

ONTARIO PROPERTY AND ENVIRONMENTAL RIGHTS ALLIANCE

Note to File from R.A. Fowler:

Re: Personal discussion at Queen's Park with Mr. Ted Chudleigh, MPP, Parliamentary Assistant to the Minister of Natural Resources concerning a requested interview with the Minister.

Room 6522, Whitney Block, Queen's Park – Thursday, Feb.05/98, 1.30 – 2.00 p.m.

Apr./05: In the past seven years neither the Preamble nor any of the issues specifically covered in this Feb./98 Note to File have ever been acknowledged, much less addressed, by the Ministry of Natural Resources.

Preamble:

Since the mid-1970's MNR staff have arbitrarily created, unilaterally applied and vigorously enforced a bewildering array of land use "identifications" in the name of resource protection, environmental preservation or, all else failing, the public good. These benign classifications are subsequently elevated to enforceable "provincially significant" designations when they appear in municipal Official Plans, final approval of which is left to Queen's Park and its numerous Ministries, including the MNR.

However appropriate for public lands but never imposed on urban property, where owners collectively influence the critical metropolitan vote, this Catch 22 process has unfairly entangled and substantially devalued millions of acres of privately owned rural property across Ontario.

OPERA is a provincial coalition of ratepayer groups and commercial trade organizations mandated "to protect, and entrench in law, the rights and responsibilities of private landowners". We respectfully ask to meet informally with the MNR Minister under a pre-arranged agenda to review, and perhaps mitigate, 3 basic issues that greatly concern rural landowners today and, unless resolved, may embarrass an incumbent provincial administration tomorrow. These issues, with brief suggestions for reduction of landowner tension and distrust, are:

ISSUE:

SUGGESTED REMEDY:

(1) Definitions:

MNR land use dictates don't acknowledge that Ontario citizens have a common law right to own private property

Preface MNR land use prohibitions with an unequivocal statement that proposed restrictions do not suborn the right to own property nor will they be implemented without prior written notice to affected owners

Authors of provincial land use restrictions imposed on private property are not publicly identified by name, title, employer or qualification

Add an explanatory paragraph to all MNR land use restrictions naming the author(s), his or her connection, if any, with special interest groups and details of how, where, when and why it was approved by Cabinet

A regularly up-dated list, by name, description and acronym of MNR land use labels and province-wide total of private acreage that each affects is not made available to Ontario citizens

Publish and post and MNR Fact Sheet listing, by intent, name and acronym, existing land use labels, their possible escalation to provincial status and an acreage total of affected property

ISSUE:

(2) Dialogue:

MNR seldom invites people or groups known to champion democratic rights and accountable government to attend any of its countless land use policy conferences, workshops and seminars

Substantial grants of public funds to wealthy, U.S. based or U.N. sponsored environmental lobby groups are initiated by the MNR without prior or sufficient public debate

No MNR forum yet convened has focused on the number, much less unintended consequences and economic impact, of provincial, national and global decrees against private ownership of land

(3) Due Process:

MNR identifications of private property for public benefit is not reviewed in advance with landowners whose freehold will be directly affected

When not pre-authorized by an affected owner, on site inspections of private property by MNR staff or its hired agents constitute a violation of the Trespass Act

Endorsed by the Ministries of Municipal Affairs and Finance, MNR restrictive land use labels are encoded in local tax records without prior knowledge or consent of affected owners

SUGGESTED REMEDY:

To correct an entrenched imbalance, MNR land use meetings and stakeholder conferences (where environmentalists are often in control) should record that 25% of invited delegates are resident landowners of rural Ontario

MNR memoranda and Press Releases covering amount, purpose, recipient and performance standards of provincial grants or loans to special interest groups for alleged land use research or administration should be widely circulated in media advertisements

By endorsing MNR active participation and support in an impartially managed Provincial Land Ownership Conference, the Ontario government would publicly indicate that environmental extremists are not the only important voters in this province

Revisit existing and proposed MNR private property identifications and convene public "hearings of necessity" in which MNR would be required to justify actions and provide owner compensation for land devaluation

Withdraw and re-negotiate all MNR land use identifications when advised, through an owner questionnaire appended to Tax Assessment Notices, that such encumbrance was procured without owner prior knowledge

By appended Tax Assessment questionnaire, advise private land owners that government land use coding in local tax records and any MNR identification can be permanently erased at owner option and request

FOR GENERAL DISCUSSION:

- * so-called land stewardship programs must acknowledge basic right of private property ownership
- * management of privately owned forest land by government bureaucrats is imprudent and unacceptable
- * removal of MNR arbitrary land use identifications/designations must be at government, not owner, expense
- * excessive wetland designations and related boundary restrictions must trigger public "hearings of necessity"
- * land use planning by several Ministries, including the MNR, in competition with Municipal Affairs must cease