

ONTARIO PROPERTY AND ENVIRONMENTAL RIGHTS ALLIANCE

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Memo

To: OPERA Members and Supporters From: Bob Fowler, OPERA Secretary
Date: May 20, 2010 Re: Coalition Annual Report

Launched in August, 1994 by a coalition of trade associations, landowner groups and concerned citizens, OPERA is mandated to track and publicize government policy that impacts use, title, mortgage worth and market value of privately owned land and to provide its members and supporters with relevant comment and reports. In this, its 16th consecutive year of operation, our organization continues in that mandate through formal submissions, electronic networking, direct mail, speaking engagements, Internet postings & active participation under an “umbrella” consortium, the Land Use Council (LUC).

Some examples:

- joined LUC member groups to witness & support Essa Township motion re: Conservation Authority cost & performance
- provided members & supporters with copies of OPERA public Information Bulletins to municipal councils across Ontario
- circulated analysis of dangerous Bill 69 with its declared intent to increase government surveillance of Ontario citizens
- distributed report of narrowly advertised MNR meeting that announced imposition of arbitrary species habitat regulations
- advised members & supporters of growing emphasis on “natural heritage” restrictions in Provincial Policy Statement
- alerted Ontario municipalities to SARA’s social & economic impacts on use & value of local taxpayers’ land
- contacted & corresponded with municipalities that supported Essa Twp. motion for Conservation Authority review
- received & acknowledged web page enquiries from interested citizens re: OPERA & land ownership rights
- provided OPERA background material & interim Information Bulletins to Ontario Forest Industries Association
- re-circulated 2002 Russian constitutional land rights to highlight glaring absence of those rights in Canada’s Constitution
- maintained contact with Alberta Property Rights Institute & Freedom 21 (U.S. land rights national organization)
- submitted written protest to MAAH re: fuzzy structure & limited public knowledge of Greenbelt Performance Monitoring
- alerted OPERA members to various Land Use Council initiatives as part of improved networking among landowner groups
- prepared May/10 Bulletin re: activities of the Committee on Status of Endangered Species in Ontario (COSSARO)
- attended exploratory meetings re: Land Patents as a legal tool to challenge excessive government land use statutes
- up-dated OPERA municipal council contact list (362 separate addresses) based on 2010 Ontario Municipal Directory
- posted interim material to “OPERA On Stage” web page and retained previous documents on the “Archives” sub-page
- as LUC’s Communication agent, OPERA helped compose & distribute consortium bulletins & correspondence throughout 2009

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

Of numerous land use issues that OPERA has monitored over the past year, there are several that deserve special mention.

Statutory Denial of Common Law Rights: In the past 5 years the Ontario government has introduced & ratified a modified Conservation Authorities Act, Places to Grow Act, Greenbelt Act, Species at Risk Act, Source Water Protection Act & Green Energy Act. Most of these statutes, Greenbelt, Source Water & Species at Risk are notable examples, specifically exclude two principles essential to the practice of democracy in a free society – the right of appeal against perceived injustice & the right of capital compensation for losses arising from government decrees imposed for “the public good” (although landowners are evidently not considered to be part of the public). These statutory deficiencies are, in our view, outrageous and indefensible.

Layered Regulations: The sheer complexity, linear dimension and regulatory duplication inherent in a confusing multiplicity of Ontario statutes that affect use, mortgage worth & market value of private land has steadily increased over the past 50 years. For example, the entire Escarpment from Niagara to Tobermory as well as all of the Oak Ridges Moraine is now part of the 1.8 million acres of land, much of it privately owned, that was transferred in 2005 to provincial control by the Greenbelt Act. But wait! Separate land restrictions on the Escarpment and the Moraine remain in place as originally decreed but these are now subject as well to overriding Greenbelt prohibitions which, in turn, incorporate additional but specialized regulations buried in Places to Grow, Source Water and/or Species at Risk legislation. Depending on his or her property location it is therefore hypothetically possible for a private landowner in the Greenbelt to simultaneously face regulatory harassment flowing from six different statutes.

The ENGO Factor: Behind almost every legislated initiative mentioned above lurks the mindset and mandate of government-subsidized Environmental Non-Government Organizations determined to impose their view of the world on Ontario taxpayers, if necessary by government regulation without compensation. No thinking adult would today argue against protecting the environment, preserving a sustainable economy and ensuring prudent use of natural resources. However, the process by which some ENGOs advance those otherwise commendable objectives is, in our view, deplorable at best and marginally illegal at worst. For example, eighty organizations collaborating as the Greenbelt Alliance and led by a government subsidized professional lobbyist, pushed for the Greenbelt Act. Further, eighteen months before the Species at Risk Act (SARA) was officially introduced as an MNR invention, it was entirely composed by five Alliance member organizations. Draconian SARA enforcement measures include penalties for convicted violators of up to \$250,000 in fines plus one year in jail for each offence and a “strict liability” clause in which guilt is presumed until the “defendant” proves innocence by “due diligence” which means alleged violators must pay for their own probably stratospheric research and legal costs. But wait! A recent petition to Premier McGuinty signed by representatives of sixty groups, including government sub-agencies and the SARA composition team, again led by the Greenbelt Alliance chief promoter, requests immunity from civil law to protect ENGOs from litigation alleging their “public participation” may be inappropriate or frivolous. A similar petition by two ENGOs was addressed to Ontario’s Attorney General in 2008. Seems strict liability and due diligence consist of different strokes for different folks in the ENGO rule book!

OPERA Overview:

OPERA relies entirely on free will donations for its operational and administrative budget and we acknowledge, with thanks, those supporters who voluntarily increase their donation each year. We hope their generosity will continue in 2010. Details of OPERA’s financial management are annually recorded in coalition files, any of which can be forwarded to contributing members and supporters on request.

Material selected for member and supporter circulation is forwarded via e-mail attachment unless otherwise indicated or requested. This saves time and money once expended in preparing, copying and sending quarterly “mail packages”. It’s expected those electronic transmissions will be copied by each recipient for re-distribution across individual and/or group mailing lists. This type of networking was approved at our 1994 founding meeting as a cornerstone of OPERA’s mandate to circulate, with member assistance, important documentation to the largest possible readership in the shortest possible time and at the lowest possible cost.

Early in 2009, on undeniable evidence that ENGOs frequently band together to push for Ontario land use legislation, OPERA joined Food Chain, Halton Federation of Agriculture, Ontario Landowners Association and Peel Federation of Agriculture to found a countervailing alliance, the Land Use Council (LUC) with a mandate to advocate social, economic and environmental balance in all land use legislation and to publish consequences, positive and negative, of provincial policies affecting land. The LUC Board of Directors sits one delegate and an alternate from each member group, the Board Chairperson is Bruce Pearce of Food Chain, its Secretary Treasurer is Heather Laidlaw of PFA and its appointed Communication agent is Bob Fowler of OPERA.

Your suggestions are solicited. Your help is appreciated. Your support is critical.

R.A. (Bob) Fowler, OPERA Secretary