

ONTARIO PROPERTY AND ENVIRONMENTAL RIGHTS ALLIANCE

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FAX TO: Municipal Councils **FROM:** R.A. Fowler, OPERA Secretary **DATE:** May 5, 2006

NO. OF PAGES: One (1) **RE:** Land Use Planning by Conservation Authorities

In February of this year OPERA faxed an explanatory memo to Ontario municipalities regarding an 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 endeavor has encouraged these agencies to revise the means, but not the intention, of expanding the regulatory clout of Ontario’s 36 Conservation Authorities (CAs). Rather than trying to arbitrarily re-write CAA regulations, these agencies are now urging each district CA to lobby their respective host municipalities for additional policing powers. Such “negotiated” licenses would, for example, ensure CA control of every provincially significant wetland in municipal Official Plans plus a 400’ “buffer” surrounding same, whether or not affected properties are in any way related to the CA flood control mandate.

Municipal councils thus solicited will no doubt carefully assess cost/benefits likely to accrue from more extensive partnerships with Ontario’s CAs. Local officials, of course, operate at the discretion and indulgence of the provincial government but whether any existing statute compels municipalities to hire sub-agencies of provincial ministries as paid enforcers of provincial land use decrees is open to question. Indeed, it’s now rumored that some municipal councils, far from debating incremental increases in CA muscle, are instead looking at dissolving their CA partnerships entirely. Some issues at the centre of those evaluations are said to be:

- 1. district CAs will soon be empowered to enforce, at local municipal expense, the draconian Source Water Protection Act (Bill 43), another provincial invention sure to further erode use and title of private property.*
- 2. when contracting CA’s as municipal agents paid to enforce provincial land use prohibitions a municipal council may one day be exposed to damage claims that CA liability insurance, if any, does not cover.*
- 3. a 400’ buffer around a one acre wetland installs what amounts to a provincial lien on a total of 23.5 acres, a multiplied but unpublished encumbrance that will, and certainly should, trigger more assessment appeals.*
- 4. when existing wetland tax relief is applied to not only a core wetland but also to the 400’ CA-regulated buffer that surrounds it, municipal property tax revenue can be expected to shrink accordingly.*
- 5. if Queen’s Park out-sources enforcement of its Provincial Policy Statement and Planning Act to district CAs at area taxpayer expense, the role of locally elected municipal councils is effectively neutered.*
- 6. escalating CA costs downloaded to municipal councils are paid by area taxpayers who want, and deserve, to see those costs reported, like the education levy, as a separate line item on their property tax assessments.*

Hopefully, this OPERA message will assist municipal councilors in their deliberations regarding MNR/ConOnt self-serving ambitions to control, whether by deception or persuasion, all land use planning in Ontario

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