



LEGISLATIVE ASSEMBLY OF ONTARIO

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GREENBELT LEGISLATION November 16, 2004

Mr Bill Murdoch (Bruce-Grey-Owen Sound): Well, here we go again. We have in front of us another bill, Bill 135, that infringes on the property rights of private landowners. I guess I should give the member a bit of credit: At least this legislation is more constructive than some of the recent bills we've been debating here, like bringing your own wine, pit bull bans and banning junk food in schools. At least this bill deals with planning. I have nothing against governments being proactive in the land planning process. However, as anybody who has sat with me here in the House since 1990 knows, I am a staunch defender of rights for private landowners.

Private ownership of property is a fundamental part of Ontario's social contract. The rights associated with property ownership form one of the basic foundations of democracy. Therefore we, as political leaders, must take the lead and maintain the balance between the protection of important natural assets and the rights of property owners.

After reading the bill we are debating here tonight, an act to establish a greenbelt area, I am forced to believe that this government is a supporter of expropriation without compensation for landowners; there's no doubt about it. If I've said it once, I've said it a hundred times: Expropriation without fair compensation is not acceptable.

I'd like to take the opportunity to read a commentary that was released by Mr Ron Bonnett, president of the Ontario Federation of Agriculture. The comments made by Mr Bonnett on behalf of the OFA include a reference to this greenbelt bill and describe why he thinks governments at all levels need to take more steps to research the economic costs and potential impacts that legislation and regulations have on people in this province.

Mr Bonnett's commentary is entitled The Basic Principle of Equity: "In recent years, a trend has been developing that is causing concern for Ontario's farming community. The trend is the disconnect between legislation and policy development, and the economic realities of farming.

"Governments at all levels are now being pressured by special interest groups to implement policy changes designed to address real or perceived shortfalls in areas of land use designation, environmental sustainability, food safety initiatives and food production techniques.

"There are a number of examples where legislation and/or regulations have been introduced with little regard for practical implications and economic costs that impact the farming community. Recent examples include the Ontario government's greenbelt legislation, the proposed ban on natural harvest of farmed deer and elk, and the proliferation of municipal bylaws trying to regulate everything from nutrient management to pesticide use.

"In many cases, these rules are being implemented with good intentions. Legislators believe they are doing 'the right thing.' Legislation and regulation driven by good intentions often fail to ask the key questions: Will there be a cost if we move ahead? Who will absorb this cost? Are these rules practical, realistic, affordable and implementable? It has been said, 'You cannot regulate what you do not understand.' Governments at all levels need to understand this.

"There must be a basic principle of equity followed when governments proceed with legislation and regulation. If it is in the interest of the public to legislate, then it must also be in the public interest to ensure that the farm community does not end up paying the total cost.

"If the principle was applied, there would be an understanding that viability and equity issues would have to be part of the greenbelt discussions. Deer and elk farmers who find their incomes devastated by regulatory change would be eligible for some form of transition funding.

"The Ontario Federation of Agriculture is now facing new issues the public wants addressed. The O'Connor inquiry report was the starting point for source water protection legislation, and the Haines report on Ontario's meat industry will drive changes to address issues of food safety.

"These changes need to consider the principle of equity and the basic concept of public benefit being paid for from the public purse. Ontario farmers want to continue doing what's right for the environment and for public safety surrounding food issues, but the OFA doesn't support governments' approach that calls on farmers to pay all the associated costs.

"Ontario's farmers have watched their equity disappear this year, caused by everything from BSE to commodity price collapses. The OFA is concerned that further erosion of equity, whether it's caused by market difficulties or government legislation, will pose an extreme threat to the industry's future.

"Farmers rely heavily on borrowed money to finance their operations. When equity erosion proceeds too far, banks and suppliers will not be able to support farmers. Eventually, the rural economy will be forced into recession, a prospect the OFA is not prepared to accept."

As I said, that is a letter from Mr Bonnett to everyone here, to all the members of this Legislature, to look at and make sure you listen to this and not enforce a lot of new legislation upon farmers and people who own property.

I want to use a good portion of my time here tonight to warn people who own property within the proposed greenbelt area of what they should be prepared for if this legislation is approved. You see, I have quite a bit of experience in dealing with governments imposing rules and regulations of what can and can't be done on privately owned land. The reason for this is that some 30%, or 100,000 acres, of the Niagara Escarpment lies in my riding. This land is protected by the Niagara Escarpment Commission.

Before I go on, let me first get on the record that I believe the Niagara Escarpment to be one of Ontario's most important natural features. I feel very strongly that we should preserve its beauty for future generations. However, I have long believed that while we must preserve the escarpment land, we must achieve a balance between conservation and development. For this reason, I introduced private member's bills in 1991, 1992, 1993 and even in 2000 that would have allowed the Minister of Natural Resources to designate the Niagara Escarpment and

surrounding wetlands as a natural area of each municipality. When the minister made such a designation, the Niagara Escarpment Planning and Development Act would have to be repealed.

Development of the natural areas would have been prohibited, unless the municipality where the land is situated approved. Then this development would have had to have been approved by this House. Basically, this act would have abolished the Niagara Escarpment Commission, which we should have done a long time ago. The commission has been a thorn in many people's sides ever since it was introduced.

Hon Mr Caplan: I'm telling Jim Bradley on you.

Mr Murdoch: It's unfortunate that Mr Bradley is not here tonight. He is here pretty well every night, and I'm sure if he had known that we were discussing the Niagara Escarpment, he would have been here.

Just think: Abolishing the Niagara Escarpment Commission would save the taxpayers of the province up to \$5 million annually. This money, in turn, could have been used to buy land that is sensitive, which we could have saved forever.

Having been involved in politics at the municipal and provincial levels for over 25 years, I've had direct contact with the commission and have witnessed first-hand its haphazard, inconsistent decision-making process.

I am bringing this up because of what's going to happen to people in this greenbelt protection area. The same thing is going to happen: We're going to have a government impose regulations upon people. They have no idea what they're doing, and we're going to have the same kinds of things the Niagara Escarpment has done.

The NEC costs the taxpayers of Ontario between \$2 million and \$3 million annually in direct operating and administrative costs. This says nothing of the secondary or spillover costs to local planning and development requirements imposed by the commission, which have been estimated to increase the annual costs, as I said before, by about \$5 million a year. We must ask ourselves, in light of the financial reality facing the province and with your initiatives to review all government operations in an effort to weed out inefficiency, if imposing another NEC is a wise expenditure of Ontario taxpayers' dollars.

This is what's going to happen: More money is going to be spent taking away the rights of the individual and the property owner. I'd like to give you some examples of the ridiculous decisions the NEC has made in the past. People of the greenbelt should be prepared to deal with similar circumstances.

Originally, no red roofs or yellow roofs along the Bruce Trail. People from the city felt that was intrusive upon their eyesight. They may see something out there that wasn't natural. So originally, when they started out, they used to disapprove people who wanted to reshingle their roofs and maybe use red or yellow shingles. They had to use brown or green.

From 1992 to 1994, the Owen Sound Minor Soccer Association investigated ways to develop more playing fields for its sport. Soccer was the second-largest sport organization in the city at the time, with over 800 children actively involved. In 1992, the Grey Sauble Conservation

Authority suggested the Pottawatom Conservation Area as a possible site for a new soccer complex.

The area was unused farmland purchased as part of a parcel by the authority in order to obtain the upper level of the Niagara Escarpment. The land is flat and would have been a perfect site for 11 new grass soccer fields. Soccer would not have been the only use of the lands, as picnic areas and bicycle and walking trails would be incorporated in the overall design by the authority. In addition, with an on-site gravel parking lot, more residents and visitors would have had access to beauty of the escarpment and the Bruce Trail.

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After countless hours developing a plan and making application, approval in principle was obtained from the city of Owen Sound, Derby township and the conservation authority but was denied by the Niagara Escarpment Commission. This is the same kind of thing that's going to happen in this greenbelt area. The soccer association followed with an appeal, but it was again denied by the ministry on the grounds that they could see no relationship between soccer and the escarpment environment. Apparently, open fields are not compatible with the escarpment plan.

In November 1990, John Deboer, a resident of Sydenham township, applied for a permit to establish the use of a stair manufacturing operation in an existing building in the Niagara Escarpment land -- the building was already there. The permit was issued. Over the few years, business more than tripled, warranting a move to a larger location. In October 1992, Mr Deboer moved his business into a building located only 350 feet from the original location. Since it was the exact, same commercial operation taking place in the same rural area of the escarpment, Mr Deboer reasoned that it should continue to be regarded as an existing use, as previously determined by the Niagara Escarpment Commission.

Mr Deboer was mistaken. A second development permit was rejected by the NEC, despite its former approval. Even after receiving development approval from the Ministry of Transportation, the Bruce-Grey health unit and the township, the commission continued to deny Deboer's application and appeal on grounds that the proposal did not comply with the permitted uses in the Niagara Escarpment plan.

I can only share in Deboer's extreme dissatisfaction with the treatment he received from the commission. How can a body of supposedly educated and logical individuals issue a permit for a specific use and then turn around and deny a permit for the exact, same development less than 350 feet away? It is unanswerable questions such as this that plague groups in my riding and will continue to do so until this undemocratic body is abolished.

The township of Holland wanted to upgrade three existing open roads in 1993: a street in Walters Falls, the Holland-Euphrasia town line and the concession road leading to the Holland-Sydenham town line. They wished to do this because repairs such as cleaning and re-ditching were necessary to ensure safety for those using the roads. However, they were told they could not do this work without first getting permission from the Niagara Escarpment Commission. Neither I nor the townships of Holland or Sydenham, who were asked for comment, could understand why upgrading existing roads for public safety is any business of the NEC. The maintenance and upkeep of the roads are a municipal responsibility. I thought it was common

sense that the development permits should not be fixed to municipal road allowances that have fallen into disrepair. The NEC thought differently and wouldn't issue a permit.

What this is all about is that this government hasn't learned from the mistakes of the past government. We hear this day after day in this House. You keep blaming either us or the former NDP government for all your mistakes. You continually do that in this House, and you haven't figured it out from the mistakes we made with the NEC. It should have been abolished years ago, and it's still there. Now you're going to make it bigger. You should have been looking at the problems I just told you about, and many, many more -- tons more problems that happen when you do these kinds of things.

Now you make another protective belt, this greenbelt around Toronto. We should be looking at Toronto and saying maybe you're going to be paid back for what happened to us. But this doesn't work for Ontario. Ontario is going to lose out on this whole thing. It's the people of Ontario who lose out when development is stymied.

Farmers in this area are going to lose the equity they have in their land, just like I read in the letter from Mr Bonnett. He told you this is not acceptable; that you can't take away the rights of farmers, take away the equity in their land. That's what you're doing with this greenbelt legislation. No talking with people; you just bring this in. Now you say you may have some discussions; we'll wait to see whether that happens. If you don't, you're going to end up in a lot of trouble over there.

You can see there are problems with this legislation. There's no agricultural plan in it. They just drew a line on a map. That's how they did it with the Niagara Escarpment. Yes, some people looked at the natural area, which maybe we should have protected. But then they had to have a protected area and after that a rural area. This is what you're going to start seeing happen with this greenbelt legislation. And they've tied it into the Niagara Escarpment legislation, so it makes it even worse. They would not look at the problems we've had in the past with creating areas such as this.

One of the other things they never took into consideration when they drew this new line is the municipalities that are in there. Their tax base is frozen. What are they going to? There are municipalities out there that are going to be stymied. They won't be able to go beyond their borders, and they won't be able to develop any more. Their tax base will be eroded, and they won't be able to do anything. There's no doubt that this government will pay the price, the same as a lot of people who supported the NEC have, especially if you have to live in that area -- and a lot of people live in the greenbelt area.

I know the member from Peterborough mentioned that part of reason he sort of likes it is that he's going to get development in his area, because they are going to force it away from here. They're going to force it away from the greenbelt area, they're going to force development out of that area and you're going to get some of that. You may be OK, but as soon as that happens, some bureaucrat or some politician here at Queen's Park is going to decide, "We're going to stop them from developing down there." Then they'll be putting a greenbelt, or whatever they want to call it, around your area. We can't be doing that. We're taking away the rights of property owners in this place, and we don't seem to care. No one seems to care whether property rights are looked at or not; just go ahead and do it.

As I said at the start, at least tonight we're talking about something that's important: planning in the province. There's no doubt that we need planning. It's a lot better than what I complained about: last night we were sitting here talking about pit bulls, and the night before, I think, we were talking about bringing your own wine, silly little bills this government brought in for some reason -- I think to defuse the problem we have in the health care system.

Mr Leal: No way.

Mr Murdoch: Sure. You brought that in because you don't want us talking about the health care system and what's happening in our hospitals. You bring in some little bills, hopefully -- and the press is falling for it too. The press have done stories on pit bulls and bring-your-own wine. They've fallen for your little trick, but it won't work. At least tonight we're debating something that's important. But if you don't listen to the landowners, you're going to be in trouble.

Mr Leal: They support us in the Owen Sound newspaper.

Mr Murdoch: Somebody said the Owen Sound newspaper supports them. I can tell you that our Owen Sound paper probably would. It's so Liberal it bleeds red all the time; they wouldn't have blue ink in that place. I can understand that the Owen Sound Sun-Times would support you. I could see that, and you probably have read that paper. I'm glad you're reading it, though, and that's one good thing: The member from Peterborough says he reads it.

Mr Sterling: Do you read it?

Mr Murdoch: I try not to, Norm. That's why I have people in my office; they read it to me. Norm asked me if I read it. That's why I hire people, Norman, to do that.

The other thing about the greenbelt is, there's no transportation. They don't even worry about that. Again, we're taking away the rights of people. We're going to make them try to live up in the world and not have their own area so they can build their houses.

When the construction trade gets hold of all this and starts finding out what you're doing to them, they're going to be upset. We're just getting into another mess, and I warn you: Be careful.

After Questions & Responses:

Mr Murdoch: I want to thank the members from Toronto-Danforth, Parry Sound-Muskoka, Niagara Falls and Lanark-Carleton for speaking about what I had to say.

Let's get it straight here. Right off the bat, I mentioned that there's nothing wrong with doing proper planning. There's nothing wrong with saving parts of the Niagara Escarpment, nothing wrong at all, but it's the way you do it. What I'm speaking to here tonight is to warn you, don't do it the same way that happened with the Niagara Escarpment. The way it's set up now, it is far worse. Why I'm warning you is that I have trouble with Liberals telling me something. Look at the Oak Ridges moraine. You promised one thing in the election, and you turned

around and did something different. So I have concerns with the way you're going to handle this whole thing. You haven't had the input from the number of people you are going to directly affect, and we have property rights.

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It is interesting that a member of the NDP says that my views on property rights are like a dinosaur. If that's right out there, then I'm certainly reading people wrong who want to have property rights. It seems to me there are a lot of people in rural Ontario, especially in northern Ontario, who think property rights should be something, and the NDP is saying that's fading away. Well, it's unfortunate. I don't agree with that. I think you're totally wrong.

The whole thing is, I'm warning you, don't do it wrong or you're going to have a heck of a mess -- the same mess that we've had in a lot of places along the NEC. You've got to do this right. How you can do that is through input and listening to some of the people on the other side of the House. That has been lacking since we got into this government. When you start to do that, you will make better bills and maybe you'll have something to live on, but if you want to ignore us and make fun of us and say that we're going to just disappear, then you won't have a good bill, you'll pay the price and you'll be sitting over here the next time.