontario Federation of Agriculture.

- (A) The Greenbelt will not provide all the wonderful promised environmental benefits because almost all of the lands involved are privately owned and trespassers will not be welcome.
- (B) Hiking trails, wild life corridors, fishing privileges, etc., will only be established if government purchases the land, pays for an easement or requires users to pay a fee to landowners.

(5) Focus:

Urban sprawl results from centralized industrial/commercial/social activity. Loss of agricultural land is a product of sub-standard returns in the business of farming. Environmental degradation is accelerated by too many people sharing the same space. If growing immigration/population densities are the problem then we recommend:

- (A) The government address that issue directly by encouraging decentralization of industrial and commercial and resulting residential activities outside the GTA.
- (B) Follow the lead of the Quebec government in taking control of immigration and requiring new arrivals to initially locate in less populated areas of Ontario.
- (C) Encourage industries to locate outside the GTA by providing tax incentives
- (D) Support development intensification within the urban envelope by allowing developers increased densities.
- (E) Stop trying to solve urban problems by loading regulations on rural areas which did not create the problems. Solve the problems where they exist. Most rural municipalities have adequate Official Plans which are vastly superior to Greenbelt legislation because they were developed by local people who understand community needs. In any case, the Planning Act allows the provincial government to override policies that are not appropriate

(6) Wrap-Up

This completes the OPERA submission to the Standing Committee. We appreciate your kind and patient attention. If, at the end of a long day of Committee deliberations, there are any questions concerning our remarks this afternoon, we'll try to answer them now.

Thanks again for listening.