

# Landowner Voices



July August 2023

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# Landowner Voices

## Inside these Pages....

### Articles and Stories

- 7 What to do BEFORE they come for you - *Bob Weirmeir*
- 8 OLA Intervenors - *by Jeff Bogaerts*
- 10 Garbage - *Roger Graves*
- 14 The 1897 Project - *Shirley Dolan*
- 18 My Adventures on the Farm - *Grace Green (New Writer)*
- 20 Bill C - 18 - *by Shirley Dolan*
- 21 OLA Supreme Court Intervenors - *Press Release*
- 22 Annapolis Group vs Halifax Municipality- *Liz Marshall*
- 27 OLA Supreme Court Intervenors - *2nd Press Release*
- 30 Canada's Rent Seekers and Housing Crisis - *Charles Ficner*
- 48 OLA information
- 49 In Introduction to the OLA/Wins for OLA
- 52 What to do WHEN they come for you - *OLA*

### Columnists - Editorials

- 4 Tom Black
- 12 The Contrarian
- 16 Ian Cumming
- 28 Marlene Black

**PHOTOS:** Shirley Dolan photographs, Laura Lilly and Marlene Black

Read 'Landowner Voices' bi-monthly on the OLA website:  
[www.ontariolandowners.ca](http://www.ontariolandowners.ca)

The opinions expressed in this on-line magazine are those of the writers and are not necessarily the views of the Publishers

***July August 2023***



# Let's Fix it

by Tom Black

*Hello Folks,*

Hope all is well with everyone after this summer of forest fires, drought and super rain fall across North America. It would seem el nino has had us under it's spell and I hope the winds start blowing back to normal soon.

Today I would like to talk about "Property Rights", the main reason the Ontario Landowners has been in existence for the last 20 years trying to protect them. Some people who come from other countries would say "but we have property rights here", because many of them have come from some countries that have very few rights period, let alone property rights. The fact is however, that Canadians are losing many of their traditional rights like free speech, self defense, association with people with unacceptable views, innocent until proven guilty as well as the protection of private property rights.

As a very world famous economist by the name of Hernando de Soto from Lima Peru explained that property rights is the single most important factor that created wealth for people and that poor in all countries without property rights were never able to create more wealth than their own hands could make daily, since they had no collateral to borrow money to expand their business. That is the shortened version of a huge subject but I use it only to emphasize the importance of retaining what we once had.

Over the last 20 years the OLA has fought many battles on the road and in the courts backing people willing to fight for

their rights. Many times we have had success when overzealous government agents treated landowners like they were subservient to them and their interpretation of the LAW. County planners come up with bylaws and regulations that were only meant to be applied to public land or crown land. Police rode shotgun for private charities like the OSPCA and stole animals from farms for no reason more than a neighbourhood feud where someone would call the OSPCA and make claims of cruelty, to get the OSPCA and the police to destroy the lives of people they had fallen out with or were in competition with, for business. The green movement took over the conservation authorities and started treating private property like it belonged to them and they used threats of massive fines and long court cases with expensive lawyers to force hard working people with no 'big money' them to give up their rights to the authority's demand for control. The Ministry of Natural Resources (MNR), who are entrusted with the housing and protection of the Patent Grants Registry in Ontario, stated on their own website 15 years ago, that they had no say or control over patented land. \*(See words from MNR website at the end of this article). When the OLA started demanding that respect from government authorities, the MNR promptly removed that statement from their website. The OLA and people who stood up to the local bylaw officers, police, OSPCA, planners, MPAC, conservation authorities and the Department of Fisheries and Oceans, have been very successful on individual cases of

helping people keep the land for their use, but at considerable cost of time and money. So what happens is the bylaw, the police and the planners in a given ‘highlighted’ area where these cases have happened, start to learn about the law and the problems for the property owners are often less visible for a time. The problem is that this information is not sent out to other counties and cities and they end up hiring some new planners straight out of the school system where they are still being taught the woke new green deal and they believe, like those before them, that they control everything in the physical world.

SO here is the question? How do we fix this problem? There is no point laying the blame on bylaw, police or any other people charged with the job of enforcing rules on private property. They are not to blame although sometimes their lack of compassion often aggravates such encounters. The OLA has been asked to be intervenors in some big court cases going to the Supreme Court, which means that we are somewhat recognized as having a fair grasp of what property rights

means. However, these slow moving court cases will not fix the problem without some help from some enlightened politicians who will take this problem seriously.

My hope is that we can sit down with the provincial government and draw up a plan to property teach the value of property rights to our children somewhere in our school system so they know what this country was built on. In the interim I would like to see them make it mandatory that all the laws around property rights be taught in a very detailed course to police, bylaw enforcers, conservation officers, MNR officers, planners and head solicitors for counties and cities. These jobs should not be granted to anyone who could not pass the Property Rights Course. This knowledge would help them to recognize when bylaws that have been created by planners and passed by councils may be outside their jurisdiction thus saving a lot of money for government and tax payers as well as years of anguish and cost for property owners.

.....  
*\*Taken from the MNR website several years ago but was removed or moved somewhere else...*

## **Sale and Issuance of Letters Patent**

- The Ministry of Natural Resources does not retain future options for the land and does not control use
- Extensive and/or valuable improvements to the land are planned
- Can be used as loan security or collateral (a Patent is a registerable document)
- Used when future financial or environmental liability as a result of the intended use of the land may arise
- Rights granted by a Patent are transferable by the “Patentee” through sale



**Why is this calf drinking Gatorade? Turn to page 18 to find out.**

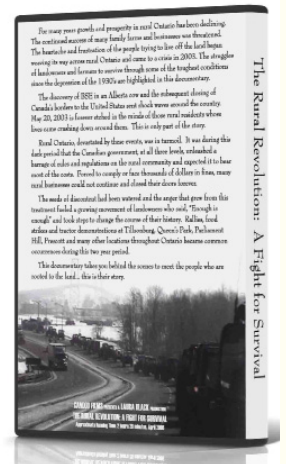
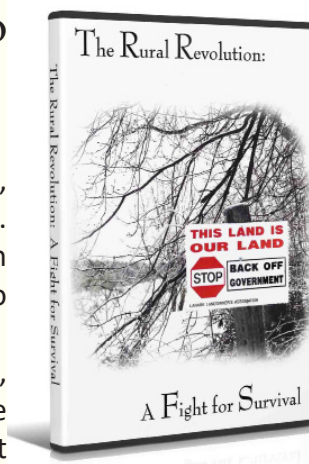
## **Twenty Years of Landowner Rallies and helping people unjustly abused by authorities**

See the link below to watch video footage of the Rural Revolution:

Rallies, demonstrations, interviews on the wagons, tractors at Queen's Park and tractors on the 401. The early days of the landowners are recorded on this DVD which you can now watch on the link to Youtube, below.

Laura Black's DVD has footage of many politicians, farmers and supporters who came out to these rallies for freedom in a protest against government overreach. Now you can view the live recorded history of this movement.

<https://youtu.be/rhziB0A--YI>



# WHAT TO DO BEFORE THEY COME FOR YOU

Many of you will be familiar with a guide called “What to do WHEN They Come for You”. Written several years ago to help landowners cope with unwanted visitors who enter their property unannounced and uninvited, this guide is available in every edition of the Landowner Voices online magazine. At one time, we also had this information printed on small business-size cards that we made available to members and the general public at Landowner meetings.

The information in the guideline is more important than ever in the uncertain times introduced by governments in the hope of controlling COVID. No matter where you stand on these restrictions, especially in Ontario, of lockdown measures and the removal of civil liberties, it is a good idea to know your rights if/when an unwanted visitor comes knocking on your door.

For our “What to do When They Come for You” document, please see one of the editions of the online Landowner Voices magazine at <https://ontariolandowners.ca/>. We thought we should also provide some guidance on what to do BEFORE they come for you. Two simple suggestions:

- Make sure you have a barrier across the entrance to your property. This can be a gate or a chain, or even a rope – something to signal that there is no right of first entry.



- Post a no trespassing sign. In Ontario, a four-inch red dot is a universal no trespassing sign. You will sometimes see these painted on trees in woodlots along the fence line to indicate that trespassing, without permission of the owner, is not allowed. We prefer our OLA Back Off Government/No Trespassing signs. While the red dot may not be understood by everyone, there is no mistaking the message on our OLA signs. Contact your local Ontario Landowners Group <https://ontariolandowners.ca/ontario-landowners-association-ola-chapters/> to obtain a sign. For a limited time, we are offering the signs at no cost to members and for a small donation to non-members.



- It's a good idea to record (video or audio) any discussions with unwanted visitors about their right to enter your property so make sure your smart phone or other recording device is charged at all times.
- The National Farmers Union also offers some information on unwanted visitors to private property in Ontario. See <https://nfuontario.ca/new/know-your-rights-when-dealing-with-trespassers/>.

*by the OLA*



# Supreme Court of Canada

## Recognition at the Highest Level

In 2013, the Ontario Landowners Association made the decision to make a Constitutional Challenge against sections of the OSPCA Act, Ontario Society for the Prevention of Cruelty to Animals.

The OLA spent 6 years putting our Constitutional Challenge before the Ontario Superior Court of Justice.

In January of 2019, our case was heard in Lanark County, at the Town of Perth. The decision by the presiding Justice on our Constitutional question agreed with us. The Ontario government was given 12 months with which to make the appropriate changes to the OSPCA Act.

The Ministry of the Attorney General, on behalf of the Provincial Government appealed the decision.

The case was heard in Toronto at Osgoode Hall before the Ontario Court of Appeal.

The Court of Appeal decision went against the OLA and found in favour of the government.

The OLA considered appealing to the Supreme Court of Canada, and we would have done so had it not been for the action of the Ontario Government to Repeal the OSPCA Act and replace it with the PAWS Act, Provincial Animal Welfare Services Act.

It will be a debate for years whether the government repealed the OSPCA Act to prevent the possibility of changes ordered by an OLA win at the Supreme Court of Canada (SCC) and setting a precedence. We would like to think this is the reason.

At the end of the day, it was a draw, one win for us and one win for the government.

The repeal of the OSPCA Act and replacing it with the PAWS Act would require an analysis of the PAWS Act to determine if there were Constitutional questions we would challenge.

We would essentially start all over again which would require raising new funding for the legal costs and a few years in the court system.

### Annapolis Group Inc.

Fast forward past COVID and we were approached by a prestigious law firm in 2022, asking if the OLA would be interested in acting as Intervenor in a case scheduled to be heard at the SCC.

Conversations were held, decisions made and our application to the SCC to act as Intervenor was accepted. We were now part of an SCC case on property rights that would become part of the Canadian legal system win or lose.

The OLA eventually became part of the winning team.

The case in question is Case 39594;

### Annapolis Group Inc. v. Halifax Regional Municipality

#### Below is the link access to the Case in Brief.

[Supreme Court of Canada - 39594 \(scc-csc.ca\)](https://scc-csc.ca/cases/39594)

Below is a short excerpt of the case.

*The Supreme Court rules that a private Halifax land developer can take the regional municipality to court for its plan to expropriate its land.*

*The Annapolis Group started buying lands in the Halifax area in the 1950s. Over time, it acquired 965 acres of land, which the company planned to develop and sell. In 2006, Halifax adopted a 25-year Regional Municipality Planning Strategy for land development. It included the Annapolis lands.*



*Annapolis responded by filing a lawsuit against Halifax in the Supreme Court of Nova Scotia. It claimed, among other things, that Halifax had essentially expropriated private property for a public park, which amounted to a “constructive taking”. In 2019, Halifax asked the court for summary judgment to dismiss the constructive taking claim from the lawsuit. Summary judgment is a procedure that allows a party in a lawsuit to ask the court to decide an issue without a full trial.*

On October 21, 2022, the SCC rendered their decision that the property belonging to the Annapolis Group was expropriated by the City of Halifax and allowed Annapolis’s claim of constructive taking to proceed to trial.

The OLA will be watching the case as it progresses through the courts.

We have a Press Release issued on this matter.

### **Wallace Lynch, et al.**

In March of 2023, the same law firm approached the OLA and asked if we would be interested in another property rights case and to act as Intervenors again and of course we said yes.

In this case the SCC accepted our application to be Intervenors and in addition granted us the opportunity to give a 5-minute oral presentation on our application materials.

Another win going forward.

Our intervenor materials were filed August 14, 2023.

Currently, we are waiting for dates from the SCC for our case to be heard.

The Lynch case is a follow on from a case originally heard by the Supreme Court of Newfoundland and Labrador. The Lynch family won their case. The city of St. John’s appealed to the SCC of which the SCC dismissed the appeal.

Below is the link to the case from 2017.

### **Supreme Court of Canada - SCC Case Information - Docket - 37204 (scc-csc.ca)**

The Lynch case, 2023, is underway and we look forward to another win.

The OLA has issued a Press Release in this case as well.

It is our hope that these cases and others to follow, will compensate Property Owners for Loss of Land Value and Loss of Land Use when governments expropriate your land by regulations.

Whether by a Municipal By-Law or a Provincial Statute, designating your land as unusable or restricted use without compensation, is not acceptable in a Democracy when Private Land Rights are guaranteed ... but only if you know what your Property Rights are.

I want to thank all our members and public supporters in all that we do for Property Rights, not only in Ontario but across the country. I also want especially to thank the OLA Executive, past and present for their tireless support over the past 20 years.

If not for our members and our Executive, we would not be here today. It was in 2003 that the Landowners were formed as an organization to return our property rights to their rightful place as issued by the Crown and created hundreds of years ago beginning with the Magna Carta.

We have come a long way in 20-years and there is much work still left to be done.

Join the Ontario Landowners Association.

Help us help you to protect your Private Property Rights ... If you do not look after your Property Rights ... Somebody else will.

*Jeff D. Bogaerts  
President*

*Ontario Landowners Association.*

# Garbage

by Roger Graves

Cities nowadays don't have garbage dumps, we call them landfills, as if we were doing the countryside a favour by filling up an inconvenient hole in the ground. But let's call a spade a spade and call the place where we toss our unwanted stuff what it really is – a garbage dump.

Like many cities, Ottawa will soon run out of space in its Trail Road garbage dump and will need to find somewhere else. But rather than simply asking “where's the best place for another garbage dump”, the question we should be asking ourselves is “what is the best way of dealing with our garbage”.

In answering this question, it would be more to the point to begin by stating what methods of garbage disposal we should be against. We should be against the medieval practice of simply tossing our garbage into a heap, especially when that heap becomes a hill. So let's look at the alternatives.

What we can do with solid waste in general terms is to:

1. Toss it into a heap at the edge of town; or
2. Recycle and subsequently re-use it; or
3. Send it somewhere else, ‘out of sight, out of mind’; or
4. Convert it into another form which is either usable elsewhere or more easily disposed of.

What we currently do now is largely option 1, which as I mentioned above is a medieval practice that we don't want to encourage. We do a certain amount of option 2 (recycling), but a large proportion of what we fondly assume will be recycled in fact ends up in a garbage dump,

either ours (option 1) or someone else's (option 3). Our supposedly recyclable plastic often ends up somewhere in South-East Asia, where it is either burned rather messily or tossed into the ocean. This is not unique to Ottawa but is a common experience all over North America. I think we need to assume that recycling will only ever be a niche method of garbage disposal, good for our collective municipal ego but only a minor player in the greater scheme of things.

The question we should be asking ourselves is “what is the best way of dealing with our garbage”.

Option 3, sending it somewhere else, was tried by Toronto a few years ago, who exported their garbage to a dump in Michigan. However, not only did they pay excessively for the privilege, but this arrangement was subject to political considerations and could be ended at short notice. Exporting garbage, in effect making it someone else's problem, can only be a short-term, stop-gap solution.

Option 4, conversion into another form, comes in two versions, composting and incineration. Composting provides an organic end product which can be used for plant growth. For example, sod farms often use compost derived from garbage; every time a layer of sod is harvested the top soil is replaced with composted organic waste. Of course, composting only applies to organic waste, which is a fairly small part of our overall garbage.

Incineration converts solid waste into ash, and in doing so reduces its volume by up to 95%. The ash is a chemically stable, inorganic substance that can be sold or given away for such things as road-making, or in the worst case can be dropped into a hole in the ground (option 1), with the advantage that it will not outgas,

produce any leachate or take up much space.

Both composting and incineration produce carbon dioxide (CO<sub>2</sub>) as a by-product. We have, of course, been so relentlessly indoctrinated into the horrors of CO<sub>2</sub> that we now recoil at the mere mention of it. Most of what we have been told about CO<sub>2</sub> and climate change comes into the category of fairy stories designed to frighten children, and while I shan't go into the details here, suffice it to say that if the entire world were to incinerate all its garbage using properly designed high temperature incinerators, the effect on our climate would be insignificant. In fact it would probably have a net positive effect because CO<sub>2</sub> is plant food. (According to NASA, while CO<sub>2</sub> levels have increased in the last thirty or forty years, the world has greened by about the same amount.)

Apart from our fear of CO<sub>2</sub>, one of the problems with garbage incineration is that it has been previously sold as having a dual function – power generation as well as garbage disposal. Yes, while in theory one could reliably and economically perform both functions at the same time, let's not forget that the primary purpose of incineration is garbage disposal, with power generation as a nice-to-have optional extra. Let's not forget also that while much ado has been made about the running cost of incinerators, this must be put into context by comparing it with the running cost of a large landfill operation, which for a city the size of Ottawa is probably at least as great.

The Plasco fiasco which attempted to set up a combined incineration/power generation facility in Ottawa has evidently left a sour taste in our mouths. The problem was that Plasco used an unproven technology which, while promising great things, failed to deliver. Had Plasco used any one of several existing garbage incineration technologies, all of which are successfully in use in other parts of the world, it would have worked just fine. (But then this seems to be the way Ottawa does things. Our LRT system used a brand-new design of light rail train, and

in doing so became its first user and promptly discovered all its design flaws. Had we used any one of several existing, proven light rail trains we would not have had all these LRT problems.)

So here is what I think we should do with our garbage:

1. Recycle what we can, but be honest about the fact that most of what goes into recycling bins cannot usefully be recycled and will end up back in the main garbage stream, ours or someone else's.

2. Separate out and compost all organic waste. I understand we already do this quite successfully in Ottawa, so not much else is required here.

3. Incinerate everything else. Use a standard, well-proven technology for this, and educate the public that a modern incinerator does not pollute but sends only plant food (CO<sub>2</sub>) into the atmosphere.

4. If there is a proven, existing technology for concurrent power generation then include this in the incineration process, otherwise don't bother with it.

5. Find uses for the incinerator ash, such as road construction. If not, there are plenty of smallish holes in the ground that could usefully be filled with an inert, inorganic filler.

We will still need access to a small, specialist landfill for items which are not easily dealt with by any of the above means. For example, when wind turbines come to the end of their lives (typically about twenty years) the blades cannot be recycled and are usually cut into short lengths and buried in the ground. This landfill would only be for leachate-free, non-outgassing garbage. A small specialist landfill of this nature could make money by taking qualifying waste from other municipalities.

Human civilizations produce garbage. Since the dawn of time we've disposed of it by tossing it into a heap. Let's find a better way of doing it.

\*\*

# FREEDOM CONVOY, AGAIN



by Mel Fisher

Those of you who follow CBC will be familiar with the name Tamara Lich – she was the very personable spokesman for the Freedom Convoy. She was much vilified by the ‘presstitutes’ and horribly mistreated by our leadership. (“Presstitutes” - excellent new name for our national media, especially the CBC)

The Freedom Convoy, the organized parade of hundreds (thousands) of Canadians, supported publicly by thousands more and representing the views of millions. Gathered in Ottawa to impress our government that Canadians were not happy with the government’s overreach in restricting our lives. Patiently waited a couple of weeks to present their case, at great personal sacrifice. Finally, peacefully broke up and went home unheard, dismissed by the government as unfit to even be heard. Four actors hired by an American trust, pretending to be Canadian natives protesting a pipeline commanded hours of attention from the Government and the Presstitutes, but this major, world-reported uprising not even recognized in its own country.

I am so proud of our hard-working, grass-roots Canadians for making their point in this peaceful, positive manner, and so ashamed of our leadership for their ugly, cowardly response.

Tamara has published a book “Hold the Line”, her very personal diary of her experience, which by inference tells so much about what has gone wrong with our country. She spent months in jail, sometimes in conditions worse than you can imagine in what we think of as

a civilized country, and was never charged with anything more serious than ‘Mischief’! Trial endlessly delayed, and never convicted of anything serious!

“Hold the Line” was an immediate best seller, its first day and its first week and since, well received by Canadians if not by presstitutes. Here is an excerpt in which she describes her interpretation of the motive for the convoy.

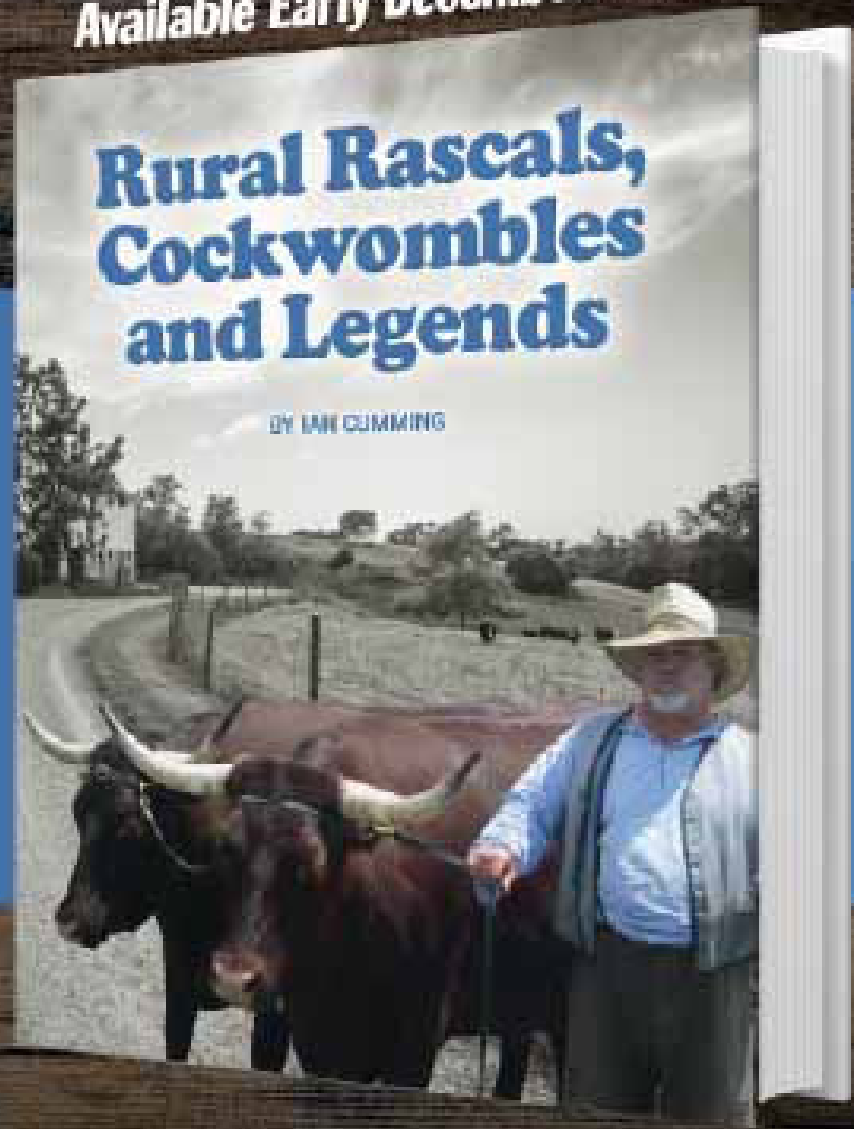
“We had just been through two years of politicians and health officials and the police and the media trying to divide us all. They had tried to turn Canadians against Canadians. They had banned us from seeing each other, locking up our places of worship, outlawing sports and clubs and dancing, and ordering us not to even visit our friends and families. They encouraged us to be suspicious of one another, with snitch lines, and taught us to call each other murderers, and to scapegoat each other. They had tried to turn Canada into an ugly, angry, unforgiving and untrusting nation. They hadn’t just dehumanized the unvaccinated. They had dehumanized us all.”

Well said. To repeat, I am so proud of our hard-working, grass-roots Canadians for making their point in this peaceful, positive manner, and so ashamed of our leadership for their ugly, cowardly response. Get the book (Amazon), it will become part of our Canadian History.

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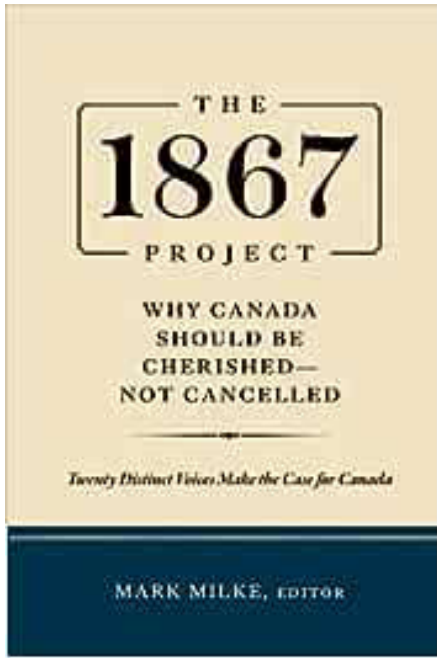


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# The 1867 Project – A Book Review *by Shirley Dolan*



There is a new book out called *The 1867 Project – Why Canada Should be Cherished – not Cancelled*. It features twenty distinct voices that make the case for Canada. Edited by Mark Milke, it is a treasure-trove of short articles that provide historical information based on evidence-based references about our first Prime Minister, Sir John A. MacDonald. Also covered are Egerton Ryerson and Edward Cornwallis both of whom have also received poor treatment from the cancel culture crowd. It sets the record straight on many of the negative campaigns on the early life of the peoples

of Canada both before and following Confederation. An article about MacDonald has the provocative title “Sir John A. MacDonald saved more indigenous lives than any other prime minister”. Author Greg Piasetzki says “A proper

**It sets the record straight on many of the negative campaigns on the early life of the peoples of Canada both before and following Confederation.**

and balanced consideration of MacDonald’s life as it was actually lived, reveals that, through his own actions and policies, Canada’s first Prime Minister was deliberately responsible for saving the lives of untold numbers of indigenous people.”

Some of the authors will be familiar to you (Bruce Parry, John Robson, Joseph Quesnel, Martin Milke) as they were to me. But there are many new names that we should get to know, if we have not already heard of them: Rima Azar, Greg Piasetzki, Lynn MacDonald, Jamil Jivani, Marjorie Gann to name a few. Some of the topics covered are systemic racism, identity politics, the error of Canadian self-loathing and over-governed first nations. There is an informative bio of each of the authors at the beginning of the book – impressive indeed!

The 1867 Project is the first book from a new organization called the Aristotle Foundation for Public Policy ([www.aristotlefoundation.org](http://www.aristotlefoundation.org)), “a new think tank that aims to renew a civil, common-sense approach to public discourse and public policy in Canada”. Their website has this to say about the book “The Aristotle Foundation’s first book: From assaults on historical figures to cancel culture and charges that Canada is a genocidal

nation-state, the country that every generation and every immigrant built is now facing routine and corrosive attacks.

In this new book edited by Aristotle Foundation president Mark Milke, twenty critical Canadian thinkers dive into the problem: Grievance narratives and utopians who expect Canada’s history to be perfect.

These authors challenge the naysayers but also show how renewing a Canada where citizens reject divisions based on colour and gender and instead unite around laudable, time-tested ideas will create a freer, flourishing Canada for all.”

Read excerpts from the book here [www.aristotlefoundation.org/our\\_books/canada-is-open-diverse-and-full-of-opportunity-so-why-is-it-under-attack/](http://www.aristotlefoundation.org/our_books/canada-is-open-diverse-and-full-of-opportunity-so-why-is-it-under-attack/).

Congratulations to the authors and the Aristotle Foundation on your first book.

This paperback book sells for \$25 at Amazon (Canada) with free delivery in 2-3 days. I called Chapters in Kanata (today – August 18) who reported that the book was out of stock both online and in their store. \*\*





# ***The OLD and the NEW ways: What has happened the journalism as we knew it?***

*by Ian Cumming  
Agricultural Journalist  
glengarryfarms@sympatico.ca*

A 70 year old former NHL hockey player, John Wensink, returned to his boyhood home, Glengarry county, a couple of weeks ago to open the Highland Games.

He had a 10 year professional career, with the main team being Boston. His coach and lifetime friend Don Cherry called him at the time, “the toughest SOB in the NHL.”

He’s lived in Missouri for over 40 years, where his wife is from. Becoming a successful construction company owner, an Angus beef farmer on 600 acres, a minor hockey coach, plus raising children and now a grandfather.

This dairy farm boy returning home for this special event made kind of a wrapped and delivered interesting feature for anyone writing for the local weekly, or a weekly farm paper journalist like myself.

As it unfolded, the old and modern methods of journalism both came into play.

Contacting Wensink’s cell phone in Missouri – with some back and forth – I ended up picking him up at a local gas station and taking him to surprise about a dozen old timers and a hockey friend of his at a Glengarry Coffee College early one morning.

There was two and a half hours of side splitting and poignant stories. His mother and brother had died during COVID here in Glengarry and he couldn’t get back across the border for their funerals.

He had some classic hockey fights that have gone down in NHL legend – look online – and those and others were recounted. Including Wensink standing now and then to physically detail

how a particular scuffle went down.

When you sat down at your laptop an hour later, there wasn’t 800 words, there was 8,000 to write. But you had to stick with the 800, being, well, those fighting stories wouldn’t play well in print.

The other journalistic approach to covering Wensink in your back yard, apparently the modern way, was to email him questions. Which he was to respond to.

Combined with getting a close up photo of him, along with several lines of his speech, at the Highland Games.

It would take 10 minutes at a laptop in your home to write the questions.

Print, nay all journalism, is in financial trouble for various reasons, including instant technology.

But when those privileged to still be a journalist, cease to do their jobs and take the flippant, lazy way out, then do us all a favour and just shut down.

Do they not know, if you continue to do your job, people will pay to read something interesting, wrenching and educational and you will have a paying career?

Alas, government also pay through media subsidies – with your money - for the other kind of journalism. And therein lies the rub and continuation of North Korea media in this free country, which no one trusts, respects or wants.

One shouldn’t just pick on this one hockey player case. Treating journalism as an online exercise just sitting on your ass, in between emailing your friends or personal



postings, is endemic and even ingrained in agriculture journalism.

The never ending government agriculture press releases, from all three levels and their funded agencies like craven Conservation Authorities, and the latest climate change fiction, get run as news articles. Without follow up questions and research as to how the public is possibly – almost certainly – being played and financially hosed.

With some journalist in a city apartment, for whom access to friendly government is the be all of journalism, making minor tweaks in the press releases and garnering

further favourable telephone comments to form a news article.

Writing in a paper for farmers and never, getting shit on ones boots on a farm.

One used to do a slow boil, but now just heads out to do journalism that farmers deserve to read. To try and combat this drivell.

In the past few weeks being on farms from Owen Sound to the Beauce in Quebec. Within the past months also being on farms in Nova Scotia, Wisconsin and New York.

In the summer of 2022 I ran about 10 articles from farms and rural hamlets in Australia.

Looking the people in their eyes and telling their stories in 20 to 25 articles and columns per month.

The only connection to the government “all things climate” press releases, no matter where you are on farms, is how they are screwing over ordinary, hard working people in rural areas, who have come to loathe their leaders.

I’ll keep doing that, telling their stories.

Leaving the journalistic boot licking of politicians to others, far more capable of the task than I.

=====  
*Ian Cumming*  
*Agricultural Journalist*

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f t

# Adventures on my Farm

by Grace Green

**M**y name is Grace Green and I'm a 14 year old girl who lives with my family on our farm. My brother and I are actually the 6th generation to live on our farm. Usually, we are just like the average family, but life in the country isn't always smooth sailing. When you have animals, you never know what excitement lies around the corner. Over the years there have been so many adventures, from being attacked by a bunch of fat geese, starting stampedes, teaching chickens tricks, fixing fences and running across fields to get the forgotten fencing tools... Some of the best stories are of the cows. But out of all of those stories, the most rewarding was the story of Bessy, my little baby calf.

It all started one day when I heard the sound of my grandpa's side-by-side pulling onto the front lawn. In the back of the side-by-side was my dad, holding a sweet 3 day old light brown calf. I was told that she had wandered over to a neighbor's fence and he called my grandpa. My dad and grandpa tried to bring her back to the cows to see if her mother could come out to get

her, but no one did. She was abandoned and in desperate need of energy. So we did what any resourceful farmers like my family would do. Give her some nice blue gatorade to give her some electrolytes! It may sound weird, but we have given it to many animals, chickens, guinea hens, and...well... Bessy!

They put her in a little pen outside. The first day she didn't get up she just lay on the ground. I went out there every day, and lay down with her. Then a couple of days later she got up. I would walk around with her and she would follow me. It was then I decided to name her Bessy. She needed milk. So we got this big bag of powdered milk for cows, and every morning I would fill a special bucket that she could drink from with some water, and then add the powder. She took to it nicely. The bucket would be pretty full, so every morning when I would go out to feed her she got milk all over my clothes. My solution was these huge baggy jeans that I slipped over top of my good clothes. Then I would take off the jeans, grab my bag and go to school.

Bessy grew up fast, we figured that Bessy was a twin and slipped under the fence at birth, and that her mother only thought she had the one calf. We will never know for sure though. After a few months, a mother cow from the field got an extremely sore leg, and was dying. We had to separate her calf from her. Eventually we got the other calf into Bessy's pen. Her mother did end up dying and her baby was left all alone too. Luckily her baby and Bessy were old enough now to be eating some hay. I decided to name the other calf Caramel. We needed a feeder for them to eat from and so me and my grandpa



built this hay feeder for them. When winter came, it was time for me to say goodbye for now. We moved them across the street to my grandparents' barn. I cleaned out a stall, and Bessy and Caramel stayed nice and warm all through the winter.

The next summer Bessy stayed with a different herd across the street and when it came time to sell the cows, Bessy was one of the only ones we kept. Then in the summer of 2022, she was moved back to the farm. But this time, in with the herd. We thought that she would never have a baby because she was a twin. Twin cows only have a 10% chance of being able to have a baby. But little did we know that this fall she was about to join that 10%, and give birth to Belle, the prettiest little calf that she could have had. There is a whole story of how me and my horse went on this journey to find Belle for the first time but that's a story for another



time. And right now, Belle is most likely running around playing with the other calves. Belle will get to have the best life with the nicest mother a cow could ask for.

I have learned a lot from Bessy and I hope that her baby can have more of a childhood than Bessy did. Thank you so much for listening to my story. If you have any questions about some of the things I mentioned in here, don't be afraid to ask. But if you had to ask where Bessy got her good attitude from, I would have to say from the one who raised her... Me!

# Bill C- 18 - Much ado about nothing?

by Shirley Dolan



**B**ill C-18, or the Online News Act received Royal Assent on June 22 and will come into effect no later than 180 days from that date (January 2024). According to a CTV news article “The bill requires tech companies to compensate Canadian news organizations when their content appears on their platforms. The federal government says the bill is to help the Canadian news industry, which has seen falling subscriptions and ad revenue over time as those profits shift to Google and Facebook.”

In my opinion, here is the federal government once again meddling in private business and trying to “protect” the mainstream media. I’m not sure that the scheme is even practical or even workable as it requires digital news intermediaries like Meta (Facebook) and Google to negotiate a contract for sharing content from the news outlets that produce the content. Sounds like a nightmare to me. Which news outlets and which tech companies would be implicated? New news outlets are springing up every day and so are social media options. Trudeau has said that the Bill defends democracy but I’m not sure how shutting down the free sharing of news items does this.

Meta has already started to block news content from Canada as a test. Google will eventually do the same when the Bill comes into effect. I use Meta to keep in touch with family and friends and with my community (gardening, photography, nature trails, farmers markets, and more). I stopped sharing news on this platform a long time ago and don’t

necessarily look for it on other people’s feeds. So, I won’t miss the news on Meta when its gone. This may not be true of some business pages like the OLA Facebook page, which sometimes use Meta to share news items of interest with their audience.

It will be more problematic when Google excludes Canadian news content in searches.

I tend to think though that this Bill did not work out quite the way the federal government intended. Numerous Canadian news outlets are spending enormous amounts of money warning Canadians about the blocking of their news content and asking people to sign up for their special app. This outlay of money can’t be good for their bottom line. They consistently blame the social media organization for blocking of their content when they should be blaming the federal government and Bill C-18.

As far as I know, we can still share news using good old-fashioned email although it isn’t quite as convenient as Meta. Or are emails next on the list to be targeted?

On another note, its very curious (or is it) that the Liberal government has stopped all advertising with Meta but the Liberal Party itself has made no such move. Meta is a very valuable tool for data harvesting which I doubt the Party will want to give up any time soon.\*\*



## Supreme Court of Canada Grants Intervenor Status to Ontario Landowners Association

*City of St. John's v. Wallace Lynch, et al. 2023 SCC 40302*

### Private Landowner Property Rights Improved by Decision of Supreme Court of Canada

On July 5, 2023, the Ontario Landowners Association (“OLA”) was granted leave to intervene in the Supreme Court of Canada case in *City of St. John's v. Wallace Lynch, et al. (“St. John's v. Lynch”)*.

*In this case, the Supreme Court will consider how the government should determine the compensation value it owes to a private property owner once a court determines it has constructively expropriated the owner's property through regulation.*

In *St. John's v. Lynch*, the Lynch's private property was rezoned as watershed by St. John's because it fell within the Broad Cove River Watershed, which feeds the municipal water supply. Watershed zoning permits discretionary uses relating to agriculture, forestry, and public utilities, but St. John's took the position that the land must be kept unused in its natural state. The Newfoundland and Labrador Court of Appeal held that refusing to permit any development constituted constructive expropriation and remitted the issue of compensation to the Board of Commissioners of Public Utilities. The Board then asked whether compensation should be assessed based on the uses permitted by the existing watershed zoning, or whether the existing zoning should be ignored, and the value determined as if residential development were allowed. In the decision now under appeal to the Supreme Court of Canada, the Newfoundland and Labrador Court of Appeal held that compensation was to be determined without reference to the existing watershed zoning.

The OLA has been granted leave to make two arguments before the Supreme Court in the appeal. In short, the OLA will argue that:

- 1) In cases such as this one, where the government is found to have constructively expropriated private property through regulation, the government should disregard a regulatory instrument for the purposes of valuation if, without that regulatory instrument, the property owner would not have lost all reasonable uses of the property, or the government would not have acquired the benefit that it did.
- 2) In determining compensation value for constructive expropriation cases, the focus should not be upon whether the public authority intended the impugned regulatory instrument to be part of the “expropriation scheme”. Instead, the assessment of compensation should focus upon the effect of the taking on the landowner and the advantages acquired by the public authority.

The OLA is excited for the opportunity to contribute to the law on this very important topic, particularly because the issues at stake, and the Court's ultimate decision, are squarely within the OLA's mission and mandate, and directly affect private landowners across the country.

**Ontario Landowners Association**  
[www.ontariolandowners.ca](http://www.ontariolandowners.ca)



## Annapolis Group Inc. v. Halifax Regional Municipality, 2022 SCC 36

by Liz Marshall

As of late some have asked about the Annapolis ruling at the Supreme Court of Canada (SCC), and in particular statements made in/from that ruling which seem to be similar to statements I/we have made, over the years.

What we need to understand, when reading this ruling, that this ruling may not be conclusive as there were 4 dissenting judges. What is starkly relevant to this ruling is that those 4 judges may have been influenced by activism and/or outside affiliations, of which Canadians should be very concerned. It does not stand to any reasonable person[i][1] that a judge would voluntarily decide to remove land/property and/or common law rights, with a ruling which, if they were successful, would seem to be unconstitutional, at its very core. The adage of “what happens to thee may happen to me” seemed to elude their thought process.

That said, there were 5 judges who ruled in favour of the Annapolis Group and in doing so ruled in favour of all Canadians – whether some Canadians recognize that or not.

This is not something to be smug about. It is something that any reasonable person would never have expected to go to the Supreme Court of Canada, in the first place. It, also, would seem those we elect and those working in the bureaucracy have very little or no idea that the adage of “what happens to thee may happen to me.” Perhaps it did elude them, or

they intentionally decided to violate not only fundamental rights, but long hard fought-for constitutional rights.

Yes, there are Court rulings that I have been citing for many years included in this ruling, as there were in the Lynch case. One can only hope that the work I/we have done, over the years, is making its way through to the legal community, considering the Ontario Landowners Association (OLA) was granted Intervener Status at the SCC. It helped that the firm representing the OLA has a very good reputation, not only in Canada but world-wide.

You may state that Annapolis is a large development company, but with the costs of court challenges, is it likely that any individual would be able to afford this challenge? I would suggest not.

Property rights are so precious we should be grateful that this entity did accept the challenge and moved forward with it, if only for their own needs and not, necessarily, for the betterment of all Canadians. The outcome of this ruling has successfully supported every Canadian right’s, regarding private property/land and therefore we should celebrate this ruling for what it is – a win for the everyday Canadian who merely wishes to use and enjoy their property, without over-arching government interference.

Taking is still taking – no matter who the taking is being implemented against.

What this case was about.

“[1] This appeal calls upon the Court to clarify the circumstances in which state regulation of land use may effect a de facto or (as we will refer to it) “constructive” taking of private property.

[2] The appellant, Annapolis Group Inc., contends that the respondent, Halifax Regional Municipality, improperly used its regulatory powers to effectively seize Annapolis’ land for use as a public park without compensation...

[4] We would allow Annapolis’ appeal. The Court of Appeal, ... constructive taking occurs where: (1) a beneficial interest — understood as an advantage — in respect of private property accrues to the state, which may arise where the use of such property is regulated in a manner that permits its enjoyment as a public resource; and (2) the impugned regulatory measure removes all reasonable uses of the private property at issue.

...This leaves genuine issues of material fact arising from Annapolis’ claim to be tried. Annapolis is entitled to adduce evidence at trial to show that, by holding Annapolis’ land out as a public park, Halifax has acquired a beneficial interest therein; and that, because Halifax is unlikely to ever lift zoning restrictions constraining the development of Annapolis’ land, Annapolis has lost all reasonable uses of its property. Further, and in support of the latter proposition, Annapolis may adduce evidence of Halifax’s intention in not doing so.”[ii][2]

Whether the cases used in Annapolis are in the OLA Archive or mine – a number of those cases have previously been read through. One of the best is Attorney-General v. De Keyser’s Royal Hotel, [1920] A.C. 508,[iii][3] and of course, Lynch v. St. John’s (City), 2016 NLCA 35, 400 D.L.R. (4th) 62.[iv][4]

One of my favourite statements in this case, as this has been something I’ve been saying for quite some time, now:

“[24] That the rule in De Keyser’s Royal Hotel is one of common law answers Halifax’s submission that interpreting the protection narrowly against uncompensated takings avoids “creat[ing] a common law back door to constitutionalizing rights which were excluded deliberately from the Charter” (R.F., at paras. 108-09). It is, of course, true that the framers of our Constitution did not include the protection of property rights in the Canadian Charter of Rights and Freedoms (see Warchuk, at pp. 658-59). But the Charter is not, and never has been, the sole source of Canadians’ rights against the state; in particular, the common law also affords protections of individual liberty. Nor is the scope of common law rights dependent on whether such rights are also entrenched in the Charter. While this follows as a matter of logic, s. 26 of the Charter itself affirms that “[t]he guarantee in this Charter of certain rights and freedoms shall not be construed as denying the existence of any other rights or freedoms that exist in Canada.”

As for significant statements in this SCC ruling:

“[45] To this, we would add that, because the test focusses on effects and advantages, substance and not form is to prevail. A court deciding whether a regulatory measure effects a constructive taking must undertake a realistic appraisal of matters in the context of the specific case, including but not limited to:

(a) The nature of the government action (i.e., whether it targets a specific owner or more generally advances an important public policy objective), notice to the owner of the restrictions at the time the property was acquired, and

whether the government measures restrict the uses of the property in a manner consistent with the owner's reasonable expectations;

(b) The nature of the land and its historical or current uses. Where, for example, the land is undeveloped, the prohibition of all potential reasonable uses may amount to a constructive taking. That said, a mere reduction in land value due to land use regulation, on its own, would not suffice; and

(c) The substance of the alleged advantage. The case law reveals that an advantage may take various forms. For example, permanent or indefinite denial of access to the property or the government's permanent or indefinite occupation of the property would constitute a taking (*Sun Construction*, at para. 15). Likewise, regulations that leave a rights holder with only notional use of the land, deprived of all economic value, would satisfy the test. It could also include confining the uses of private land to public purposes, such as conservation, recreation, or institutional uses such as parks, schools, or municipal buildings."

Some other statements in the Annapolis ruling that I, and members of the OLA, have been saying for years and this is merely a few examples, because there are just too many in the ruling, are:

[23] This Court first applied the rule in *De Keyser's Royal Hotel in Manitoba Fisheries Ltd. v. The Queen*, [1979] 1 S.C.R. 101. Ritchie J., for the Court, cited this passage from Lord Radcliffe's speech in *Belfast Corporation v. O.D. Cars Ltd.*, [1960] A.C. 490 (H.L. (N.I.)), at p. 523, at p. 110, with approval:

"On the one hand, there would be the general principle, accepted by the legislature and scrupulously defended by the courts, that

the title to property or the enjoyment of its possession was not to be compulsorily acquired from a subject unless full compensation was afforded in its place. Acquisition of title or possession was "taking." Aspects of this principle are found in the rules of statutory interpretation devised by the courts, which required the presence of the most explicit words before an acquisition could be held to be sanctioned by an Act of Parliament without full compensation being provided, or imported an intention to give compensation and machinery for assessing it into any Act of Parliament that did not positively exclude it. This vigilance to see that the subject's rights to property were protected, so far as was consistent with the requirements of expropriation of what was previously enjoyed in specie, was regarded as an important guarantee of individual liberty. It would be a mistake to look on it as representing any conflict between the legislature and the courts. The principle was, generally speaking, common to both."

Last one I promise (considering I had over 10 pages and had to reduce it down to merely these):

"[44] In sum, we affirm that the test to show a constructive taking is that stated by CPR, properly understood. The reviewing court must decide:

- (1) whether the public authority has acquired a beneficial interest in the property or flowing from it (i.e. an advantage); and
- (2) whether the state action has removed all reasonable uses of the property.

This gives effect to this Court's acknowledgement of a common law right to compensation where the two-part CPR test is satisfied. It accords with imperatives



of justice and fairness, which underpin the court's assessment of expropriation claims, and remedies situations where cases do not neatly fit within the expropriation legislative framework and would otherwise "fall between the cracks" (Warchuk, at pp. 686 and 690)."

Any legislation, any by-law prescribing a land use condition(s) may be considered an expropriation and is up to the Courts to decide. This has been stated/recognized in Queen's Park.

"Mr. Givens: I feel very strongly about this. I'm opposed to the whole concept. I believe that if a government wants something for public purposes, whether it is a municipal government or a provincial government, it should have to prove that it requires it and it has to go in and buy it and not confiscate it and not steal it. I think this is wrong... What constitutes freedom? The government takes away a man's property. It takes away what he's worked for and I'm not talking about the speculators... But there are people to whom these lands represent a lifetime of savings; indeed the property goes back two or three generations ...

Mr. Speaker, I think this is horribly unfair. This business of playing Robin Hood, of stealing from those the government thinks are the rich to satisfy the poor, creates a very terrible precedent and in no other free country in the world is this permitted. In the United States, in Britain, one can't get away with it... This is stealing what people have saved up for 30, 40, maybe 50 years... The parkway-belt and the Niagara Escarpment are only two places. If the government gets away with this now, it can put in a parkway belt anywhere in the province that it wants." [v][5]

To conclude, suffice it to say that with the Lynch ruling, in 2016, and the Annapolis

ruling, in 2022, property and land rights are now moving in the lawfully proper direction. It is up to us to ensure that direction continues. The onus is now on all Canadians to seek out the information needed to protect their rights and to ensure their elected officials are made aware that any over-arching planning; any taking of property, including private trees, etc.; and any abuse of law will not be tolerated. You have the tools now it's up to you to use them.

References:

[1] REASONABLE PERSON - 1. A hypothetical person used as a legal standard, esp. to determine whether someone acted with negligence; specif., a person who exercises the degree of attention, knowledge, intelligence, and judgment that society requires of its members for the protection of their own and of others' interests. The reasonable person acts sensibly, does things without serious delay, and takes proper but not excessive precautions. Also termed reasonable man, prudent person, ordinarily prudent person, reasonably prudent person. See reasonable care. "The reasonable man connotes a person whose notions and standards of behaviour and responsibility correspond with those generally obtained among ordinary people in our society at the present time, who seldom allows his emotions to overbear his reason and whose habits are moderate and whose disposition is equitable. He is not necessarily the same as the average man – a term which implies an amalgamation of counter-balancing extremes." R.F.V. Heuston, Salmond of the Law of Torts 56 (17th ed. 1977). Black's Law Dictionary, 9th Edition, 2009, p. 1380.

[2] Annapolis Group Inc. v. Halifax Regional Municipality, 2022 SCC 36  
<https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/19534/index.do>

[3] “Again it appears to me to be almost inconceivable that the Crown should claim the right to do such things as prostrate fences, take possession of the great industrial works mentioned, or cause any buildings to be destroyed, without being bound at law to compensate the owners therefor.” Attorney General v. De Keyser’s Royal Hotel, Ltd., May 10, 1920” Attorney General v De Keyser’s Royal Hotel Ltd [1920] UKHL 1 (10 May 1920) [https://www.iclr.co.uk/wp-content/uploads/media/vote/1915-1945/DeKeyser\\_ac1920-1-508.pdf](https://www.iclr.co.uk/wp-content/uploads/media/vote/1915-1945/DeKeyser_ac1920-1-508.pdf)

[4] “The Supreme Court of Newfoundland and Labrador Court of Appeal allowed the respondents’ appeal, finding the trial judge erred and the Lynches were entitled to claim compensation from the City for constructive expropriation.” City of St. John’s v. Willis Lynch, et al. (Newfoundland & Labrador) (Civil) (By Leave). 37204 City of St. John’s v. Willis Lynch, et al. (Newfoundland & Labrador) (Civil) (By Leave)

## 2016 LYNCH SCC SUMMARY

<http://www.scc-csc.ca/case-dossier/info/sum-som-eng.aspx?cas=37204>

[5] ONTARIO LEGISLATURE - MARCH 12, 1974, Vol. 1, p. 187



Elizabeth F. Marshall,  
President – All Rights Research Ltd.,  
Director of Research – Ontario Landowners Association  
Past Chair – Canadian Justice Review Board  
Legislative/Legal Researcher – Lawyers, MPs, MPPs,  
Municipal Officials

I am not a lawyer and do not give legal advice. Any information relayed is for informational purposes only.

Please contact a lawyer





## Supreme Court of Canada Grants Intervenor Status to Ontario Landowners Association

*Annapolis Group Inc. v. Halifax Regional Municipality, 2022 SCC 36*

### Private Landowner Property Rights Improved by Decision of Supreme Court of Canada

On October 21, 2022, the Supreme Court of Canada released its decision in *Annapolis Group Inc. v. Halifax Regional Municipality, 2022 SCC 36*. The Ontario Landowners Association was granted leave to intervene in the appeal and made key submissions before the Supreme Court regarding the test that ought to be applied in cases involving claims of *de facto* expropriation – a legal doctrine designed to protect private property owners’ rights in cases where the government has made a regulatory decision infringing on their property rights. The decision in *Annapolis* has important implications for private landowners across the country as the Supreme Court has relaxed the test for establishing *de facto* expropriation and has made clear that the intention of the government authority in question is relevant to the analysis.

The appeal in *Annapolis* involved questions about the legal test private landowners are required to establish when making a claim of *de facto* expropriation against the government. In the *Annapolis* case, the private landowner claiming *de facto* expropriation was a land developer, and the government authority was a municipality that wanted to acquire the developer’s lands for a public park. However, the municipality deliberately avoided zoning the lands as parkland (which would have required it to purchase the lands under municipal legislation), and instead passed a resolution that had the effect of prohibiting the developer from engaging in any further development of its land. In the decision under appeal before the Supreme Court, the Nova Scotia Court of Appeal held there was no *de facto* expropriation despite clear motive on behalf of the government to avoid its obligation to pay, on the basis that the government had not actually acquired title to the lands in question.

On appeal, the OLA submitted that: (1) government motive ought to play a role in *de facto* expropriation cases; and (2) the Supreme Court should abandon the requirement in prior jurisprudence that the government must acquire a proprietary interest in the property in order for there to be a *de facto* expropriation.

Consistent with the submissions of the OLA, the Supreme Court of Canada granted *Annapolis*’ appeal and reversed the Nova Scotia Court of Appeal’s decision. The Supreme Court of Canada held that:

1. While the government authority’s intention is not an element of the test for *de facto* expropriation, intention is relevant to the inquiry. The objectives pursued by the government may very well support a finding that the landowner has lost reasonable use of their land.

2. An *actual* acquisition of the private landowners’ property rights is not necessary to establish *de facto* expropriation; rather, if the government authority has obtained an *advantage* in respect of the lands that is sufficient to ground a claim.

The Supreme Court’s decision in *Annapolis* will make it easier for private landowners to establish that the test for *de facto* expropriation is made out in cases where their private property rights have been impacted by state action. The OLA is proud to have been able to contribute to the development of the law in Canada on this important topic affecting private landowners in Ontario and across the country.

Ontario Landowners Association  
[www.ontariolandowners.ca](http://www.ontariolandowners.ca)

# A Bright Light Emerges on the Scene



*by Marlene Black*

Hello and welcome to the end of August. It has been quite the summer, weather wise. Nice and hot for those who went to cottages and waterways but rain and sun were too often weather partners and thus made it difficult to get hay cut and dried before the raindrops fell. Oh well, it is what it is.

Tom is still busy with his cattle, chickens, ducks, lambs and 2 guinea hens, although fewer numbers than the old days. As well, he planted fields of soya beans, some wheat, oats and sunflower seeds. There seems to be a good crop of sunflowers as you can see from the cover and although we are still undecided as to what we will do with them and where to store them, I may find time to plant a few for my little microgreen attempts. All good fun.

So I guess I am easing into retirement. I am enjoying my friends and visiting for coffee whenever I can. Lots of fun catching up with the ladies and chatting about our lives. Sometimes it is hard not to get too discouraged by the state of world affairs that we seem to be experiencing these days. I heard that Jordan Peterson was working on a large think tank group of rather like-minded people who are not happy with the world vision put forth by the elites of the World Economic Forum. They are

forming and organizing and hopefully we will see some brighter future ideas rather than the “you’ll own nothing and be happy” ones that the elite at the top of the pillar are pushing.

On a side note: has anyone been tuning into Oliver Anthony on Youtube, a regular working man, who lives in a trailer on his land with his dogs. Like so many today, he was/is dealing with depression and anxiety and frustration with the state of his country and he has been writing songs. He recently put his tune, “Rich men North of Richmond” on Youtube and it has gone viral with over 32 million views I think. He sings with his one guitar, about the elite making choices no one wants etc. It has gone to the top of the charts and everyone is trying



to get a piece of what he has. He was offered 8 million dollars for a record deal by a recording company but he is not interested. He seems to be the real deal, worrying about people and not fame. He gave a free performance in the states and the field was full of thousands of people, some who had flown in to be there. Afterwards he stayed for four hours, signed autographs, took photos with people and listened to their stories. He is worth a watch if you can google him or on Youtube.

The bright note with this movement is that there are an awful lot of people who are not happy with the direction that the world has been going in with little interest in what's good

for the people. Perhaps if there are enough of us pushing back we may see a light at the end of the tunnel which is not all doom and gloom.

Have a great time at doing whatever you are doing.

*All the best,  
Marlene*

*"Thousands attend 'Rich Men North of Richmond' singer Oliver Anthony's free concert. MOYOCK, N.C. — An estimated 4,000 showed up to the Eagle Creek Golf Club & Grill in Moyock, N.C. Saturday afternoon to see viral sensation Oliver Anthony perform a free concert."*

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The advertisement includes several images of watercolor art: a tote bag with a basket of produce, a tote bag with yellow flowers, a card with a purple and yellow flower, a card with a red flower, a card with a purple flower, a card with a red flower, a card with a purple flower, a large blue watercolor flower, and a large pink and red watercolor flower.

# The Generation of Wealth, “Rent Seeking” and Canada’s Housing Crisis

©Charles Ficner

Housing in Canada is too expensive, the problem is getting worse. A contributing cause is that a growing number of well-to-do Canadians, with the support of governments at the Federal, Provincial and Municipal levels, have found a way to use housing as a get-rich-quick scheme.

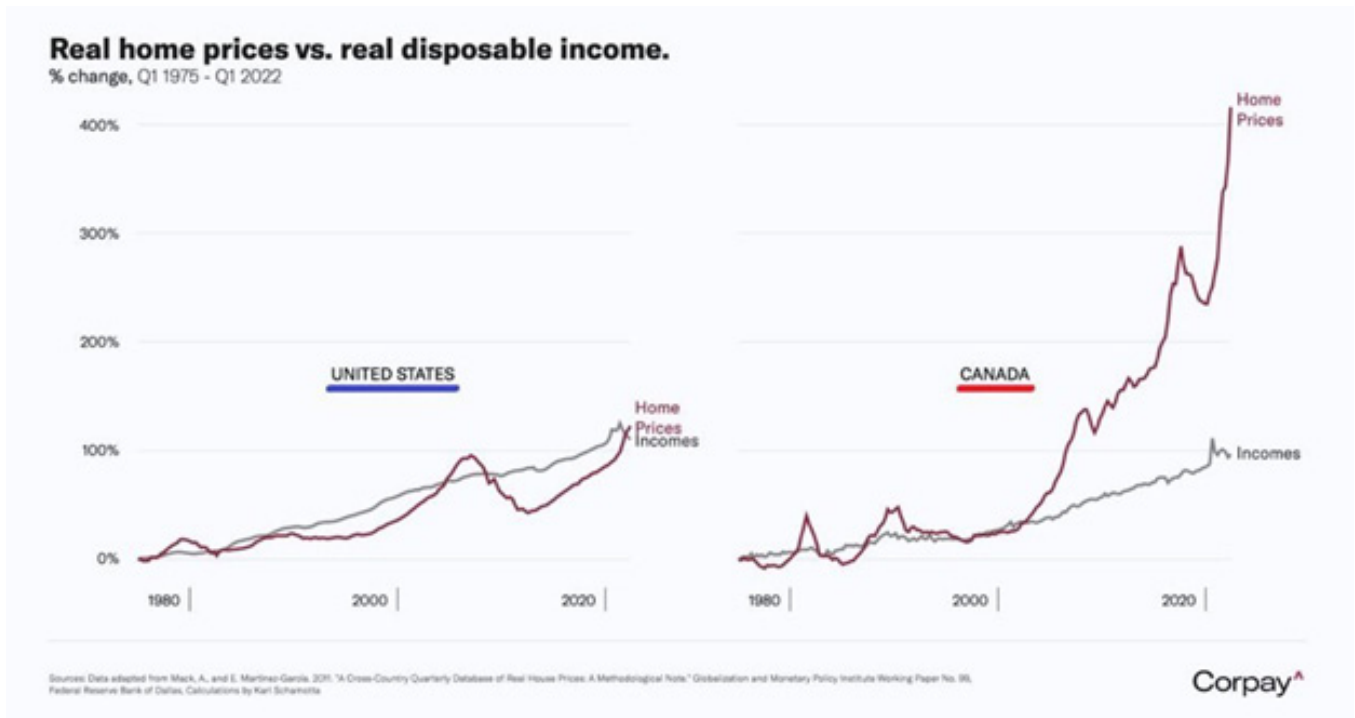
If Canada is to take meaningful steps to dealing with this problem, it must go beyond the policy prescriptions that are currently being advanced that encourage the building of more housing units and the providing of huge housing subsidies to an ever-increasing percentage of Canadians.

Since government policies and practices encourage speculation in housing and real estate, governments must change those policies and practices if there is to be any prospect that housing will become more affordable.

## 1. Housing prices in Canada are Too High:

While Canada is not the only country where citizens are experiencing problems with housing affordability, the problem in Canada is vastly greater than in the United States.

The following graph illustrates the difference.



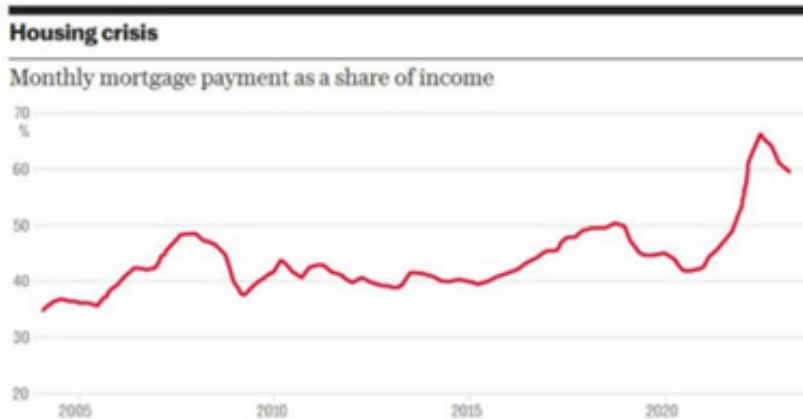
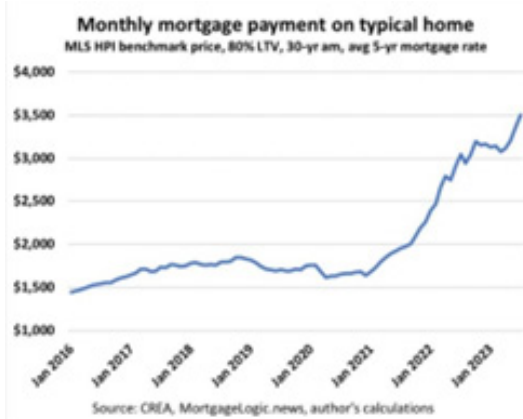
In the USA, house prices have risen at the same rate as incomes since 1975. By way of contrast, Canadian house prices have risen four times as fast as incomes, and most of that increase has occurred in the 20 years since 2003.

Canada's housing is among the most unaffordable in the world.

The problem is more acute now because, in the last two years, the cost of buying a house has continued to rise at a very rapid rate, while income growth is, at best, flat.

The rapid increase in mortgage interest rates is an additional contributor to the housing affordability problem. Mortgage payments now consume an average of 60% of income – a level that put most mortgage holders under serious financial strain.

Average mortgage payments have grown to almost \$3,500 per month and they consume about 60% of income.



With home ownership having been removed as a possibility for most Canadians, more demand has been put on rental housing – causing rents to rise at a very rapid rate as well.

From June 2022 to June 2023 rent for 1-bed apartments in Canada increased by over 13% and it continues to increase. In the three months between March and May 2023, rent increased by 6.5% - an annual increase of 19.5%.

Currently, the average cost of home rental in Canada is almost \$2,100 per month – or almost \$25,000 per year.

Vancouver has the highest average prices – with a shared room costing \$17,500 per year, a 1-bed apartment costing \$34,000 per year (total income at minimum wage) and a 2-bed apartment costing over \$46,000 per year.

All of those costs must be paid from after-tax income.

The problem, simply stated, is that housing in Canada now costs more than most Canadians can afford.

## **2. Building More Homes is Not the Answer:**

Some suggest that the solution to this problem is to build more housing.

That is a vastly over rated approach. If it is taken as the main approach, even if government policies were arranged to encourage the construction of many more homes, those homes and apartments will be more expensive than most Canadians can afford unless explicit steps are taken to reduce the cost of housing – because new construction almost invariably leads to higher prices of homes.

As just one example, speculators and developers are routinely buying perfectly good single family homes in Ottawa for the sole purpose of demolishing them and replacing them with two semi-detached homes. Developers pay about \$1 million for the existing houses – and sell each half of the semi-detached building that they build for between \$1.6million and \$2 million – and often more. So a home that could be bought for \$1 million is replaced by two homes that cost at least \$1.6million each.

That results in at least a 60% increase in the cost of housing – which, while adding more homes, exacerbates the housing-affordability problem.

To repeat, the problem is that house prices in Canada are too high. No matter how many homes are built, housing will not become affordable unless the price of housing comes down.

## **3. Factors contributing to Canada's housing-affordability problem:**

There are four major factors that contribute to Canadian house price problem.

i. One is the fact that many persons have come to view housing as a means of getting rich without contributing anything of substance to the economy.

ii. Another is that the rapid increase in mortgage rates has dramatically increased the monthly cost for those who bought housing at the already-very high prices that housing has commanded in recent years.

iii. The third is that municipal taxes have increased to very high levels in part because ambitious municipal governments have increasingly become involved in projects that are beyond the traditional scope of municipal works and the costs and viability of those projects have ratcheted up and gone out of control.

iv. The fourth is that Canada's population has been growing at the fastest rate of all countries in the G7 – having grown at a rate of 2.7% in 2022 alone – adding over 1 million persons to Canada's population – and almost all of that growth (95.9%) came from international immigration.



The primary focus of this review is on the first of those contributing causes – because it is rarely discussed even though it is at least as important as all of the others, including the massive increase in housing demand caused by Canada’s extreme levels of immigration.

The lack of open discussion of this contributing factor to the housing crisis might be explained, in part, by the fact that many Canadians, including many politicians, have come to see speculation in real estate as a way to get rich without having to do any real work.

#### **4. Rent Seeking:**

If one wants consider how government policy should deal with real estate speculation as part of its overall policy towards both housing and economic growth it is important to start by differentiating between activities that generate wealth and work that merely spreads wealth around.

Wealth is generated by the production of goods and services that are essential to life.

Personal income may be derived from work that generates wealth, or it may be acquired by using one’s existing wealth to capture a part of the wealth generated by others without doing any actual work.

Economists refer to the latter way of gaining personal wealth as “rent-seeking”. Rent seeking involves growing one’s personal wealth by taking advantage of a social or political environment that allows a person to get rich without doing anything that adds any real wealth to the nation.

It is widely recognized that rent seeking has significant negative effects on rest of society:

- it reduces economic efficiency,
- it results in the misallocation of resources,
- it contributes to national economic decline,
- it encourages political and bureaucratic bribery and
- it significantly increases income inequality.

#### **5. Those Who Create Wealth, Vs Those Who Consume It:**

As a former public servant, I can confidently say that the work that I did, did not create any wealth.

That’s not to say that the work was not productive or helpful to those who did create wealth, but my own work, by itself, did not add directly to the wealth of the nation.

The work that I did is like that with the work of most who are paid from the public purse – from taxes paid by those who did generate wealth in the country – and from debt piled onto the backs of those who are too young to pay taxes as well as those who are not yet born.

While I admit that drawing a clear division between work that generates wealth and work that consumes it is not a simple matter, at the extreme ends of this continuum there is a reasonably clear distinction between wealth production and wealth consumption/redistribution/extraction. Let me give some examples at both ends along with some that sit somewhere between.

## **6. Wealth Producers:**

Those who grow or prepare food; those who build cars, planes and trains; those who turn trees into lumber, housing and furniture; those who design and make machines, computers and clothing; those who distribute goods; and those who maintain buildings, cars, furnaces, air conditioners, household appliances and other goods actually do generate wealth. They produce things that we need, they get those things into our hands, and they provide services that extend the life of products that are essential to our lives.

## **7. Wealth takers:**

Those who are paid by taking part of the wealth generated by those who actually do produce it can be divided into a large number of sub groups – many of which are funded by taxes levied by government and some of which are paid for by those who choose to pay for services that do not directly contribute to the wealth of the nation.

Many of these wealth-consuming/extracting services, while not producing wealth by themselves, are essential in a sound economy because they provide support for activities that generate wealth or they are essential to the lives of ordinary persons.

Such services are provided, for example, by doctors, nurses, hospitals, schools, municipal bus drivers, water works operators, road building and maintenance workers, garbage truck personnel, sewage treatment operators, police, judges and so forth.

While the services provided by such persons are essential in all functioning societies, those services could not be paid for by government if no actual wealth was generated in the country to pay the taxes that are required to fund them. Thus, the work done by those who provide such services must be seen as having a different character than the work done by those who are the primary producers of wealth.

It is not my purpose, here, to question whether the work done by those who provide such services is efficiently done or not, or whether those who do such work are appropriately paid or not, or whether their work is even necessary at all. The point, here, is that that such work can reasonably be classed as a wealth-consuming service.

Another large and growing group of wealth-consumers are those who sit in between the wealth producers and those who provide the sort of wealth-consuming services that are noted above.

That group includes those who, among other things, develop government policies, run government programs, sit in Parliament/ Provincial Legislatures and Municipal Councils, collect taxes and make and enforce rules and regulations at all levels of government.

While those jobs may be essential to the smooth and efficient running of a country, they do not directly generate any wealth or provide any direct service.

- When functioning well, they may lead to the creation of conditions that allow for the generation of wealth and for the efficient provision of wealth-consuming services that every good country must have.
- In other cases, the work that they do and the policies that they impose may get in the way of the production of wealth,
  - or worse, their work may lead to the redistribution of wealth and to it being concentrated in the hands of particular individuals in a manner that is disproportionate to the contribution that those individuals make to the overall wealth of the city, province or country.

A further group of wealth consumers consists of those who gain their incomes by working in the financial services sector of the economy. They make their money by skimming some money off the money of others that passes through their hands.

Within this group are banks, stock brokers, currency changers, mortgage brokers, pension fund managers and financial institutions of all types. While much could be said about the way in which this sector operates, I will not dwell on this class of jobs other than to make three observations:

- the way in which money is used and allocated is important to the way in which an economy develops and so those who manage such allocations do provide an essential service;
- many in this group exist only because of the rules, regulations and procedures that are dictated by government legislation and policy and some who operate in this area are actively involved with government in setting those rules, regulations and procedures. Consequently, this class of work is not engaged only in taking a portion of the money they handle, but also in setting the rules and procedures that determine the role that they play in handling the money of others as well as the percentage of that money that they may legitimately take, and
- in almost all cases those involved in the financial sector make money even if their clients lose, and in some cases the handling fee can be very large. Consider the following examples:

- o Because payment by credit card has become so widely used, small businesses are effectively forced to accept payment in that way if they do not want to lose a sale. As a result, businesses have to pay a percentage of the sale cost to the credit company – and that charge can be close to, or even more than, the total profit made by the business who purchased the goods, rented retail space and paid for staff, utilities, accounting, losses and other costs
- o The purchaser also faces significant costs if payments are not made by the due date because the interest rates that are applied to the outstanding balance is far beyond the rate that would once have been condemned as the most outrageous examples of usury.

These types of services are clear examples of rent seeking.

## **8. Rent Seeking as a Way of Life:**

Rent seeking has become so deeply ingrained that a very large percentage of those who live in modern societies are directly or indirectly engaged in it. I belong to that class and you may belong to it as well.

Those who “invest” their money in financial institutions and/or in stocks and bonds are directly involved. By buying such financial products, one hopes not simply to protect one’s existing wealth from losses caused by inflation, one hopes to collect interest and/or capital gains that will increase one’s actual wealth.

Rent seeking has come to be seen, promoted and accepted as part of the path to sound financial planning process that every person should follow. It is encouraged by governments and it has become deeply integrated into every modern economic/financial system.

It is actively promoted by government through policies and tax provisions which, for example, allow those who have gambled in the stock market to pay tax at a lower rate than those who actually did generate some wealth. Government policies go far further than that in that they allow those who gambled and lost on one stock market “investment” to subtract that loss from the gains that they made on others. So losses made on a bad gamble are subtracted from gains made on a lucky one – and the low rate of tax that is applied on capital gains is levied on that reduced number.

No working person who gambled on the purchase of a used car, stove, fridge or anything else and found that the money was wasted has the ability to subtract the money that they paid from their earned income before they calculate the amount of tax that they owe – at the higher rate that applies to earnings from actual work.

The point is that government has created conditions that make it far more attractive to make money by rent-seeking activities than by engaging in work that actually does contribute to the wealth of the country.

Putting a higher tax on income from work that produces essential goods or provides essential services than on income gained from rent-seeking activities represents a major shift from the moral thinking that prevailed in times past and which still prevails in some communities today. Such an approach may also be contributing to a more widespread view that government policies are contributing to wealth becoming increasingly concentrated in the hands of persons who did not justly earn that wealth.

There is no doubt that rewarding rent-seeking activities at a much higher rate than activities that do generate real wealth is incompatible with the principles that came to be accepted millennia ago as essential to the preservation of sound and enduring societies.

## **9. Historical prohibitions against rent-seeking/usury/unjust enrichment:**

Evidence that principle that wealth should be earned from wealth-producing work rather than from extracting money from those who generate wealth can be found in events that occurred in Ancient Athens around 600 B.C.

Wealth had become concentrated in the hands of a very few and most free citizens had become so heavily indebted that they had to hand over their children as slaves to members of a very small elite to whom money was owed.

The problem became so acute that Athens was close to economic and social collapse. That led the citizens of Athens to appoint Solon as the single head of state and to give him the mandate and the power to impose changes that would solve the problem.

Solon's solution was radical but effective. He decreed that all debt was forgiven – completely and immediately. As a result, most citizens were freed from unbearable debts, the wealth held by the elite declined, society returned to a more balanced distribution of wealth and confidence was restored that the democratic system of government was able to protect the principle of fundamental justice.

In Judaism a similar approach to dealing with the damages caused rent-seeking theoretically exists. The Judaic system imposes corrective actions at different levels every 7 years and every 50 years, so the extreme problem that evolved in Athens does not develop. Because the principle is clearly spelled out, no one can suffer the major loss in wealth that occurred among the wealthy in Athens because no one can be caught by surprise.

In Judaism, every seventh year has been designated as a sabbatical year and in that year all debts are, in theory at least, to be forgiven. Every fiftieth year is designated as a jubilee year and the laws theoretically require that all land which had been sold to repay debts is to be returned to the original owners. As well, all slaves are to be freed.

For most of its existence, the Catholic Church dealt with the issue of unjust enrichment by placing an absolute ban on lending money at interest – labeling it as the sin of usury.

In the 16th century Calvin and some Catholic thinkers argued that modest interest charges that did not exceed the rate of inflation did not constitute usury because they simply allowed lenders to maintain their original level of wealth. However, even that change did not alter the view that charging interest above the rate of inflation constitutes a serious sin. Even today, Catholic Canon Law prohibits the charging of interest at a rate that exceeds the rate of inflation.

Islam has a similar provision. No interest can theoretically be charged on money loaned to other Muslims. The Qur'an includes a very explicit prohibition against charging interest and it condemns any who engage in it to live eternally in the Fires of Hell.

#### **10. A New Morality , A New Form of Capitalism, A New Economic Foundation:**

Despite those former and remaining religious prohibitions, modern Western societies have not only abandoned the notion that usury is a sin, they have set aside the idea that there is anything wrong with taking money that one has not been justly earned by wealth-producing work. One is seen to be lawfully entitled to have whatever one can negotiate or extract from anyone else. The question of whether there is such a thing as “unjust enrichment” is rarely asked, and if it is, it is quickly cast aside as being incompatible with the way that things actually work.

It has become increasingly accepted in the West that global FINANCIAL capitalism is the way to success, that working to produce real things is a job for those who live in the poorest of nations, and that the sound and proper way for advanced countries to move forward is:

- to abandon the idea that wealth is acquired by producing real goods or providing essential services “Industrial Capitalism”
- and to embrace the notion that wealth must now come from the practice of “Financial Capitalism” – which seeks to use our existing wealth to exploit the weaker financial position of others so that they will produce goods and provide services for us while we add to our wealth without doing work that makes any real contribution to the wealth of our country or of the world.

That has had the inevitable consequence of concentrating wealth in the hands of fewer and fewer persons at the top of the wealth pyramid, and of increasing poverty among those who are left behind.

With the off-shoring of much of the manufacture of products and services of every kind, fewer well-paid jobs that create real wealth are left in Canada and, as a consequence, the increasingly-large percentage of our population who do not have large enough financial assets to jump onto the rent-seeking path to wealth, are being left further and further behind.

Meanwhile, those who do have some financial assets are increasingly doing what they can to remain among the well-off by joining the ranks of those who focus on adding to their personal wealth by using their existing wealth in a way that allows them to extract wealth from those

who lack such assets – including by extracting wealth from those who live in our own country as well as from those who live in countries abroad.

### **11. Rent Seeking and the End of Housing Affordability:**

Having distinguished between those who live by producing wealth and those who live by skimming off some of the wealth generated by those who actually produce it, I now turn to the current housing crisis to look at some of the ways in which rent-seeking may have contributed to making those who have no accumulated wealth unable to find affordable housing.

I will sketch, in a brief way, how rent-seeking activities and supporting regulatory and tax practices have contributed to the rapid increase in housing prices in Canada.

### **12. Re-Zoning of Land:**

Governments invent hundreds of Billions of dollars out of thin air by changing the uses that are allowed to be made of land.

Land that is designated as being allowed to be used only for agriculture, for example, might normally be worth between \$15,000 and \$30,000 per acre. If the regulations change so as to allow that land to be used for housing, the land immediately increases in value by an astronomical amount – and the increased value is almost always transferred directly to the private owner of the land.

That is, an act of a government body can create massive amounts of private wealth simply by the stroke of a government pen.

While a change in permitted land use is most frequently allowed by municipal governments through processes that re-zone small parcels of land so as to allow many more housing units to be built on a piece of land where fewer houses currently exist, it occasionally happens on a much more massive scale by actions of provincial governments.

For illustrative purposes I will outline a hypothetical case that is very loosely based on what happened because of government creating a Green Belt around Toronto and then by changing the rules so that agricultural and environmentally-sensitive land within that Green Belt could be developed for housing.

The case made here is not based on the actual process that was followed or on the actual values of the land, but on a generalization of the process and using numbers that reflect land values that are common for land that is designated for agricultural use and land that is designated for residential use.

The type of residential development that is considered in this example involves the construction of semi-detached housing (two housing units that share one common wall) on

lots that are 50' x 100'. Of course, if the land is re-classified so as to allow higher-density housing including high-rise apartments and condominiums, the land value after re-zoning would be much higher.

### **13. Re-Zoning on a Large Scale:**

High-value farm land in Ontario may be worth \$50,000 per acre if the current zoning prohibits any use other than agriculture.

Residential lots are worth a great deal more.

In Ottawa, land speculators and developers are buying existing single-family housing on residential lots of 50' x 100' for \$1,000,000 and more – with the intention of demolishing the existing house and replacing it with two units constructed as semi-detached dwellings.

That translates into a value of over \$8,700,000 per acre – which is more than one hundred and seventy times as much as the value of agricultural land.

So, in this hypothetical comparison, if one was able to buy agricultural land at \$50,000 per acre and get the government to change the allowable use of the land so that semi-detached dwellings could be built upon it, a land speculator or developer could foresee a profit of \$8,650,000 just because the government re-zoned the land. That is, a developer could be given \$8.65 million for doing nothing at all.

If one considers the impact of that change on the value of the land under one of the units in the semi-detached dwelling, it means that a 25' x 100' plot of land that was bought for \$25,000 becomes worth more than \$543,750.

**In other words, in this example, the re-zoning of the land BY GOVERNMENT would add \$518,750 to the cost of each house.**

Of course this is a grossly over-simplified example which ignores a wide number of factors including location, the costs of replacing sewers in existing urban lots so that they can handle the loads from housing of greater density versus the costs of installing new sewers on farm properties, and many more factors as well.

Nonetheless, the fact remains that a change in the designation of what can be done with land does bring about massive increases in the value of land; that increased value is almost always given to the developer; and, in almost all cases, the developer builds that higher value into the selling price of the home.

Some have estimated the windfall gain made by those land speculators/developers as a result of the decision of the Ontario government to allow housing to be built on agricultural and environmentally-sensitive land in the Green Belt to be more than eight billion dollars (\$8 Billion).



All of that windfall profit was gained as a direct act of a government action. It did not come about as the result of any positive wealth-creating work done by the land speculators/developers themselves.

That has raised many questions about how the decision was made and about whether private parties have undue influence in the decision-making process.

It also raises a far more important question that is almost never asked – whether money invented by an act of government that bears a formal legal duty to act on behalf of the public should actually be claimed by the government on behalf of the public – instead of being given to a private party that did nothing that warrants giving them a single cent.

#### **14. Municipalities Increase Value of Land by Hundreds of Billions Each Year:**

It would be naïve to believe that what the Ontario government did with respect to the Green Belt is the only example where those who hold public offices might use the immense powers of government to increase the value of land and to give all of the value created to friends of the government, to land speculators and to developers as a windfall gain.

Governments at all levels cause significant changes in the value of land – for example by designating workable farmland as “wetlands”, thus diminishing the value of the land or by designating them as “wetlands” or “flood plains” and then by re-designating them as lands upon which housing can be built.

Municipal governments make decisions that increase the value of land by many tens or hundreds of times as a matter of routine.

It is done even more frequently by changing the allowable use of existing low-value lands to permit high-value developments on existing properties than by allowing rural properties to be developed as housing.

In Ottawa, for example, a property that was designated for an institutional use was sold to a developer for \$12.5 million. The City re-zoned the land to allow hundreds of condominium units plus retail and office space. That re-zoning activity by a public body increased the value of the land to at least \$80 Million and gave all of that increased value to the developer.

The developer capitalizes on that increased value when he sells the units by adding the new value of the land into the selling price of the condominiums and into the rents of the commercial spaces.

That single example is multiplied many thousands of times each year by municipal governments across Canada.

On a daily basis developers and the urban planners who work with them are engaged with municipal officials in efforts to have the allowable use of land to be changed so as to allow the

construction of many more housing units than was allowed under the land use designation that is currently set out in Zoning By-laws and in Official Plans.

Based on the number and scope of the requests, there is little doubt that many individual municipalities increase the value of land within their jurisdiction by far more than \$1 Billion each year – in some cases perhaps as much as \$100 Billion. Across Canada, the total amount of money that is created by governments and given to land speculators would amount to many hundreds of billions of dollars every year.

### **15. Rules, Laws, the Safety of the Public be Damned:**

The practice of accommodating developers has become so deeply entrenched in municipal operations that not only do developers routinely apply for and get such variances – they then proceed to construct buildings that contain more units than is allowed by the newly-changed land use designation.

In several cases in Ottawa, developers asked and got a “minor variance” that allowed them to construct more units than was allowed by the existing zoning, but then went on, under the supervision of the City, not only to construct more units than even that variance allowed, but also to construct buildings closer to the property line than is allowed by the Fire Safety requirements of the Building Code – thus putting the lives of the occupants of those buildings and the buildings next door at risk.

In cases where neighbours protest and manage to prove that the City’s claims of compliance were false the developer may be forced to request a formal zoning change so that the buildings that he had illegally constructed can remain.

The contempt in which municipal officials hold the law and the duty of care that they owe to the public was illustrated in one meeting of Ottawa’s City Council when such an after-the-fact re-zoning was considered and approved. Members of City Council completely ignored the life-threatening fire-safety violation, and they approved the re-zoning of the property in part on the basis of the law-defying recommendation of a member of City Council.

That municipal Councillor said that City Council should approve the request because the developer had been transparent – having stating from the outset that he would be building more units than would be allowed by the variance that he was requesting. That Councillor then went on to urge other developers to follow a similar course of action to get around the formal rules. City Council voted unanimously to approve the higher number of housing units.

Complicity between city staff, city Councillors and developers to get around the legal requirements has become normalized to such an extent that planners who work for municipal governments feel free to moonlight as developers themselves – buying properties at low prices, using their inside knowledge of the process and their personal contacts to get a zoning change that lets them build more housing units and then selling each of those units for more than the initial purchase price of the entire property.

Institutional protections for such irresponsible actions have been so deeply built into the system that it is an exercise in futility to try to get City Councils or Provincial Ministers who have oversight duties to do what the law requires them to do.

Their priority has become to build more housing units, to increase the value of land, to transfer that increased land value to developers – and to allow developers to pass on that massive increase in value of the land by adding it to the selling price of the housing units.

That contributes significantly to the housing affordability crisis that is faced by ordinary members of the public today.

## **16. Upping the Game:**

Not content with the massive increases in land value that have been created by government action, governments have added new tools to the policy tool-box to create opportunities for even larger windfall profits for developers – while driving housing prices even further beyond what most persons can afford.

One example is provided by the new Official Plan that was prepared by Ottawa’s planning staff, approved by City Council and then made even more generous to rent seekers by actions of the provincial government that allowed even more housing to be built and required municipalities to set zoning and planning rules aside if they stand in the way of new development.

That new Official Plan changed the allowable use of vast tracts of the City that are currently filled with perfectly-sound single family and semi-detached dwellings and by walk-up apartments so as to allow buildings of 40 storeys to be built where those existing housing units now stand.

Not only will that dramatically increase the value of land that is held by land speculators and developers, it will result in a much-higher assessed value on all of the homes that are held by individual owners – thus leading to a massive increase in property tax on existing homes.

The net result will be that perfectly-sound housing units will be demolished, new units will be built at much higher densities – and those units will be sold or rented at much higher prices – not least because the change in the permitted use of the land has dramatically increased the land-value that is built into the price of those units.

The Ontario government’s imposition of new rules that order municipal governments to give quick approval to more dense housing – including by ignoring the existing planning rules, will further reinforce the already-existing pattern of behavior in municipal governments that puts the interests of developers to make a quick buck ahead of the rights, interests and needs of members of the public.

Such actions will, without doubt, push many persons from their existing homes, increase the cost of housing and make housing even less affordable for a members of the public.

All such policies and practices of governments are a bonus to those who seek to increase their wealth through rent-seeking actions.

The question that arises from this is whether the dramatic increase in the value of land that comes about as the result of the action of a governments – rather than from any meaningful work or contribution made by those who speculated on the land – is whether that increase in value rightly belongs to the people whom the government represents rather than to the land speculators and developers to whom it is given now.

### **17. Spreading the Practice – Rent Seeking By Buying a Second, Third, Fourth etc. Home**

By buying residential properties that are not one's principal residence, renting them at high rates and then selling them at a significant profit has become a popular way of increasing one's personal wealth without having to do any constructive work that adds anything at all to the wealth of the nation.

As with other rent-seeking activities in the housing sector, government policies create a great opportunity for those with modest wealth to get rich without doing any real work. Because government policies offer the prospect of extracting high rents from tenants and then a significant capital gain at the time of sale, many have taken advantage of the opportunity. The potential gains are so large that even the job of managing those properties can be avoided by turning the running of such ventures over to property management firms.

Not surprisingly, many have taken advantage of the opportunity.

An indication of how widely this practice has been embraced is provided by the fact that politicians have personally embraced the practice. Over 40% of Trudeau's Cabinet are real-estate speculators or landlords of rental properties, and the practice contributes significant income to the families of senior members of the NDP and Conservative caucus as well. Many of the bureaucrats, consultants and advisors who help devise government policies on how to deal with the housing crisis also take advantage of the opportunity.

That is, not only do those who have the power to change the rules to collect the high pay, benefits, pensions and/or consultant fees given to MPs, public servants and consultants, they can collect significant personal benefit from maintaining policies that allow them to profit from the rise in the cost of housing.

That puts an obstacle in the way of governments changing their policies so as to prevent profiteering from an increase in the price of housing, and it contributes to greater income disparities and to a further concentration of wealth.

What is more, it drives up the price of housing – further exacerbating the housing affordability problem that is faced by ordinary Canadians who do not have the financial backing to join the rent-seeking game.

Statistics Canada's Census data shows that there has been a real drop in the percentage of Canadians who own the home in which they live. That is, the number of Canadians who live in homes owned by others has increased. Overall, one in three Canadians now live in rental accommodation and almost two in three Canadians between 24 and 30 years old are forced into rental accommodation – at prices that are increasing at a rate that is far beyond the already-punishingly-high rate of inflation.

With the ongoing efforts of provincial governments and municipal Councillors to change the zoning on existing properties so as to increase the value of lands owned by speculators and developers without preventing that increase in land value being transferred to the cost of housing, the problems faced by those who are currently unable to find housing that is affordable will continue to grow.

### **18. Urgent Need to Change the Incentives:**

The current approaches taken by government to encourage more housing construction and to make more land available for more intense housing development are counter-productive:

- they encourage rent-seeking and
- they allow those who have financial assets to multiply those assets without doing any productive work.

They also have the perverse effect of making housing less affordable for those who are in the greatest need.

That begs the question of whether governments should change the approach to land and housing development by taxing away the unearned profits that are enabled by government policies and actively encouraged by governments.

If governments were to block speculators from gaining windfall profits that are enabled by government actions and policies, real-estate speculation would no longer be a factor in increasing the cost of housing.

Of course builders who actually construct housing and landlords who make real improvements to existing housing would have to be able to make a profit on the constructive work that they actually do.

But if the many incentives that now encourage rent-seekers to use housing as a get-rich-quick scheme were removed, that would stop the unproductive bidding up the price of land and of housing.

- The cost of land for housing would decrease – potentially by hundreds of thousands of dollars for every housing unit;

- the scope for unearned profits for land speculators and rent gougers would cease to exist and
- the price of houses and rental accommodation might drop to levels that are closer to what most Canadians can afford.

A constructive side-effect would be that this would slow the rapid growth and concentration of unearned wealth in the hands of those who have no compunction about taking advantage of schemes that allow them to get rich while making no contribution at all to the real wealth of the country.

As noted at the start, the increasing lack of affordability of housing in Canada is due, in large part, to the fact that housing prices are too high.

- The cost of a house in Canada's major urban centres is fifteen times the median income.
- The cost of rent for a 1 bedroom apartment is equal to the total earnings on minimum wage.
- It is estimated that housing costs would have to decline by more than 50% for housing to become affordable.

That is the core problem that governments must address if there is any prospect of making housing affordable for ordinary Canadians.

## **19. Potential Policy Directions**

While there may be many policies that could be considered, there are some very simple measures that governments could take if they were serious about dealing with the problem. Such policies include changing the tax code by making such simple changes as:

### **Rental housing:**

- applying a 100% tax on capital gains from the sale of every non-principal residence
- applying a 90% tax on all net income from renting an AIRBNB
- applying a 75% tax on all net income from rental housing

### **Principal Residences**

- To avoid house-flipping, apply a capital gains tax at the following rates on the sale of principal residences that are occupied by the owner for less than 5 years:

- o Less than 2 years – 100%
- o 2 to 3 years – 85%
- o 3 to 4 years – 70%
- o 4 to 5 years – 50%
- o 5 years & more – 0%

### **Land speculation, Changes in Allowable Land Use**

- apply a capital gains tax of 100% on all windfall gains in property value resulting from a government-approved change in the allowed-use of the land

Needless to say, such simple and direct approaches might require fine tuning and they might have some negative consequences. Those consequences need to be considered carefully to ensure that real damage is not done to those who are currently facing the greatest problems and those who are in the greatest need. But changes do need to be made.

Of course approaches like the ones listed above would be disappointing to those who have become actively involved in the rent-seeking game that is encouraged by current government policies.

However, governments are faced with an important policy decision:

- whether to continue to provide major financial incentives to those who want to take advantage of incentives provided by current policies to increase their personal wealth by engaging in activities that reward those who already have considerable wealth while making no positive contribution to the overall wealth in the country,
- or to remove all such incentives and to impose policies that will reward those who produce goods or provide services that actually do increase the country's overall wealth.

The second choice offers the prospect of helping to bring the cost of housing in Canada to levels that ordinary Canadians can afford.

### **20. A Moral Choice**

The choice is a moral one.

That choice might be compared to that which was faced by the citizens of Ancient Athens when the concentration of wealth brought the City State to the brink of collapse.

A functioning answer might be sought in moving a bit towards the debt-forgiveness approach that was taken by Athens, towards the debt-freeing policies required by Judaism, towards the Christian prohibition against usury, and towards the prohibitions that Islam imposes on those who want to avoid the prospect of facing the eternal fires of Hell.



# The ONTARIO LANDOWNERS Association

*To all past and present landowners,  
(This is a copy of a mailout that was recently sent to many  
of our members)*

We hope that you are all managing well during this difficult COVID time. Because of the pandemic rules, the Ontario Landowners Association has been unable to hold face to face meetings. We have been active though and we wanted to keep you up to date on what we have been doing.

Some of you may not have heard from us for some time and we want to change that. First off, we have a very strong and active executive that we'd like to introduce to you:

President of the OLA – Jeff Bogaerts: [jdbogaerts@bellnet.ca](mailto:jdbogaerts@bellnet.ca)  
Co-Vice President - Donna Burns: [donnaburns1@bell.net](mailto:donnaburns1@bell.net)  
Co-Vice President – Bob Weirmeir: [saugeenregionalla@outlook.com](mailto:saugeenregionalla@outlook.com)  
Governor – Duaine McKinley: [mckinley@xplornet.com](mailto:mckinley@xplornet.com)  
Governor – Ed Kaminski: [olakaminski@bell.net](mailto:olakaminski@bell.net)  
Governor – Vaughn Johnstone: [tvjohnstone@gmail.com](mailto:tvjohnstone@gmail.com)  
Governor – Stefanos Karatopis: [stefanos.karatopis@gmail.com](mailto:stefanos.karatopis@gmail.com)

The OLA Executive and the county group representatives meet regularly, most recently using Zoom and they are planning a Zoom Annual General Meeting.

Some of the projects that we are working on are supporting landowners against some very aggressive by-law officers and conservation authority officers. In addition, last year many in the OLA attended public consultation meetings throughout Ontario, by invitation from MPP Jeff Yurek (Ministry of the Environment, Conservation and Parks). The purpose of the meetings was for us to provide input on how the conservation authorities should and should not operate.

We are heavily involved in protesting the May 1st Order in Council (OIC) by the Federal Government that banned over 1500 firearms and turned legal gun owning citizens into criminals. We are supporting all six Federal appeals of the OIC. For example, one of the OLA governors, Stefanos Karatopis, has initiated a Go-Fund-Me site to support the judicial review and interim injunction filed by Toronto Lawyer Arkadi Bouchelev. For more information, see <https://www.gofundme.com/f/gun-ban-court-challenge-judicial-review/>. We also attended the Integrity March on September 12 at Parliament Hill hosted by the Canadian Coalition for Firearm Rights.

We are also doing something new in Eastern Ontario. We are combining administrative and financial resources to better communicate with you. This letter is part of this communication. The four county groups participating are Carleton, Lanark, Leeds & Grenville, and Stormont Dundas. All four county groups will remain autonomous within the OLA and will continue to function

independently to address issues in their area. Combining our resources will allow more time for county groups to focus on issues.

The Ontario Landowners are all volunteers who donate many hours of our time and money to do the work that needs to be done. However, we do require funds to support our website, to buy signs and literature, to hold meetings where we rent halls, pay for guest speakers, and mailouts to our members. Your memberships and/or donations help us continue to advocate for private property rights.

An annual membership is \$60 per household. This money supports both your county group and the OLA. If you feel that you can help us, we have enclosed a membership/donation form and a self-addressed envelope. We appreciate any support that you can give us.

In keeping with the combined administration, please make your cheques payable to:

Eastern Ontario Landowners

One of the benefits of this new system is better communications with our members and supporters. If you have an email address, we will add you to our OLA monthly Enews list. You will receive our "electronic-newsletter" in your inbox on the first of every month which includes articles of interest to landowners. You will also receive a notification of publication of our FREE and printable, online, Landowner Voices magazine. Both the magazine and the Enews are hosted on the OLA website. Check out past issues and articles at <https://ontariolandowners.ca/news/>. The OLA also has a very active Facebook page at <https://www.facebook.com/OntarioLandownersAssociation>.

Finally, when we are able to have face to face meetings once again, we'll let you know about any events happening in Eastern Ontario. Please make sure to include your email address on your membership/donation form or send us an email at [info@ontariolandowners.ca](mailto:info@ontariolandowners.ca) to let us know you want to be included in the Eastern Ontario contact list. If you have a friend or neighbour who might be interested in joining us, please let us know. Don't have email? Call Shirley at 613-623-0675. Please also let us know if you would like to be removed from our list.

Contacts for Eastern Ontario Landowner County Groups:

1. Ottawa/Carleton – Tim Mount [mount.haven@hotmail.com](mailto:mount.haven@hotmail.com)
2. Lanark, Lennox & Addington, Frontenac – Jeff Bogaerts [jdbogaerts@bellnet.ca](mailto:jdbogaerts@bellnet.ca)
3. Stormont Dundas – Christina Suffel [christinasuffel@yahoo.com](mailto:christinasuffel@yahoo.com)
4. Leeds & Grenville – Duaine McKinley [mckinley@xplornet.com](mailto:mckinley@xplornet.com)

Thank you very much for your past support. We couldn't have done all we did without you.

Shirley Dolan, email: [sjdolan@xplornet.com](mailto:sjdolan@xplornet.com) Phone 613-623-0675 and Marlene Black



# AN INTRODUCTION TO THE ONTARIO LANDOWNERS ASSOCIATION (OLA)

## Who are the Ontario Landowners and where did we come from?

Well, to understand how this movement got started, we would have to say that if government and their agencies had been doing their job of helping people solve their problems, supporting and encouraging new building and local businesses, and serving the public as they are paid to do, then the landowner movement would have died on the drawing board.

Unfortunately, this is not the case and because of this failure at all levels of government, the landowner movement is growing across Ontario. Our early start was in 2003 in Lanark, when disgruntled landowners received no assistance from authorities when deer destroyed their crops. Their frustration spread across the province and resulted in new landowner groups forming, all fighting similar issues, all suffering under the increasingly heavy weight of oppressive rules and regulations, fines and court challenges and all ready to say, "enough is enough". We hope that you will join this chorus for change with the goal of encouraging a more compassionate and caring government that returns to its mandate of "serving the public".

The Ontario Landowners Association, which formed in 2005, has chapters across the province, each with its own President, Vice-President, treasurer and secretary as well as many volunteers and supporters. Flexibility is a necessary quality in these people because most of us have other jobs, many are farmers, and all of us have busy family lives. Because we are volunteers, we all do what we can, when we can. The Ontario Landowners Association has a President, two co-vice-presidents, and four governors, who keep in touch with monthly conference calls and meetings. The OLA Annual General Meeting is a public meeting and open to all who are concerned with private property rights. The AGM is held in a central location each Fall and often involves an overnight stay for those who have travelled some distance. Each Spring, there is a Directors' Meeting, an opportunity for the chapter representatives to meet face-to-face with the OLA Executive to discuss local issues and share experiences. Each county group sends a delegate to these meetings to represent the local landowners.

Our focus comes from property owners and their stories of injustices. For example, Conservation Authorities have assumed too much power over private land. We are working on taking back what is ours. The Ministry of Natural Resources is another body that likes to assume power over private property, and we are trying to assist landowners who have been charged for doing what they should be doing on their land such as cleaning ditches or improving the landscape. Municipalities across the province have forgotten the rights that were granted to the citizens of this province: the right to life, liberty and use and enjoyment of property. They have assumed power they don't have and seem bent on discouraging landowners from obtaining building permits or doing work on their property. Hefty fines, unreasonable demands and an unwillingness to work with the

property owner for a mutually beneficial outcome, has soured many citizens. As the Midland Free Press noted in its May 2000 article regarding the Roundtree and Tiny Township court battle over beach usage "*If you don't own it, you cannot plan for it*".

We encourage you to follow us along the path to regaining the freedom we once had and in doing so, to honour the fallen soldiers who died in battlefields far away and the early pioneers that built this land, so that Canada would remain strong and free. Let us not forget that.

## How to keep in touch

The OLA has a website [www.ontariolandowners.ca](http://www.ontariolandowners.ca) and a Facebook page. Look for Ontario Landowners Association on Facebook. On our website, you can sign up for our FREE monthly E-Newsletter which is delivered to your inbox on the first of each month. We also have a FREE online magazine called Landowner Voices. Published every two months, LV can be read, downloaded, and printed from our website.

We encourage you to buy an annual membership for \$60. You can sign up online at <https://ontariolandowners.ca/product/ola-yearly-membership/> or use the downloadable mail in form <https://ontariolandowners.ca/wp-content/uploads/2019/06/OLA-Membership-Application-06202019-2.pdf>.

You can also join by contacting your local OLA chapter <https://ontariolandowners.ca/ontario-landowners-association-ola-chapters/>.

Here's how it works: \$25 of the membership fee stays with the OLA (our head office), \$25 goes to the chapter, and the remaining \$10 is put into our litigation fund [www.fixthelaw.ca](http://www.fixthelaw.ca). The litigation fund is used to support court challenges that could help improve private property rights.

The Carleton Landowners Association has monthly board meetings. Everyone with an interest in private property rights is welcome. We also host Public Meetings on specific topics of interest to our member and the public. Membership fees are used to rent meeting spaces, host our website, mailouts to members.

The OLA uses the membership fees to host their website and to cover expenses for their AGM and Spring Directors' Meeting. Our last AGM was held in October 2019 in Arnprior, Ontario with guest speaker Tom DeWeese from the American Policy Centre. More than 80 people attended. The Carleton Landowners Association shared costs of the meeting with the OLA and the Renfrew Landowners Association.

Elizabeth Marshall, our Director of Research has written many reports on Conservation Authorities, Municipal planning and by-laws, Crown Land Patents. The reports are free for download on our website at <https://ontariolandowners.ca/ontario-landowners-association-ola-chapters/>.

We are all volunteers. We do this because we believe in private property rights and want to share what we know about your rights with you!

\*\*

# Wins for Private Property Owners in Ontario

## Support for Legal Gun Owners

On May 1st, 2020, the Trudeau government banned 1,500 firearms by an Order in Council (OIC). They continue to add more guns to this list. This very wrong-headed and ineffective remedy to gun crime has garnered huge support for legal gun owners, including:

- Six legal challenges to the OIC. In one of the challenges, Toronto lawyer Arkadi Bouchelev represents a group of ten public interest litigants in their judicial review. The case is supported by the Ontario Landowners Association by a Go Fund Me Page.

- The Canadian Coalition for Firearms held an Integrity March in September 2020 where a reported 5,000 citizens (including Landowners) from across Canada turned up to show support for hunters and sport shooters.

- Did you know that two of the parliamentary petitions against Trudeau's May 1 gun ban closed with the highest number of signatures in Canadian history? That's right! Canadians are opposing the gun ban in records numbers. A petition by MP Micelle Rempel Garner closed on September 2, 2020 with 230,905 signatures, the highest in Canadian history. Earlier in the year, a petition by MP Glen Motz closed with 175,310 signatures, the second highest in Canadian history.

- In November, the National Police Federation, representing 20,000 RCMP members, said the Liberal government's firearms ban is unlikely to curb gun violence in Canada, and is calling on Ottawa to instead introduce "evidence-based" measures to ensure public safety.

As of November 2020, the federal government had so far failed to secure a private-sector contractor to design a federal buyback program, in which Ottawa will reimburse owners for the firearms that it deemed prohibited. Explicitly named companies that it hoped might offer a bid on the contract, including accountancy firms Pricewaterhouse Coopers LLP and Ernst & Young LLP have shown no interest in the \$78 million contract.

## Trespass Bill Strengthened for Farm Properties

In June 2020, Bill 156, Security from Trespass and Protecting Food Safety Act, 2020 received Royal Assent. This Bill protects farm animals, the food supply, farmers and others from risks that are created when trespassers enter places where farm animals are kept or when persons engage in unauthorized interactions with farm animals. The risks include the risk of exposing farm animals to disease and stress, as well as the risk of introducing contaminants into the food supply.

## Eastern Ontario Wins

In June 2020, Christina Suffel and her family run afoul of a North Dundas bylaw prohibiting the keeping of livestock — including chickens — on residential property.

The municipality ordered Suffel to remove her eight rabbits, two miniature donkeys, two horses and "large number" of poultry and waterfowl from her three-acre Inkerman Road yard by June 12. With the help of the Carleton Landowners Association, Suffel persuaded North Dundas to review this new bylaw and for now, she is keeping her animals.

In the Town of Carleton Place, a proposed power of entry bylaw was unanimously defeated by council on November 24. According to InsideOttawaValley.com "If passed, the bylaw would have allowed municipal bylaw officers to enter land (outdoor private property, grounds, yards or vacant lots) at any reasonable time for the purpose of carrying out an inspection, ensuring bylaws, directions, orders and conditions of a licence were being complied with ... The will of the people was heard loud and clear ... this bylaw is not something the community wants," (Councillor) Fritz said."

## Reversal of Official Plan "Deer Feeding Areas" Restrictions in Renfrew County

Renfrew County's New Official Plan contained new mapping for "deer wintering areas" which upset many residents of the County because of the restrictions on development. Following conversations with MPP John Yakubuski, county officials, and the provincial government, these areas were removed from the county's Official Plan.

## Land Titles Information Available for Free, Online

All Land Registry Offices closed their doors to the public on October 13th, 2020. Many landowners (and genealogists) rely on the old microfilm records to do title searches back to the original crown land grant. The good news is that these records are readily available online and free of charge. Instructions on how to access these historical books is available on the OLA Website at

<https://ontariolandowners.ca/news/land-registry-offices-closing-to-the-public-by-shirley-dolan/>.

## Amendments to the Conservation Authorities Act

On November 5, 2020, the Ontario Government introduced Bill 229, Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020. This omnibus bill was tabled by the Hon. Rod Phillips, Minister of Finance.

# Wins...cont'd

Schedule 6 of the Bill addresses amendments to the Conservation Authorities Act with the intention of returning the CAs to their original mandate.

This Bill received, which received Royal Assent on December 8, 2020, contains many changes which are welcome news to property owners and to the agriculture sector.

Some highlights:

- Returns the Conservation Authorities (CAs) to their core mandate
- Removes the authority of the CAs to expropriate lands
- Requires participating municipalities to appoint municipal councillors as conservation authorities' members and that these members generally act on behalf of their municipalities.
- Enables the minister to appoint a member to the conservation authority from the agriculture sector.

These changes were brought about in great part by the efforts of the OLA Executive, County Groups, our Researcher Elizabeth Marshall and everyone who has ever contacted the OLA for assistance because of a CA encroaching on their right to use, enjoy, and profit from their private property.

## Resolution of the Freedom of Information Request for Farm Businesses

The Ontario Ministry of Agriculture, Food and Rural Affairs stirred a wave of anger in the farm community when it disclosed it would release the names of Farm Business Register (FRB) members in response to a request made under the Freedom of Information and Protection of Privacy Act. It followed passage of a law tightening trespass laws on Ontario farms.

Good news! Farmers across Ontario with FBR numbers will not have their names released to an anonymous party. The Information and Privacy Commissioner (IPC) of Ontario informed Keith Currie, OFA President, on Nov. 12 that the request has been withdrawn.

## East Gwillimbury

In East Gwillimbury, property “lockdowns” caused by the two-year appeal process brought on by the Lake Simcoe Regional Conservation Authority (LSRCA) was stressful to say the least, especially for those who had plans in those two years or who may have lost out on home sales or equity. This was a major battle and a bittersweet victory.

The East Gwillimbury Landowners Association (EGLA) fought hard to stop these regulations and together they were successful. They no longer have the proposed Environmental

Protection zones on 25,000 (accumulative) acres of their property, and the appeal is now officially dropped by the LSRCA. Landowners who were targeted by the strict regulations are now able to enjoy their original land use zones from the 1997 bylaw.

## The OLA Marches On

The COVID-19 restrictions on meetings have been difficult for the Ontario Landowners and county groups. The OLA had no choice but to cancel both the Spring Directors Meeting in the Spring 2020 and our Annual General Meeting this Fall. We have stepped up other forms of communication to fill the gap of face-to-face meetings. The OLA and some county groups are using ZOOM, a video conferencing application, to keep in touch. We continue to provide the latest in landowner news on our Facebook page, and through the OLA ENews. In September-October 2019, we introduced our first edition of the Landowner Voices, a magazine by landowners for landowners and everyone interested in property rights and rural life. In Eastern Ontario, recognizing that not everyone is connected to the internet, four county groups got together to join administrative resources and did a mail out to all members.

## Congratulations

OLA President Jeff Bogaerts was selected for the 2020 Outstanding Graduate Human Services award by Career Colleges Ontario. Jeff completed the 12-month Paralegal program at the Algonquin Careers Academy (Ottawa Campus) in just 9 months. According to the Algonquin Careers Academy website: Jeff is one of those paralegals who is driven by his personal values and need to take action. Since receiving his Paralegal license, he has proven over and over again how his skills, experience and drive can make real changes for good, not only for the people of his community, but of his province.

Elizabeth Marshall has been elected to the position of Chair of the Canadian Justice Review Board. Liz Marshall has been a long-time member of the OLA as a board member, speaker, author, political candidate, and a tenacious advocate for Property Rights. She is currently the Director of Research for the OLA and has written numerous articles and reports on Property Rights. Liz was interviewed on the Daniel Smith Show about the Gun Ban introduced in May and has been invited to speak at the 2020 Ontario Libertarian Party annual general meeting.

# WHAT TO DO WHEN THEY COME FOR YOU

Updated version

- **Call** for support. Have an OLA contact list available
- **Be** polite, Be Assertive, Stand Your Ground.
- **Record** your visitors with phone, recorder, video, notes etc.
- **If police** with visitor, address them first: Why are you here? Under what authority?
- **If** the Police refer to “Keeping the Peace”, ask the question ... does that mean my Peace as well? Does this mean you intend to protect my rights as well?
- **Record name**, badge #, and headquarters. Get pictures of ID, license plates, vehicles etc. Request incident #.
- **If there is a Warrant** to Search, ask senior officer to read it allowed. Make sure that the Party who swore to the Warrant is present when the officer reads the Warrant. Assuming it is not the Police. For example, Conservation Authority has sword to the Warrant. It is important that everyone know and understand the limitations of the Warrant.
- **Ask** to see the Information to Obtain the warrant (ITO). If there is no ITO, make a verbal note to all that there is no ITO and you Protest the Execution of the Warrant. Do Not Interfere with the Warrant. Argue it later in court.
- Everything must be accurate; name, address, Signatures etc. If anything is wrong, tell the officer you protest the Warrant. That it is invalid for the following reasons. If the officer disagrees argue it in court. Verbal disagreement with the Warrant is not in itself, blocking or interfering with the Execution of the Warrant.
- **Only comply** with what is on the warrant, offer no extra information and verbally protest the extra search. Argue it in court.
- **If just an official;** bylaw etc, ask for 2 pieces govt. issued ID, proof of employment, employee # confirmation phone #( business cards don't count but keep one for later)  
They have NO authority without a warrant, ask them to leave. Ask them 3x then call 911.  
If they insist they have authority, make them show you. Remember Criminal code is Federal legislation and if no warrant they could be charged with trespass or mischief.
- **Ask** for insurance confirmation and sterile boots and clothing, You don't know where they've been. Follow bio-security measures.
- **If they are there on a complaint,** ask for the name and actual complaint as everyone is allowed to face their accuser. You might have to file a freedom of information request.

## ALWAYS REMEMBER:

- **Don't be intimidated** by a uniform!
- **Be firm.** If you don't stop them from walking on your property, it looks like implied consent.
- **Document everything** in writing when visit is over. Witness support would be an asset.
- **When in doubt** ... Verbally Protest the Warrant or the Uninvited Access to your land. Do Not Physically Interfere in a Warrant or Inspection. The court is the place to be. Motion to Quash the Warrant. If the Motion succeeds, then the evidence gathered is thrown out.
- **A Tort** may be the next step after a Warrant is Quashed or an uninvited inspection.
- **Record** All Events while anyone is on your land. Keep your camera handy and the battery charged. The same with a cell phone. Add an additional SD card as well. More storage capacity. Film in low resolution for longer filming.
- **Never** answer a question. Anything you say will be used against you. Especially with body Cameras being used. There is no law compelling you to answer question. However, You Can Ask All The Questions You Want. Ask Them on the record.

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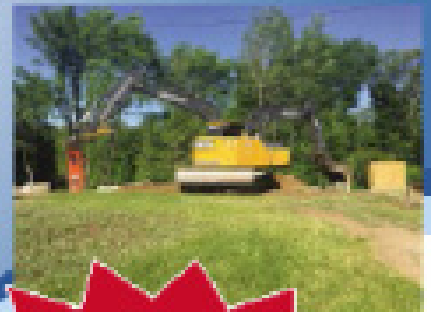
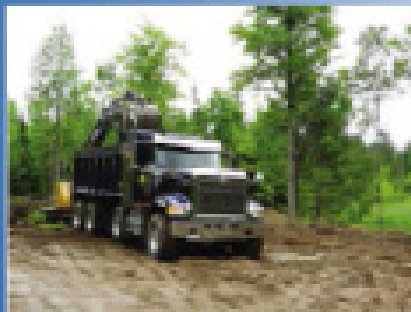
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