

Is your home really your castle?

Herald Special
Who says your home is your castle?

The cliché that a man's home is his castle, with all its images of security, pride of ownership and freedom, bears little resemblance to reality, according to the Ontario Real Estate Association (OREA).

For the past 60 years, the Association has noted a steady erosion of property rights in Ontario; erosion which limits freedoms in that "castle" more and more.

Recently, the Association has published two studies which detail the extent to which private property rights in Ontario are disappearing in the name of "public interest". And, while the Association agrees that private rights often have to be sacrificed for the general welfare of society, it believes that the balance has swung too far towards public interest at the expense of private rights.

The two studies illustrate two aspects of the problem.

Losing Ground, released in 1980, was written by two law professors at the University of Western Ontario and details the vast numbers of laws, agencies, tribunals, land use studies and other instruments of government, which affect property rights in Ontario. The study, however, limits itself to provincial statutes and does not begin to study the problem in its totality—that is, looking at federal and municipal restrictions on property rights as well.

A second study, **Lost Ground**, takes the property rights issue and personalizes it. The booklet looks at eight case histories of individuals who lost—personally, emotionally and, often, financially—in battles between big government pressure and private rights.

What happens when expropriations with inadequate and unfair compensation carve up a family farm? What happens when expropriations drive a family not only out of a thriving family business but out of town? What happens when one level of government provides necessary building permits but the business is shut down—a great loss for the owners—because another level of government declares the building is on a flood plain.

These and other stories in **Lost Ground** illustrate the problem of private property rights erosion in Ontario.

But the problem extends beyond overzealous governments and legislation which often causes confusion over rights and legal protections.

Apathy and a general lack of knowledge about property rights create a giant stumbling block to the protection of private property rights.

A major attraction for early immigrants to Canada was the knowledge that in this vast and free land, an individual could own and enjoy his or her own property. It was a freedom not available to them in their own home country.

Property ownership was, and is, a visible symbol of the other freedoms which Canada represented for those newcomers.

Canadian property rights developed from protections guaranteed under what is known as English Common Law and which crossed the Atlantic along with many other precedents and traditions, including our form of government.

In England, those rights swept back through history to the Magna Carta, when barons—the property owners of the day—forced King John to recognize their rights and give them guarantees that the monarchy would not seize property and that their property could be left to their heirs.

Since then, the right to own, enjoy, and use property has been enshrined in the Bill of Rights given to Canada during the early '60s when John Diefenbaker was Prime Minister.

Interestingly, of all the rights outlined in the Diefenbaker Bill of Rights, only one—the right to own, use and enjoy property—was not included in the new Canadian Constitution.

It's a flaw which the Ontario Real Estate Association and real estate boards across the nation are deeply concerned about. And it's a flaw

Halton Hills council has followed suit with Brampton city council in officially proclaiming Oct. 3 to 11 "Private Property Week", a designation requested by the Ontario and Brampton Real Estate Boards to draw attention to what is widely perceived as a gradual erosion of private property owners' rights in this province. Under the theme

"Preserving the Spirit of Our Land", the week is designed to extend our knowledge of private property rights, how they evolved from the days of the Magna Carta and how government restrictions tend to diminish them. The following articles, provided by the Brampton Real Estate Board, outline some current issues and hopes for the future.

and other public areas, pancake breakfasts and special "picnic" celebrations, historical tours, radio and television appearances and publication of a special property rights pamphlet.

Further information on activities in specific locations may be obtained from the local real estate board, or from the Ontario Association itself at 99 Duncan Mill Rd., Don Mills.

are an important element in the basic fabric of Canadian society, the Association contends, and as such should be cared for with the same concern that is given to the rights of freedom of speech and religion.

For, as the Association says, in Canada: "Your home is your castle... let's keep it that way".

they'd like to see fixed. Why are property rights so important? American journalist and philosopher Walter Lippman has said that "the only dependable foundation of personal liberty is the personal economic security of private property."

you've got a nation in trouble.

The economic security Lippman refers to has been a fundamental underpinning of Canada.

The money spent buying, improving and developing property has resulted in strong economic activity. And jobs.

For many, property ownership is the only feasible route to financial security and, with the cost of today's social services, that's a big plus.

As part of a programme to heighten public awareness of their rights as property owners—whether the property be a home, business, cottage, farm, recreational property or simply an investment—the Ontario Real Estate Association has designated Oct. 3 to 11 as Private Property Week in Ontario.

Through its 48 local real estate boards and its nearly 25,000 members, activities in various municipalities will highlight a joint theme of celebrating a heritage which has given us such rights and freedoms, and an awareness of the need to constantly protect those rights. Activities vary from

town to town and area to area but among the programmes for 1982 are information booths at fall fairs, shopping centres

Private property rights

Losing ground: an appeal

Recommendations to the Provincial Government

1. Develop some form of cooperation with other levels of government and between the various agencies, tribunals, commissions, and departments of your own government. Purpose? To let the right hand know what the left is doing.
2. The decentralization process under the Planning Act, which began several years ago, should be continued.
3. The Niagara Escarpment Act has been called a "classic" of the destructive effect of planning legislation upon property rights. Where expropriation occurs without compensation under the Act, it should be changed. If private property is taken for the public good, it's only fair that the public pay for it.

Continued on page C3

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TOWN OF HALTON HILLS

NOTICE TO THE ELECTORS

The Council of The Corporation of the Town of Halton Hills enacted By-law No. 82-121 on the 20th day of September 1982 to provide for voting on a question at the Municipal Election to be held on November 8th, 1982.

The question to be submitted to the vote of the electors, in conjunction with the next Municipal Election in 1982, is as follows:

"Are you in favour of supporting the goal of "Global Nuclear Disarmament" and directing your government to support his goal to the extent of their powers."

I certify that the above is a correct statement of the question submitted.

Dated this 29th day of Sept., 1982.

K.R. Richardson,
Clerk Administrator and
Returning Officer
Town of Halton Hills.

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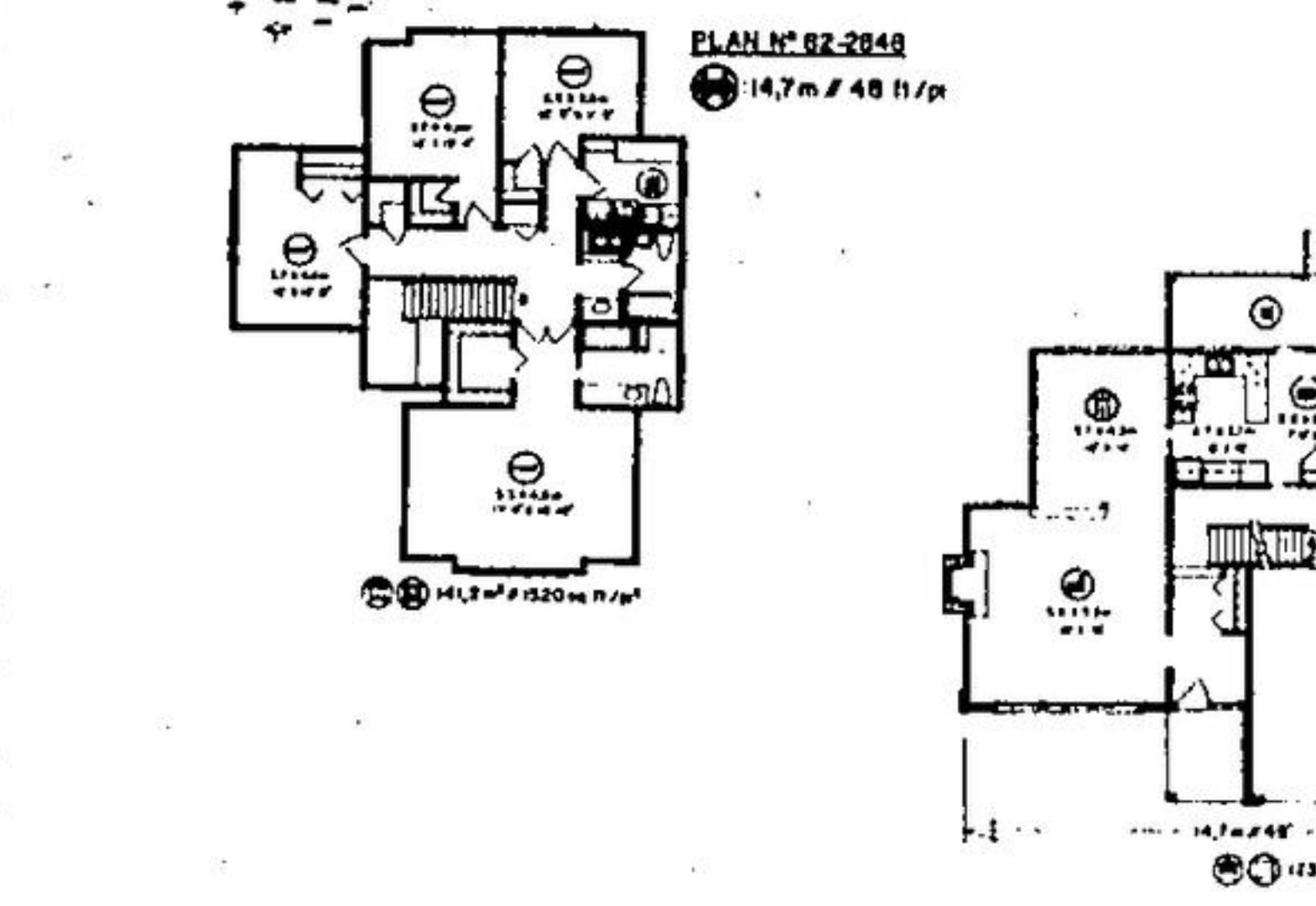
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HOME OF THE WEEK



FOUR-BEDROOM HOME DESIGN IN COUNTRY STYLE

This spacious rural-cottage style home design is well-suited to the medium-to-wide frontage residential building lot. It provides in excess of 2,800 square feet of well-arranged finished floor area on its two levels. A full basement provides abundant space for the future development of additional accommodations and recreational facilities. The stylish traditional exterior is finished in mixed fieldstone and stucco; with large board trim, twin fieldstone chimneys and a heavy shake roof. For those who prefer, the roof could be alternately finished in more conventional shingles.

The deeply weather-protected main entry leads into a spacious reception foyer and outdoor storage area which, with the living room, is sunken one step from the rest of the lower level. From the foyer, traffic moves naturally to the left into the sunken living room. The living room features a raised-hearth masonry fireplace and small-paned, front-facing windows, which latter lend a formal tone to the room. The dining room is elevated one step from the living room and further separated via optional spindle screen wall.

The step-saving U-configuration kitchen is positioned centrally to the dining room and the dinette and family room, thus providing for excellent separation of formal dining and more casual family meals. The dinette area could have a snack-bar counter with the kitchen, for those who prefer. Sliding glass doors from the dinette provide access to the rear balcony, for outdoor dining in fine weather. The spacious family room features a second masonry fireplace and sliding glass doors to the rear balcony. Access to the full basement is by means of a

stairway from the hallway adjacent to the dinette, as is the access to the two-piece vanity bathroom and to the enclosed two-car garage. A spacious storage area is positioned between the family room and the garage could be developed as a workshop for the home handyman.

All four bedrooms are positioned on the second level, accessible via stairway from the hallway off the reception foyer. Each of the bedrooms has ample closet storage and good exposure for view, ventilation and natural light. The spacious master bedroom features a full walk-in closet and a four-piece ensuite bathroom with tub. The upper storey also contains a convenient laundry-utility area, which has a side-by-side washer, dryer and sink, a linen storage area and a laundry-folding counter.

Plans for design No. 82-2848 may be purchased either by the single set, at a cost of \$130.00 for the first set and \$25.00 for each additional set, or by the package. A five-set plan package, including the first set, is economically priced at \$185.00 and an eight-set package, also including the first set, is only \$225.00.

Whichever method you choose, please include \$9.00 for postage and handling. Ontario residents please add 7% sales tax.

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To order any of these items please send cheque or money order, payable to the Home of the Week, Address: Home of the Week, c/o The Halton Hills Herald, Unit 1, 151 Carlingview Drive, Rexdale, Ontario, M9W 5E7.

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