

"OWNERSHIP RIGHTS 101"

NOTES RE: OPERA GUEST APPEARANCE AT LAND ECONOMICS CLASS UNIVERSITY OF GUELPH, SEPTEMBER, 2006

OVERVIEW

1. Define land ownership rights as opposed to property rights – latter implies entitlement, intellectual & patent rights which are already protected
2. Prior to Canadian federation the BNA authorized provinces/territories to legislate regional ownership rights, a license never since invoked
3. Canada's Constitution of 1867 originally included federal property rights (land ownership)
4. In 1976 a U.N. Human Habitat Conference in Vancouver announced that "private ownership of land contributed to social injustice"
5. Ownership rights removed from Constitution on repatriation from Westminster with promise to reinstate in Charter of Rights & Freedoms
6. When published in 1982, Charter did NOT include property (land ownership) rights as promised, thanks to back-room politics
7. In 1973 the Niagara Escarpment Planning & Development Act introduced regulatory land use control without owner consent or compensation
8. Convention for Biological Diversity, a United Nations international treaty, signed by Canada at 1992 Earth Summit meeting in Rio de Janeiro
9. Vast Ontario land areas, public & private alike, designated under treaty as either U.N. Biosphere Reserve or Wildland Project by mid-1990's

5 – 10 minutes interim questions/answers

PROFILE - ONTARIO PROPERTY AND ENVIRONMENTAL RIGHTS ALLIANCE

1. By 1974 control, & hence use, mortgage worth & market value, of land in Ontario was routinely being transferred to the state by regulation
2. OPERA, a loosely structured coalition of trade associations, citizen groups & individual supporters, was launched in 1994 at Trent University.
3. Mandate: "to protect, & entrench in law, the rights & responsibilities of landowners against arbitrary restrictions & decisions of government"
4. Functions as a network research centre, communication hub &, where indicated, a united voice of public protest, both oral & written.

5. Coalition pays no salaries or expenses, doesn't solicit or accept government funding, and relies entirely on member donations to meet all costs.
6. Over past 12 years OPERA has attended countless government-inspired land use commissions, workshops, committees, study groups, etc.
7. As an invited witness, the coalition has delivered extensively researched submissions to provincial & federal Standing Committees.
8. Detailed OPERA commentaries to both 5 Year Niagara Escarpment Plan Review (only 2 convened in 28 years) are a matter of record.

OPERA DOES NOT:

1. Focus its attention on the concerns of the agricultural sector alone, perhaps the largest but no longer the only victimized landowner group.
2. Attempt to research, communicate or comment on policies or regulations outside the issue of land ownership rights or lack thereof.
3. Advocate civil disobedience or participate in confrontational street demonstrations, although both sometimes attract useful media attention.

5 – 10 minutes interim questions/answers

FIVE ONTARIO GOVERNMENT PROPOSALS OR ENACTMENTS IN PAST 14 MONTHS

June, 2005:

Ministry of Municipal Affairs designates almost 2 million acres of land, much of it privately owned, including the Oak Ridges Moraine & the Niagara Escarpment, as a Greenbelt – perceived as urban parkland with huge tourism potential - 5-member Foundation and 9-member Committee include past or present NGO executives– \$25 million Queen's Park gift over 5 years for promotion– Expropriation Act hearings of necessity Act not applicable – aggrieved citizens can't invoke legal action - no municipal lot severances – no appeal process - no compensation for economic loss to affected landowners.

December, 2005

Ministry of Environment announces Source Water Protection Act (Bill 43) – unidentified “stakeholders” but no affected landowners consulted in advance - no public meetings - imprecise key definitions open to bureaucratic interpretation - municipal well zones mapped but prohibitions not published – punishment structure severe and explicit - no owner compensation – unannounced property inspections - many restrictions and fees but none explained – additional police powers to local Conservation Authorities expected - inspection/enforcement costs charged to local taxpayers through municipal councils.

March, 2006

Ministry of Natural Resources “adjusts” Conservation Authorities Act - **if requested by municipal councils after mandatory public meeting** district CAs are empowered to police natural heritage as well as hazard wetlands – adjacent wetlands joined in larger “complex” – 400’ buffer around provincially significant wetlands in local Official Plans – buffer equals 23.5 acres under government lien for every 1 acre of wetland – prior owner notice and consent not mandatory for government inspections – real estate transactions require CA comment with designated fees.

May, 2006

Ministry of Natural Resources proposes “strengthening” provincial Species at Risk Act to meet or exceed existing federal legislation – ownership rights subordinate to plant and animal habitat protection – species selection Committee includes MNR staff, NGO executives and aboriginal delegates but no private landowners – owner compensation at Ministerial discretion only – maximum penalties (to match federal legislation) would increase to \$250,000.00 fine or 5 years in jail for an individual & \$1 million fine for corporations – alleged violators prosecuted under government criminal law powers– removal of “willful” from statement of charges as regards intent equals removing “premeditated” in assessing guilt and punishment in a murder trial

June, 2006

Ministry of Labor announces Bill 69 as a “Regulatory Modernization Act” – encourages government inspectors on private property at any time to observe and report alleged infractions of any provincial regulation - allows publication of compliance and conviction information relative to any provincial statute – authorizes prosecutors to ask that a court view previous convictions as an aggravating factor in sentencing a defendant – if deciding previous convictions don’t warrant more severe penalties, a court must provide reasons for that decision.

10 – 15 minutes final questions/answers

Ontario is in desperate need of legislation that confirms the right of private citizens to own land free of U.N. supervision, government harassment and NGO manipulation. Under the BNA Act our Ontario government has been authorized to enact that protection for almost 140 years. But it won’t happen unless dedicated students and informed Ontario landowners make it happen. Until then, we can only assume that too many politicians, academics, bureaucrats and urban planners in Ontario share with the United Nations & Karl Marx a deep-seated belief that private property is a public resource &, in any case, contributes to social injustice. OPERA believes that underlying conviction and the regulatory manipulations that sustain it are morally wrong, legally questionable and politically indefensible.