

REMARKS TO MARCH 9/05 LANDOWNER RALLY AT QUEEN'S PARK

By
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Welcome, ladies & gentlemen, to this exciting demonstration of citizen protest. The Ontario Property & Environmental Rights Alliance is a provincial coalition of landowner organizations with a mandate “to protect, & entrench in law, the rights and responsibilities of private landowners against unfair decisions of government”. We’ve been monitoring regulatory intrusion into the lives and property of landowners since 1994. And over the past couple of years we’ve been encouraged by the resolve of Eastern Ontario landowner associations in focusing public attention on government agencies that attempt to control land they don’t own. We thank the Lanark Landowners Association for introducing the Rural Revolution now spreading across Ontario, for arranging today’s event & for this opportunity to express our support.

You’re here today not for consultation but for change. Not for promises but for action. Not for entertainment but for justice. Let no one think otherwise. Because the written demands you’re delivering to the incumbent government of Ontario is all about change, action & justice. The first 2 focus on the right to own and enjoy your land, a prerogative our politicians carefully forgot to include in Canada’s rehabilitated Constitution 30 years ago. And just as carefully never got around to including it in our Charter of Rights either. Strange, isn’t it! For a country awash in every conceivable “right” for everything and everybody, none of its citizens have the constitutional right to own land. The very right that stands as the cornerstone of Western civilization! The one that Russia wrote into its Constitution in the 1980’s and even Communist China confirmed several months ago. Well, folks, in the past 10 years OPERA has spent a lot of time and effort on the property ownership file. So today we’d like to talk briefly about protecting your land from those who think themselves better qualified than you to look after it.

First of all, let’s talk about labels. Government documents seldom call you “landowners”. Instead, you’re “stakeholders”. That title awards the blood, sweat, tears and mortgage payments you pour into your property no more recognition than the efforts of other “interested” people with the same title. And who are they? Why they’re the career bureaucrats, professional lobby groups & urban consultants working hard to convert your land into a public resource without paying for it. If not stakeholders, you’re called “stewards” – another sly evasion of that hated word “landowner”. The dictionary definition of steward is “a person who administers the property of another”. But government spin doctors say that “another” really means generations yet unborn. So you’re left to function as an unpaid janitor of your own property while waiting for a new crop of stewards.

Another fashionable label is “sustainable development”. Which means whatever its proponents want it to mean. There’s also “ecological preservation” – always a winning excuse for statutory land scams. And, all else failing, “the public good” - another sure-fire justification for embezzling private property. Will we ever know the name & qualifications of the folks who decide what is and what isn’t “public good”? Are farmers & rural landowners included in that anointed body called “the public”? Does suborning their property without due process of law count as “good”?

Comes now some history. Before there was a Canadian federation, the British North America Act authorized provinces to enact property ownership laws. That authorization was carried over in the 1867 Canadian Constitution, which provided for federal property legislation as well. But in the 1970’s & 80’s back room politics removed it from the Constitution & never resurrected it in the Charter of Rights and Freedoms.

So, unaware of that deliberate omission, most Canadians today assume that ownership of land is constitutionally protected. And safe from predatory regulations that dictate its use, compromise its title, diminish its mortgage worth & reduce its market value.

Layers of bureaucrats in layers of Ontario government offices entertain no such illusion. Over the last 50 years, these industrious social engineers & their accomplices in the hugely profitable environment industry have visited upon landowners, particularly rural landowners, a swirling torrent of land use prohibitions. A plague for which Biblical prophets would weep but Joseph Stalin would applaud. All, of course, for ecological preservation & the public good! In Ontario we now have more than 5000 provincial statutes that impact use, value & ownership of privately owned land. We have policies, protocols & precedents each with draconian regulations for Places to Grow, Smart Growth & Endangered Species. For Landscape Protection, Protected Countryside & Natural Heritage. For Wetlands, Conservation Lands & Sensitive Lands. For Areas of Natural & Scientific Interest, Watershed Planning & Nutrient Management. For Fish Habitat, Bird Habitat & Animal Habitat. Does this barrage of statutory prescriptions recognize, respect & reward stewards & stakeholders who actually own the targeted lands? Do pigs fly?

In its latest game of regulatory roulette the Ontario government sterilized almost 2 million acres of land, much of it privately owned, on the otherwise commendable grounds of reducing urban sprawl, improving the environment & protecting viable farm land. It has, of course, the requisite warm & fuzzy name – the Golden Horseshoe Greenbelt - & all the usual endorsements from lobby groups that will benefit from its adoption. But it doesn't have scientifically proven justification, it doesn't have an appeal process & it damn well doesn't have any compensation for disenfranchised landowners. Meanwhile, the details of many other Ontario government programs affecting private land ownership are not widely known either. Here are 2 examples.

No. 1: The MNR, in partnership with the Nature Conservancy of Canada and the Ontario Federation of Naturalists, operates a Natural Heritage Information Centre (NHIC) at Peterborough. Presumably for future reference & regulation, a vast database of land reported to house plant, animal, bird & fish species believed to be endangered is maintained there without prior knowledge or consent of affected private owners. Beyond a certain point, Internet access by ordinary landowners to the NHIC web page requires official permission and a password. Requests for the total acreage of private property posted on the NHIC database are routinely denied or ignored.

No. 2: The Loggerhead Shrike is said to be as plentiful as robins in adjacent New York state. It's a small bird with an appetite for large insects & small rodents & the MNR insists that its "endangered" in Ontario. Thus a Ministry program to import Shrike breeding pairs, another example of government tinkering with nature at the expense rural landowners. This bird impales its dead prey on such pointed storage sites as thorn trees for later feasting. According to an MNR promotional booklet, each breeding pair requires 10 acres of habitat. The long term effect of saving thousands of thorn trees to the exclusive benefit of an allegedly endangered bird will be of interest to Ontario farmers, particularly those with a corrosive crop of thorn trees. By the way, Ontario Bird, an MNR associate agency, advises that "anyone approaching a Loggerhead Shrike nest without a permit is liable for prosecution &, upon conviction, to a fine of up to \$50,000.00 plus one year imprisonment. Welcome to the gulag!

Some years ago, OPERA pointed out to the then-current Premier & Attorney General of Ontario that the province was authorized under the British North America Act as well as Canada's original Constitution to enact property ownership legislation. After a brief correspondence, the Attorney General dismissed our submissions on the grounds that such legislation would be "too complex". Whether he or his present replacement would also describe, say, the Nutrient Management Act or the Greenbelt Act as "too complex" is left to our imagination.

Well, folks, playing games with property ownership is like shearing sheep – its wise to stop when you get down to the skin. And the Ontario government is certainly down to our skin! We believe it already has the authority, but not the political will or moral courage, to legislate the right of its citizens to own & enjoy real estate without discriminatory prohibitions from its various agencies. So today hundreds of private landowners have delivered a written template for that legislation. The demand is clear. The need is urgent. The time is now. And, as the Rural Revolution continues to roll across Ontario, we think maybe the government of this province should get out & stay out of the sheep shearing business!

Thanks for listening