

Background Document d'information



Ministry of Natural Resources

Ministère des Richesses naturelles

October 31, 2005

PROPOSED DUFFINS ROUGE AGRICULTURAL PRESERVE ACT

The Ontario government has introduced new legislation that if passed, would ensure that the City of Pickering honours agreements to permanently set aside the Duffins Rouge Agricultural Preserve for agricultural uses.

THE 1999 AGREEMENT

In 1999, the Regional Municipality of Durham, the former Town of Pickering (now the City of Pickering) and the province agreed to a number of measures that would enable the sale by the province of previously expropriated preserve land west of West Duffins Creek and within the Town of Pickering to the original landowners or tenant farmers.

As a condition of sale, the purchaser of the land was required to agree to a conservation easement under the Conservation Land Act that would protect the land for agricultural uses in perpetuity. The easements were held by the Town of Pickering. The price of the lands was based on the value of lands used for agricultural purposes.

In February 2005, the final Golden Horseshoe Greenbelt Plan was announced. The Duffins Rouge Agricultural Preserve was included in the Greenbelt.

In March 2005, without consulting the province, the City of Pickering removed the conservation easements on two-thirds of the properties sold by the province in the Duffins Rouge Agricultural Preserve.

On April 11, 2005, the province sent a letter from Gerry Phillips, then Chair of Management Board, to the City of Pickering expressing concern about the city's actions. A letter was also sent to the Regional Municipality of Durham on May 25, 2005. The letters made the province's position clear and outlined its expectations that the City of Pickering and the Region of Durham would honour their commitments to preserve the area for agriculture. On July 29, 2005, ministers Caplan and Ramsay wrote another letter, asking council to live up to its agreement with the Ontario Realty Corporation. The easements were not reinstated.

THE DUFFINS ROUGE AGRICULTURAL PRESERVE

The Duffins Rouge Agricultural Preserve includes about 4,700 acres of prime agricultural lands in north Pickering. The preserve is part of a larger area (about 39,500 acres) that was expropriated in the 1970s for a proposed airport.

The preserve lands are high-quality farmlands. They have been recognized as Prime Agricultural Areas and Lands that qualify for restriction to agricultural or farm-related uses under the Region of Durham Official Plan, the Provincial Policy Statement, the Greenbelt Act and the Greenbelt Plan.

The Ontario government is protecting the Duffins Rouge Agricultural Preserve by introducing new legislation and amendments to an existing act.

The proposed new legislation, if passed, would:

- Ensure that all existing conservation easements on the Duffins Rouge Agricultural Preserve are held in perpetuity
- Reinstate easements previously held and released by the City of Pickering.

Proposed amendments to the Conservation Land Act would confirm that conservation easements can be used to protect, conserve and preserve agricultural lands. They would also clarify the role of the Minister of Natural Resources in enabling, amending or releasing easements enabled under the Conservation Land Act.

CONSERVATION EASEMENTS

A conservation easement is a restriction registered on the title to a property. It limits certain activities on the land during the term of the easement. Conservation easements are an important tool that is used to support the long-term stewardship and protection of natural heritage features and agricultural lands on private property.

The easement is held by a conservation body such as a government agency or conservation organization. It enables the agency or organization to monitor and enforce the restrictions attached to the property. The conditions set out in the easement remain in place if the property is sold or passed to the owner's heirs.

Conservation easements are legally binding agreements between the landowners and the easement holders. However, there is a public interest in maintaining these easements, because they help secure lands that have public significance.

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