

“GROWING THE GREENBELT WITHOUT VOTER INPUT”

ONTARIO PROPERTY AND ENVIRONMENTAL RIGHTS ALLIANCE

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MEMO TO: Ontario Municipalities FROM: R.A. (Bob) Fowler, OPERA Secretary DATE: March 17, 2008

Ratified by Queen's Park in June 2005, the Greenbelt Act transfers, by regulation without compensation, economic control of almost 2 million acres of land in south western Ontario, much of it privately owned, to the provincial government. The Ontario Property and Environmental Rights Alliance (OPERA), a provincial coalition of trade associations and citizen groups organized in 1994, summarizes Internet information concerning this controversial provincial statute as follows:

1. The Act was advocated and supported by the Greenbelt Alliance, a coalition of about 80 special interest groups.
2. No boundary criteria were published in the original Act with which to compare generalized new ones now being proposed.
3. The Alliance is led by Environmental Defense, a militant environmental Non-Government Organization (NGO).
4. A Greenbelt Council with 9 unelected appointees but no municipal members, reports to the Ministry of Municipal Affairs.
5. Council membership is restricted to people whose support of Greenbelt intent and objectives is not unbiased
6. Evaluation and funding of Greenbelt-friendly programs is entrusted to 9-member Friends of the Greenbelt Foundation.
7. The Foundation, mandated to promote Greenbelt objectives and activities, answers to the Ministry of Tourism.
8. Past/present executives of Alliance members like Environmental Defense and Ontario Naturalists are Foundation directors
9. Queen's Park donated \$25 million of public funds to support Greenbelt-friendly initiatives between 2007 and 2012.
10. By November 2007 the Foundation had dispensed about \$9 million of the core grant to a variety of approved applicants.
11. Allocations included \$600,000.00 to Environmental Defense and \$235,000.00 to the Federation of Ontario Naturalists.
12. The Ontario government is now encouraging municipalities to submit formal applications for Greenbelt status.

Municipal interest in becoming a “greenbelted” community should perhaps be measured against the Places to Grow Act (PTGA), a statute separately ratified by the Ontario legislature in tandem with the Greenbelt Act. The PTGA requires every Ontario municipality located in designated high-growth areas to publish by 2009 a new Official Plan compatible with a revised menu of land use restrictions. A number of existing Ontario statutes, the Planning Act and the Provincial Policy Statement among them, will be modified to accommodate PTGA requirements and the Ontario Municipal Board is already obliged to render decisions in accordance with those parameters, many of which are presently unknown to private landowners.

OPERA urges officials and residents of municipalities located outside present boundaries of the Greenbelt to study very carefully every aspect and regulatory clause of that legislation. Unfortunately, comprehensive information is not easy to find in one place and invitations to access provincial data banks and related pages of cyberspace rhetoric presumes an Internet connection, which many Ontario citizens, now or later entangled in the Act, do not have. Despite that systemic vacuum, or perhaps because of it, the Greenbelt Council has recommended and the provincial government is now soliciting, municipal applications to expand Greenbelt boundaries, presumably without prior knowledge or consent of affected landowners.

All land, public and private alike, on the Niagara Escarpment and in the Oak Ridges Moraine is now “packaged” under the Greenbelt Act. By this means separate legislation still in place for each of those special areas can be enlarged or superseded at will to provide more robust Greenbelt enforcement where indicated. This regulatory labyrinth is compounded by add-on Greenbelt Act definitions such as “Protected Country Side”, an all-encompassing designation evidently designed to control peripheral development on land adjacent to any Escarpment, Moraine or Greenbelt tract. A precise meaning of “adjacent” in this context is not offered but, in effect, a private landowner with property situated outside all three of those state-controlled landscapes may one day discover it qualifies, by arbitrary provincial interpretation, for Protected Country Side prohibitions.

Given an implicit provincial intention to envelop privately owned land in an ever-expanding web of state intervention, prudent municipal councils and their constituents might want to question Queen's Park standard protestations of government transparency and accountability. When an unelected Greenbelt Council recommends that elected legislators extend the boundaries of a protected area without specifying public hearings of necessity and when an appointed Greenbelt tribunal that includes professional lobbyists and special interest groups awards public funds to some of its own members, transparency and accountability are not, in our view, distinguishing characteristics of current Greenbelt administration.

“to protect, and entrench in law, landowner rights and responsibilities”