

O.P.E.R.A. ON STAGE

information, reports and commentary for landowners and government

Vol. 1 No. 3

November, 2003

THE ONTARIO PROPERTY & ENVIRONMENTAL RIGHTS ALLIANCE

UP-DATE

NEWS AND VIEWS

Ontario voters, having recently installed a different provincial government, now await favourable results of that sweeping change. However, unelected senior bureaucrats entrenched in various Queen's Park ministries will continue, as always, to define, adjust and enforce whatever regulations emerge from the policies legislated by their democratically elected superiors.

For private landowners, indeed for every Ontario citizen, here lies an essential problem - the systemic gap between political vision and ongoing bureaucratic manipulation.

R.A. (Bob) Fowler, Secretary

CONTACT US

Ontario Property & Environmental Rights
(OPERA)

Toronto (905) 453-1174

Ottawa (613) 926-2305

Durham (519) 369-2195

QUOTES TO NOTE

from media reports and citizen letters on conversion of the Marshfield Woods in Essex County by arbitrary government edict

A Ministry of Natural Resources Advisor claims that all privately owned woods in Ontario are now a public resource on the basis of legislation he helped create. Does the government, representing society, have the right to create laws that confiscate timber and the commercial value of the land beneath it without compensation to its legal owner?

To allow a third party, without the owner's knowledge or permission, to file a Wetland Report and so change the zoning on someone else's property is deplorable. Our rights as landowners have been severely affected by an unelected official appointed by the Province of Ontario. His decision effectively expropriated private property without owner compensation.

The foot soldiers an Advisor to the MNR on Private Woodlots, uses across the province to reach his ends are the MNR County Stewardship Councils.

Guideline for Bureaucrats
Forbid everything that's not expressly permitted. Permit nothing that saves time and money

PROTEST IN THE EAST

This year the Lanark Landowners Association was formally organized to publicly expose and aggressively challenge government agencies that constantly intrude on their lives and voraciously prey on their assets. Under the defiant banner "This Land Is Our Land - Back Off Government" those hardworking descendants of rock-ribbed European pioneers are sending a clear signal to all those who would erode and ultimately destroy the right to own and enjoy private property. OPERA has introduced that banner to Alberta landowners and, meanwhile, we applaud LLA principles, encourage its dedication and welcome its membership in OPERA's coalition.

Wives, unlike fishermen, brag about the ones that got away & complain about the ones they caught.

IN 2003 OPERA -

delivered oral report of coalition work to Collingwood developers

reviewed part of Conservation Authorities Act with MNR officials

attended July & October meetings of Eastern Ontario landowners

initiated land use queries to municipal/provincial candidates

arranged national election strategy meeting with Alberta landowners

HI, NEIGHBOUR

Some weeks ago a large industrial site in Owen Sound, Ontario was sold to Maurice Strong and several partners. His new neighbours might reasonably ask "Who is Maurice Strong", a query best answered by visiting the Internet at www.afn.org/~govern/strong.html

There Mr. Strong is described as "the indispensable man at the center of a small group of international bureaucrats hard at work devising a system of global governance, a U.N. power grab slowly gaining control of citizens' lives in every country on the planet".

Through a carefully structured network of political, commercial and financial affiliations in high places, Mr. Strong, a native of Oak Lake, Manitoba, shrewdly uses environmental issues to further his

socialistic goals and enhance his vast personal fortune. Indeed, he is credited with most of the 300 global environmental initiatives orchestrated by the U.N. in the past 25 years as well as many of the non-government organizations (NGOs) that ensure those dictates are aggressively promoted and enforced throughout the world.

Here lies the origin of intrusive land use legislation in Canada. Species at Risk Act, Kyoto Protocol and arbitrary labelling of private property as U.N. Biosphere Reserves (unspoiled nature today and human exclusion zones tomorrow) - all are samples of Mr. Strong's adroit handiwork.

Since the entire Niagara Escarpment is now a U.N. Biosphere Reserve and Mr. Strong is said to be a registered property owner in one of its major population centres, his new neighbours are entitled to hope that his Owen Sound property will not long remain an environmentally contaminated site. And that his holdings - or theirs - will never become a human exclusion zone.

DAMN PERMITS

A group of federal Department of Fisheries and Oceans (DFO) field officers are reported to be now working in Eastern Ontario. Seems their talents as protectors of fish habitat might soon be applied to the regulatory challenge of beaver dam control. They argue that unrestricted beaver dam removal

by untrained, flooded-out private landowners will release tons of mud and crud to the detriment of down stream fish populations.

No passing reference to what stagnant tons of mud and crud can do to productive farm land. No mention of infectious diseases that lurk in the fetid waters of beaver swamps. No hint that licensed dam removal may improve not only the life span of fresh water fish but the career prospects of ambitious DFO enforcers as well.

Need to remove a beaver dam on your property someday? Expect legislated DFO prior consultation and site inspection. Which may, in the fullness of time, actually result in an appropriate permit at, guess what!, an appropriate fee.

Will DFO inspectors migrating to other parts of Ontario in search of regulatory job opportunities bring more bureaucratic intrusion into the lives and property of private landowners? Absolutely. Have all municipal councils and licensed trappers in Ontario been officially told about this looming challenge to local custom? Nobody knows.

THINK ABOUT IT -

Governments big enough to give us everything we want are big enough to take everything we've got. So it is that, in post-war Canada, various forms of public largesse are always followed by various forms of public extortion.

CITIZENS, UNITE!

Excerpts from an editorial, "It's A Property Rights Revolution", by a Belleville attorney

"Should property rights be entrenched in Canada's Constitution? It's a question that keeps resurfacing in Canadian political discourse, most recently at public meeting in Lanark County. The United States Fifth Amendment provides that 'no person shall be deprived of life, liberty or property without due process of law nor shall private property be taken for public use without just compensation.

But the U.S. (and Canada. *Ed. Note*) has laws that don't physically confiscate property but restrict its usage so severely as to wipe out most of its value. Often these take the form of environmental regulations. How much regulation constitutes an unconstitutional 'taking' of property is still being hotly contested through U.S. courts. (But not in Canada where 'constitutional' property rights don't even exist. *Ed. Note*)

Land rights protection can't withstand a judiciary, a legislature or, worse yet, a citizenry that either doesn't understand the importance of private property or doesn't respect it. There are as many outlandish ways to interpret away property rights as there are collectivists who never got past Marx in their adolescent reading.

What is really needed to bring back property rights in the Western

world is a grassroots philosophical revolution. The average citizen must understand that property rights are not just a matter of keeping the state from seizing more wealth from those who are already rich. Often it's a matter of preventing the rich (and some very wealthy environmental groups. *Ed. Note*) from using the state to regulate and, in effect, to confiscate the property of poorer people".

ENDANGERED LANDOWNERS

The Ministry of Natural Resources (MNR) says the Loggerhead Shrike is an endangered species in Ontario. That declaration doesn't mention that Ontario is on the far northern edge of known Shrike territory or that the bird is plentiful in neighbouring New York state.

No matter. MNR now supervises a Loggerhead Shrike Recovery Action, a scheme to import breeding pairs into Ontario and protect their habitat by regulation. So what's the problem? Well, for openers, natural prey of the Shrike are insects and field mice the corpses of which Shrikes impale on thorn trees for later nourishment.

So protecting Shrike habitat means, in effect, protecting nuisance thorn trees. This anomaly doesn't benefit agriculture or the long term market value of rural land. It's especially worrisome for private landowners since, according to the MNR, a single breeding pair of Loggerhead Shrike require a habitat of 10 acres.

An MNR Landowner's Guide seeks

active public support of Shrike protection. In addition to the usual collection of government agencies and special interest groups, this booklet names as Recovery Action sponsors some private sector organizations usually seen as staunch guardians of Ontario agriculture. It doesn't include, however, an ominous April, 2002 quotation from Ontario Birds at Risk (OBAR), another MNR sub-agency. *Quote*: "Anyone approaching a Loggerhead Shrike nest without training and a permit will be charged under the Endangered Species Act. There is a maximum penalty of \$50,000.00 and 2 years in prison". *Un Quote*.

OBAR openly encourages citizen surveys of Shrike populations on private property. Can landowners then expect more trespass on their freehold by amateur bird watchers followed by designation of the premises as Shrike habitat? And will that label then appear on the land use database maintained at Peterborough - a joint venture by MNR in concert with The Nature Conservancy of Canada (a U.S.-based real estate empire in environmental disguise) and the Federation of Ontario Naturalists?

If you own a crop of thorn trees, beware visitors with clipboards and binoculars. And don't ever approach a bird's nest on your own property without a permit! It may be home to an imported Shrike. Or a symbol of private assets sterilized by government order.

CARROT OR STICK

We're told there are thirty nine Stewardship Councils in Ontario. These are local coalitions of public agencies, private landowners and lobby groups mandated to encourage environmental integrity and sustainable development.

The structure and purpose of these partnerships is commendable. What's more, some of their members are actually called private landowners. This is a considerably more forthright title than "stakeholder", a term bureaucrats use to blur the loud presence of otherwise identifiable lobby groups who, in fact, have no legal or financial "stake" in private land they want the government to control.

So much for the good news. Comes now two reflections. *Steward*, in the dictionary, is "a person who administers the property, etc.. of another". Thus *stewardship*, in the sly universe of environmental double talk, reminds landowners that they're temporary custodians of an asset that really belongs to generations yet unborn. And, here it is - the long, slow, bureaucratic curve! Landowner-stewards may qualify for a plaque or written testimonial to honour interim janitorial service but they're certainly not entitled to, nor should they expect, fiscal reward. That's Reflection 1.

Reflection 2 revolves around the identity and real agenda of each

Council Co-Ordinator. In most instances that lead position is held by a staff member of the nearest District Office of the Ministry of Natural Resources (MNR). Since this is the very agency that practices all manner of regulatory assault on use and title of private property, some landowners might see Stewardship Co-Ordinators as hidden troops in a Trojan horse.

So, does the regulatory stick of MNR land use decrees lurk behind the tasty carrot of Stewardship Councils. Place your bets!

ON THE SAWDUST TRAIL

At least one District Office of Ontario's Ministry of Environment (MOE) has uncovered new job opportunities in the public service.

Seems some stalwart MOE guardians of environmental purity in Eastern Ontario want to harass the lumber industry far beyond the intrusive, marginally illegal treecutting by-laws that already bedevil private woodlot owners in many Ontario counties. Their target is the local sawmill with its inventory of so-called "wood residuals" including sawdust in open storage.

According to alleged MOE experts, uncovered sawdust *may* contaminate ground water, an unproven hazard that nevertheless urgently requires immediate hydrological testing at mill owners' expense. But the Renfrew County Small Sawmill Association says a

\$40,000.00 engineering report unequivocally denies that any such hazard exists. No contest! MOE evidently thinks sawmills should have a \$20,000.00 waste management plan in place anyway and its conditions should include periodic ground water testing, at mill owner expense, for what amounts to non-existent "wood residual" contamination. But wait! Even if a mill complies with these Big Brother conditions, it could still face penalties for their unintended violation. What penalties? \$20,000 PER DAY for owner-operated mills, \$ 1 million for corporations!

Help stamp out misinformation about wood residuals. Call the Renfrew County Small Sawmill Association at (613) 735-5916.

O.P.E.R.A. PROFILE

The Alliance functions as a coalition without Officers or Directors, supervises its operations by Management Committee, compensates no one for time or expenses and relies entirely on member/supporters to fund its substantial communication budget. It observes but does not advise, comments but does not counsel, reports but does not represent. The coalition receives many accounts of unfair government treatment of private landowners and attempts to summarize some of them in its "Up-Date" newsletter. To help maintain that bi-annual publication, readers are asked to return the enclosed Support Note with a donation.

CONTACT US!

Ontario Property and Environmental
Rights Alliance
Post Office Box 483
Durham, Ontario, N0G 1R0

Phone: (519) 369-2195 Fax: (519) 369-2992
web site: www.bmts.com/~opera/
E-Mail: opera@bmts.com

ANNUAL MEMBERSHIP

Voting Organization	\$400.00
Non-Voting Organization	\$100.00
Non-Voting Member	\$ 50.00