

## Public Input from the Blue Ribbon Panel on Property Rights (BRPPR) Meeting in Petrolia, Ontario on April 21, 2017

**Hosts:** Monte MacNaughton, MPP Lambton-Kent-Middlesex and Bob Bailey, MPP Sarnia-Lambton

**Date / Time:** April 21, 2017 from 10 AM – 12:30 PM

**Place:** Lion's Club, 451 Huggard St., Petrolia, Ontario

**Panel Members Attending:** Jack MacLaren, MPP; Tom Black; Marlene Black; Frank Burke; Mark Breckon; Shirley Dolan

**Key Points:** An article appeared in the Ontario Farmer, May 2, 2017 edition written by John Phair about this meeting.



### Land Registry:

- Alberta uses the Torrens land registration system and maintains control and responsibility for land registration.
- Ontario uses a third-party system called Teranet, in which the province no longer has shares.
- Wet ink signatures no longer are required – no witnesses required when land is transferred.
- When land is transferred, it's not just the land that changes hands but also the rights to the land.
- An instance was recited of a person losing their land when the mom died because the transfer was incorrectly recorded.

### Provincial and Municipal Governments:

- There must be a balance between public good and private property rights. Provincial Drainage Act is a good example of that balance.
- Private property owners have rights as well as responsibilities.
- There should be a formal definition of property rights.
- Alternative Land Use System (ALUS) is a good system. <http://nourishingontario.ca/the-social-economy-of-food/the-ontario-east-alternative-land-use-services-alus-program/> It provides money in exchange for designation.
- Municipal consultation is inherently unfair.

- Governments are under pressure from the United Nations to distribute wealth and to intensify development. UN initiatives come through in our local policies such as Lambton County's draft official plan which contains many initiatives to impose wetlands, woodlots, natural areas and wildlife habitat on privately owned land.
- Politicians need to be informed of the impact of UN policies on landowners. Planners are trained to make decisions based on UN agenda. The UN pushes for social justice and regards private property ownership as a social injustice.
- Government powers should be restricted so that at no time can private property be taken without compensation.
- Municipalities are directed by the Planning Act and Official Plans – is part of the plan to return authority to municipalities?
- Bill 68 Modernizing Ontario's Municipal Legislation Act, 2017 was opposed by the Ontario PC Party. It introduces the Automated Monetary Penalty System (AMPS) – denies a person's day in court.
- Omnibus bills should be disallowed – there is insufficient time to review and research them.
- Bureaucrats in Toronto are making policy for rural areas they know nothing about.
- Official plans are too complex to comprehend.
- Municipalities should push back on provincial regulations such as the proposed 5-year requirement to have septic systems pumped.

#### Conservation Authorities:

- Conservation Authorities (CAs) used to act in an advisory capacity – now they act as enforcers.
- Municipalities have given their authority over to CAs.
- All municipalities should withhold money from the CAs until their existence can be justified.
- Conflicts between CAs and municipalities where one approves the building permit but it is denied by the other.
- Role of the CA is to protect private property from flooding not to stop development.
- CA tribunals are a waste of time. They just extend the time to get to court.

#### Provincial Oversight of Property Rights:

- A Ministry of Property Rights was suggested.
- This Ministry would review all legislation to ensure that it complied with Property Rights law.
- Red tape and bureaucracy need to be reduced to create a smaller, less intrusive government.
- Three party agreement on a secretariat or ombudsman of property rights.
- Potential to set up an accounting or legal firm in Ontario to review and interpret all legislation.
- Suggestion for a private member's bill to rescind all rights to enter private property without permission.
- Does Alberta have a Ministry of Property Rights? What can we learn from the Alberta Property Rights Advocacy Office.
- Intellectual property should also be considered. Farm tractors now come equipped with proprietary software. We should be able to buy the tractor without this software.

#### Other:

- Property rights were omitted from the Canadian Charter of Rights and Freedoms – a major problem