



ONTARIO LANDOWNERS ASSOCIATION

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Via E-mail: minister.mecp@ontario.ca

Honourable Jeff Yurek, MPP
Minister of the Environment, Conservation and Parks
College Park 5th Flr,
777 Bay St,
Toronto, ON
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Minister Yurek,

The Ontario Landowners Association agrees with and endorses the proposed changes to the *Conservation Authority Act* as indicated in Bill 229 Schedule 6.

The OLA views these changes as the beginning to re-establish the inherent rights that belong to Private Property owners and the use of their property since Magna Carta.

The OLA makes a distinction when referring to owners of Private Property. The first category, is the property owner who owns land of any size, with or without a house, cottage, hunting and fishing camps, campgrounds, family farms, small business proprietor and any location a person calls their home, be it Northern Ontario or downtown Toronto.

Other categories of property owners are corporations, NGO's, and government. These landowners have specific projects in mind. Land developers buy, develop, and sell the results of their projects such as sub-divisions, mall development, pipelines, manufacturing plants, distribution centres, office towers etc. NGO's such as Ducks Unlimited buy areas of wetland for waterfowl habitat to expand their business for hunting. Federal, Provincial and Municipal governments are involved in construction projects for parks, hydro dams, nuclear generating stations, wind and solar farms, highways, airports, shipping ports and canals.

Private Landowners have their investment in the land. Some buy a home on a small lot to enjoy their retirement. Some have hundreds of acres as a working farm making their living from the land and raising their children. Some have a cottage on a lake to live for a few days in peace, quiet, and enjoyment of nature. Regardless of the reasons for owning land, all respect the land. There is a guarantee that eventually every landowner will leave their land. When that time comes, the land will have been cared for and have the best value possible. Value comes in many formats, not just monetary. If there is anyone who has the most investment in the land, it is the Private Landowner. Why then do they have the least authority to say how it may be used?

My comments are directed to the Private Landowner in the first category. The interference by CA's in this category is unacceptable. There are Ontario farming families that can trace their roots back eight generations on the same farm homestead. To have the CA show up and dictate how the farm is to be managed under CA rules is wrong. These farms are successful going back into the 1800's because of limited government interference. Their farming success is a result of adapting to ongoing changes, education and development in farm practice, not what

CA's demand of the farming community. CA's are an interference and a danger to food production. They must stop interfering immediately.

Building a tool shed, backyard deck, garage, barn etc. are issues of the Building Code and not that of CA's. Landowners do not need to apply for additional permits and seek permission when already adhering to the Building Code.

Property owners who have water frontage, are stuck between the CA's, *Public Lands Act*, Riparian Rights and Building Code. The ancient right to protect your property from flooding and erosion goes beyond government to the sanctity of home and hearth. Allowing a landowner to use sandbags during a flood and then demanding that they be removed after, but not allow a permanent berm in place for the next flood, is not acceptable.

The Ontario Court and the Supreme Court of Canada have established, as far back as the mid 1800's, that the low water mark is the boundary line between private property and the waters edge. Past governments have ignored these rulings and established the boundary line to be defined as "seasonally inundated land", or in plain language, the highwater mark. This translates into the taking and control of private land without compensation, the creation of a false system of permits with required payment and direct interference of the private landowner to protect their property from flooding and erosion.

Ontario has established drainage systems dating back to the 1800's to control water for numerous reasons, farming and homesteading are examples. We know these drainage systems today as Municipal Drains. I am aware of one drain that was built in 1910, and the last cleanout was 1997. As in all things when maintenance is not done, things fall apart, and a drain is no different. This drain, without maintenance, caused damage to the foundation of a private home from excessive water that was not present when the house was built in the 1980's. The land was farmed in the past and now is too wet for farming. CA's are now demanding permits and environmental studies from Municipalities before Drains can be cleaned out.

Of the articles I have read about Bill 229 Schedule 6, they speak of the damage the changes to the CA Act will have on the Environment and the ability of the CA's to do their job. These articles focus on the environment and loss of management and control, not on the lives and property of the people who live in the environment. It appears that people are not the highest concern in CA plans.

The construction of the *Conservation Authority Act* began in the Ontario Legislature during the 1930's and 40's. A lot of water has passed under the bridge since then. I have yet to see a published collection of the work accomplished specifically and directly by the CA's over the past 70 years.

What I have seen is the expansion of CA's into ownership of a ski hill and golf course, consulting on golf courses, sale of flowers, trees and bushes typically done by landscaping companies, Spring sugar bush camps, horse trails, nature trails, parks and camping.

Where is the equivalent work done by the CA's in flood control, construction of dams, erosion control of shorelines, cleanout of streams, creeks and rivers, removal of beaver dams, cleanout of Drains? Perhaps this work is too difficult and must be transferred to Ministries with staff capable of doing the work.

When land has been declared a wetland or flood plain, years after homes have been constructed, there is no compensation by the CA's for property value loss and increases in insurance premiums. Why not?

For years, I heard comments that Private Property ownership and Crown Land Patent Grants allow property owners to do whatever they want with their land. This is a false statement and wrong on every level. Private property ownership comes with great responsibilities, one of which is the ancient rule to "*do no harm to your neighbor*". This rule resides in the core of the Ontario Landowners Association.

Private Landowners who hold this ancient rule to be true, would not willingly or knowingly place their property in harm's way, risk damage to their land, loss of value, income nor harm to that of their neighbour.

The OLA applauds the current changes to the Act, and we look forward to additional changes that remove CA's from interfering in private property that does not belong to them. Private property ownership accounts for only 13% of the total land ownership in Ontario. Why are private property owners front and centre to the scrutiny of CA's? Why would a 100-acre land development project for homes, roads, sewers, infrastructure etc., not be more of a concern to CA's than the building of a garage in the backyard or the protection of a private shoreline from washing into the Great Lakes?

The CA's and Municipalities in Ontario represent no property owners, other than the property that they themselves own. Neither of these two organizations are eligible to vote in any election for any level of government. The taxes that they pay, if any, are miniscule.

Yet, for the 10's of thousands of landowners in Ontario, that pay millions of dollars in taxes, vote in every election at every level of government, have the least amount of input, control and decision making for their Private Land. The legislation and regulations controlling land, not owned by government, is wrong and it must stop.

Minister Yurek, the Ontario Landowners Association agrees with the direction your Ministry is taking. We look forward to working with you, your Ministry, and the Government of Ontario to find the balance between the Private Landowner, the environment, and the people of Ontario.

The Ontario Landowners Association appreciates your effort and the good work you are doing.

Thank-you for your ongoing commitment to work "for the people".

Sincerely,

A handwritten signature in black ink that reads "Jeff D. Bogaerts". The signature is written in a cursive style and is underlined.

Jeff D. Bogaerts

President

Ontario Landowners Association