



Speech on M-227: Property Rights

**Gordon O'Connor, MP
Carleton – Mississippi Mills**

Tuesday, October 4, 2005

Mr. Gordon O'Connor (Carleton—Mississippi Mills, CPC): Mr. Speaker, I am pleased to speak today to Motion No. 227 put forward by my colleague, the member for Yorkton—Melville.

Private ownership of property and the development of that property is the basis of our national economic growth and prosperity and yet the proclamation of the Charter of Rights and Freedoms in 1982 did not include property rights.

Property rights should include the right to buy, maintain, sell, bequeath or enjoy one's properties. As a Canadian citizen, one's right to own property is not guaranteed. It sounds outrageous but it is entirely true. The right to own property was intentionally left out of the Charter of Rights. Consequently, today Canadians can have their property expropriated by the government and receive nothing in return.

For a country that prides itself on being the champion of human and individual rights, we have displayed an appalling tolerance of governments that infringe on the property rights of landowners. Governments at all levels, federal, provincial and municipal, too often display a blatant scorn for landowners, especially rural landowners.

Expropriation is just one way that governments exploit landowners. In recent years, governments have increasingly been placing unreasonable restrictions and regulations on landowners that diminish property values and infringe on their ability to use their property as they see fit. Zoning laws, heritage regulations and conservation designations are just some of the ways in which governments impose restrictions on the rights of property owners.

Last year, in my own riding of Carleton—Mississippi Mills, the City of Ottawa hired a consultant who recommended that some 260 hectares of rural land in the former township of Goulbourn be designated wetland. When the Ontario Ministry of Natural Resources agreed with the consultant's findings, the City of Ottawa was forced to undertake the process of amending its official plan to recognize the new wetland areas.

The problem is that much of this property is in the hands of 60 private landowners who correctly fear that a wetland designation would prohibit development and, hence, lower its commercial value. The response of the landowners has been to take matters into their own hands and remove trees and brush from their rural properties to forestall a dreaded wetland designation that would render their lands unsuitable for development.

Mr. Hale, who stands to lose a third of his 40-hectare farm, says:

The government's definition of wetland has to do with what trees and plants grow there and once it is classified, the value is lost and the city says it won't pay compensation.

He goes on further to say:

If we lose 30 acres...it'll put us out of business, because we won't have enough land to continue the operation. Scraping the land seems to be the only way out....

Tony Walker, another landowner who has been notified that nearly 19 hectares of his 20-hectare plot is earmarked for redesignation, says that city and provincial governments have forced landowners into taking the unusual and harsh steps to protect their property. "For many, what is at stake is the fundamental issue of property rights", he says. He goes on to say:

We have a choice of destroying the land or have it devalued. Some people are bulldozing the trees and plants because once they are not there, the land is no longer wetland. That's the stupidity of it.

Mr. Walker is the president of the Goulbourn Landowners Group that formed recently to fight the wetland designation. Mr. Walker says that no one is against protecting the environment but that if the city wants to take private property and rezone it as wetland in the name of public good, then it must buy it.

However, because the city is not expropriating the property, officials have made it clear that they are not required to offer compensation and will not. However Mr. Walker says that a land evaluator hired by the landowners' group has determined that wetland designation devalues a property by 85% because it becomes virtually impossible to develop. He says that at current market prices his 20-hectare plot is worth about \$125,000 but that with the wetland designation the price would plummet to less than \$20,000.

Mr. Walker says that the issue is about the larger principle: the unfettered ability of individuals in a free society to enjoy the fruits of their hard labour without government interference. Many of the people affected see the new policy as yet another example of disdain for rural lifestyle that people have been complaining about for years.

I will not go into any details but recently the provincial Government of Ontario made a proposal declaring vast amounts of southern Ontario as green land. In its proposal, at least as it was originally stated, the provincial government did not seem to want to offer any compensation. This will probably affect a large number of landowners in southern Ontario.

My colleague from the Bloc mentioned the example of the Mirabel Airport which still has about 11,000 hectares not being used by the federal government but is still not being distributed back to the original owners.

We also have the Pickering Airport in the Durham—Pickering area where the federal government assembled 20,000 hectares and this land is also being held and not being sent back to the landowners.

This is not the first time my constituents in Carleton—Mississippi Mills have suffered the effects of intrusive legislation and bad public policy but landowners are beginning to fight back. In my riding, rural property owners have organized themselves into very vocal and active lobby groups, a trend that is spreading across the province. The rural

landowners are spearheading a massive grassroots movement in defence of their property rights as property owners. Their key message is that they are fed up with undue government interference and want their property rights respected and protected.

These business owners, farmers and landowners have seen their property values and livelihoods diminished by expropriation without just compensation, enforcement of urban property standards for rural lands and farms, and the imposition of buffer zones.

Landowners believe that governments have confused the right of private property with the public's privilege. They say that governments have overstepped their mandate and crossed the line from good government and into the private lives of citizens.

When I recently polled my constituents asking them the question, “Do you think it is justifiable for the government to deny Canadian property rights?”, a resounding 92% of respondents said, “No”, and I agree.

I also agree with landowners who are beginning to demand that property rights be entrenched in Canada's Constitution. When I asked my constituents, “Should the Constitution be amended to include property rights?”, 88% of respondents told me, “Yes, it should be”. It is an abysmal situation that what should be a fundamental right, the right to own, enjoy and dispose of private property, was deliberately left out of our Charter of Rights and Freedoms. It is time to change this situation.

My colleague, the member for Yorkton—Melville, has long been a strong champion of property rights, as have all Conservatives. In fact, at our founding policy convention in March of this year, Conservatives agreed that the government should ensure that full, just and timely compensation be paid to all persons who are deprived of personal or private property or suffer a loss in value of that property as a result of any government initiative, policy, process, regulation or legislation. I applaud the member for Yorkton—Melville for this initiative and I am pleased to support it.

During the past election campaign the entrenchment of property rights in the Constitution was included as part of my platform. I believe strongly that landowners should be protected against arbitrary and unjustified intrusions by governments. If a government restriction or regulation is shown to be for the public good, then the landowners should be fairly and appropriately compensated for their loss. It is time for this Parliament to take steps to enshrine property rights.