

Environmental Defence and Democracy Watch call for OPP investigation of insider information leaks to sprawl developers in advance of Greenbelt land removals

ENVIRONMENTAL DEFENCE, DEMOCRACY WATCH

Toronto | Traditional territories of the Huron-Wendat, the Anishnaabeg, Haudenosaunee, Chippewas and the Mississaugas of the Credit First Nation – Today, Environmental Defence and Democracy Watch called on the Ontario Provincial Police to investigate whether the provincial government’s apparent leak of secret plans to allow residential development on 15 specific areas within the Greenbelt amounted to a criminal breach of trust by a public officer. It seems very likely that before any authorized *public* disclosure of the province’s plans to remove these specific lands from the Greenbelt, some government official, government MPP or employee leaked that information privately.

Recent investigative reporting by the Globe and Mail, Toronto Star, The Narwhal, and CBC, has revealed multiple transactions to purchase Greenbelt land conducted prior to the November 4th announcement of the plan to remove 15 parcels of land from the protected Greenbelt. These transactions would seem to have been irrational if all the parties were unaware that these Greenbelt lands *would* be proposed for removal.

Prior to November 4th – and continuing right up to that day – publicly-available information regarding the present and future status of these Greenbelt lands offered no rational basis for prospective purchasers to expect that significant residential, commercial or industrial development of these lands would be permitted at *any* time in the foreseeable future. On the contrary:

- The Premier and the Minister of Municipal Affairs and Housing made repeated and unambiguous public statements that the government would “maintain the Greenbelt in its entirety” and would not “touch the Greenbelt”, “build on the Greenbelt” or even “entertain any conversations about a land swap.”
- There was no shortage of existing “designated greenfield area” or of “whitebelt” farmland and natural areas *outside* the Greenbelt, and that would reasonably have led an investor to expect that the government would not breach its express commitments to never remove any land from the Greenbelt.
- There was certainly no public process, or public set of criteria released prior to November 4th, to suggest that these specific areas would be the ones selected for removal. On the contrary, all public consultations soliciting input on Greenbelt Area Boundaries (see ERO 019-4485, ERO 019-4483 and ERO 019-4803) were strictly limited to proposals for *adding* land to the Greenbelt, and were framed assiduously to preclude any implication that the government would entertain or consider proposals to remove any land from the Greenbelt.

Given that the integrity of the Ontario government’s policy making process is essential and fundamental to ensure the public interest is upheld and protected, and the significant potential negative financial, social and economic consequences of the decisions in question for other landowners and the Ontario public, it is imperative that the OPP investigate whether this apparent leak of the government’s secret plans to break its Greenbelt pledge constituted a criminal Breach of Trust by Public Officer, contrary to s. 122 of the *Criminal Code* of Canada:

- A breach of trust by public officer occurs when a public official departs markedly from the standards of confidentiality or other conduct demanded of an individual in their position, for the purpose other than the public good.
- Pursuant to sections 2 and 3 of the *Member’s Integrity Act*, and sections 5 and 6 and *O.Reg 381/07* and *O.Reg. 382/07* of the *Public Service of Ontario Act (PSOA)*, it seems clear that providing confidential information concerning a pending government decision, and/or giving anyone or any company preferential treatment, such as through early access to information, would breach the standards Ontario politicians, Cabinet ministers and their staff, and government employees are required to meet.
- Minister of Municipal Affairs Steve Clark has denied that he authorized any advance leak of the government’s secret plans to pave the Greenbelt.
- There can be little doubt that the government’s public announcement of its intention to strip these lands of Greenbelt protection – and thus to open them for property development – has considerably increased their market value.

The questions that should be addressed in the OPP’s investigation include:

- When did government official(s) first discuss the possibility of removing these specific clusters of lots from the Greenbelt?
- Who initiated and oversaw this process within government?
- Did any of the landowners in the area or who have bought land affected by the Greenbelt decision apply or in other ways seek to initiate this process?
- Given the absence of a publicly transparent process concerning the potential removal of Greenbelt lands, how was the decision arrived at to proceed and how were lands to be removed from the Greenbelt selected? Were there other sites considered, where were they and who conducted this analyses?
- Which government official(s), or PC MPP leaked internal government information about the government’s secret plans to remove certain lands from the Greenbelt, and about which lands in particular would be affected, to individuals or corporate entities outside of the government?
- When and how was this confidential information provided, in any way directly or indirectly, to the land owners, their agents or lobbyists whose lands were selected? And, with regard to the communication of that information:
- **WHO** was present/involved?
- **WHAT** was discussed?
- **WHERE** are the notes of those meetings/communications?
- Were municipalities consulted or informed and was any information provided or promises made to the owners via municipal staff or elected officials?

QUOTES:

“Removal of thousands of acres of legally protected farmland, forests and wetlands from the Greenbelt threatens us all. A government doing so in a manner shrouded in secrecy that appears to benefit a select group of property owners, including recent purchasers, needs to be thoroughly investigated by the OPP,” said Tim Gray, Executive Director, Environmental Defence.

“The Supreme Court of Canada has ruled that it damages our democracy if a situation even appears to raise questions about the integrity of a government policy-making process, and that law enforcement must be strict and strong to prevent this damage, so given the Greenbelt policy change smells badly, the OPP must investigate,” said Duff Conacher, Co-founder of Democracy Watch.

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ABOUT DEMOCRACY WATCH (democracywatch.ca): Cleaning up and making governments and corporations more accountable to you, and making Canada the world’s leading democracy.

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