A History of the Ontario Land Rights Movement

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Motivation

- There is unrest in rural Ontario
- Grassroots movements and organizations
- Political resistance around land use policy
- Last year, I set out to try to understand this movement in more depth
- Today, I am giving you a progress report on what I have learned so far
Examples

- Grey Association for Development and Growth (Later Grey Association for Democracy and Growth ~ 1985)
- Voice of King Area Landowners
- Niagara Escarpment Landowners
- 1994 - Ontario Property and Environmental Rights Association (OPERA)
- Lanark Landowners Association
- Ontario Landowners Association
- Land Use Council
- Rural Revolution
- Ontario Real Estate Association
- Canadian Real Estate Association
- Wind Concerns Ontario
Origins of Ontario Land Rights Movement Organizations

- OPERA: The Niagara Escarpment Planning Commission
- Lanark Landowners Association: Municipal Tree Cutting Bylaws
- Also: wetlands designations, endangered species habitat designations
The History Behind the History

- The Niagara Escarpment Commission (1973 Policy Statement)
- Originally, lands to be protected were purchased from private owners by the province and by conservation authorities (with provincial funding) or were donated
- Treasurer of Ontario/Policy Statement (1973)
  - It would cost in excess of $3 billion to acquire all of the lands associated with the escarpment
  - This could be done, but “the cost would be high.”

Treasurer of Ontario (John White)
“With a strong planning framework . . . the purchase of this land is not essential, we can conserve through planning designation for the benefit of all our people.”

But what about rural landowners?
The Legacy of Economists (Part 1)

- Market Failure in Land Markets (Barlowe (1958-1986), and Howe (1974))

Howe (quotation from Barlowe)

“It is apparent that ‘land resource planning is one of the most essential and one of the most easily defended types of economic and social planning’”

“this article’s main purpose is not to demonstrate the soundness of this contention [ie. the need for government action to preserve ‘open space’] but rather to assume its validity, and to focus instead on the legal techniques which may be used in preserving open space.”
The Legacy of Economists (Part 2)

- What do the data on land use in Ontario show?
- Frankena and Scheffman (1979)
- The last comprehensive examination of land use trends and analysis of economic rationales for rural land use policy in Ontario
- Findings:
  1. The (then available) market failure rationales for preventing conversion of farmland to non-farm uses were weak
  2. The rate of farmland conversion to urban use was low
The History Behind That!

- The Progressive Movement
  - Management of society by experts
  - Private property was an impediment to social progress
  - Private owners might preserve too much!
- 1937 U.S. Supreme Court
  - “Economics Rights” were subject to a lower level of protection than “Political Rights”
- Recent research (Smith, Pipes) has documented the psychological and even biological aspects of property ownership
- Ownership is inseparable from personhood
- The U.S. Supreme Court differentiation, we now know, was arbitrary, but we are still living with the consequences
The Theory Behind the History

• Bruce Benson (1981) - the demand for and supply of redistribution of land rights

  • Demand
    – Urbanization of population of voters
    – High incomes, discretionary spending
    – Demand for outdoor recreation, scenic amenities
    – No social or familial connection to rural land ownership

  • Supply
    – Legislators
    – In exchange for political support, use legislation and regulation to transfer land rights to deliver public consumptive rights to non-owners of land
    – Through police power and eminent domain

• Benson’s analysis seems to fit the Ontario history quite well
Has the Ontario Land Rights Movement Been Effective?

• Insiders don’t seem to think so
• But I disagree

1. Early 1990s, Federal Species at Risk Act (SARA)
   – Common theme “It is a social obligation of land ownership to provide for endangered species on private land”
   – I don’t hear that any more

2. Emergence of Club Goods Approaches to Environmental Stewardship
   – Voluntary programs
   – Compensation for land owners

To be continued . . .