

May 8, 2006

Letter to the Editor:

In February of this year the Ontario Property and Environmental Rights Alliance (OPERA) faxed a memo to Ontario municipalities regarding a then-current attempt by the Ministry of Natural Resources (MNR) and its surrogate organization, Conservation Ontario (ConOnt), to “adjust” a generic Regulation in the Conservation Authorities Act (CAA).

Since then widespread protest of that covert effort to enlarge the regulatory clout of Ontario’s 36 Conservation Authorities (CAs) has encouraged these agencies to revise the tactics, but not the objective, of the proposed adjustment. Instead of arbitrarily re-writing a key CAA regulation, they’re now simply recommending that each district CA lobby their respective host municipalities for additional policing powers.

Municipal councils thus solicited will no doubt carefully assess cost/benefits likely to accrue from expanded CA land use control. Local jurisdictions, of course, operate at the discretion and indulgence of the provincial government. Nevertheless, we know of no statute that compels municipalities to hire sub-agencies of provincial ministries as paid enforcers of provincial land use decrees. Indeed, it’s now rumored that some municipal councils, far from approving incremental increases in CA muscle, are instead looking at dissolving their CA partnerships entirely. Some issues at the centre of these evaluations are said to be:

- 1. district CAs will also be empowered to enforce at local municipal expense the draconian Source Water Protection Act (Bill 43), a recent provincial statute that will further dilute use and market value of rural land.***
- 2. when contracting CA’s as agents paid to enforce expanded provincial land use prohibitions a municipal Council and its constituents risk exposure to damage claims that CA liability insurance may not cover.***
- 3. a “buffer” of 400’ around an acre of wetland places what amounts to a provincial lien on a total of 23.5 acres, a multiplied encumbrance that will, and certainly should, trigger more assessment appeals.***
- 4. when existing property tax relief is applied, as it should be, to not only the core wetland but also to a CA-regulated “buffer” that surrounds it, municipal property tax revenue will shrink accordingly.***
- 5. if Queen’s Park intends to out-source interpretation of its entire Provincial Policy Statement and Planning Act to district CAs at local taxpayer expense, the role of locally elected municipal councils is effectively neutered.***

OPERA shares with municipal officials and their constituents a growing concern about constant attempts of provincial bureaucracies to download enforcement costs inherent in regulatory excesses of their own invention to local municipalities. Whether imposed by deception or persuasion, many of these top down manipulations border on legalized extortion since they ensure that local citizens disenfranchised by intrusive statutes will, in effect, pay for their own social and economic decline.

Yours truly

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