

# Green Door Alliance



***To Chair Anderson and Members of Regional Council***

***From Brian Buckles, for the Green Door Alliance,***

***Subject: Remarks by Mayor Ryan concerning the Green Door Alliance:***

***June 3, 2005***

*At the May 25<sup>th</sup> Regional Council meeting Mayor Ryan quoted from documents prepared by the Green Door Alliance, (GDA), during the two year lead up to the signing of the Memorandum of Understanding, (MOU) by ORC, Pickering and the Region. He wanted to demonstrate that the GDA shared Pickering's belief that the easements held by Pickering, were never meant to be permanent; their purpose was merely as a tool to control future development. We are writing to correct this distorted view of our position.*

*Many GDA members have had a history of involvement in protecting the area now known as the Duffin Rouge Agricultural Preserve for decades before the signing of the MOU, and before the incorporation of the GDA in the early 1990's. We worked hard to get the Preserve created in the first place. The GDA's first major publication was a 42 page document in the mid 1990's outlining a conceptual plan for the Federal and Provincial lands. This plan clearly called for protection of agricultural lands, including the Preserve lands by selling them with easements ensuring future protection.*

*When the Province decided to sell these lands we were dismayed and argued strenuously against the initial provincial intention to retain the land in agriculture, and sell it at agricultural prices, without placing any restrictions on title to prevent the land being bought at fire sale prices and flipped for development. So during the 1997 - early 1999 period leading up to the signing of the MOU, in order to guard against such a disastrous outcome and build support for the use of easements, we did indicate they could be used as land banking tools, that would protect the land at least in the medium term, while providing a vehicle whereby the public through their governments and not speculators would retain any increase in speculative value should government ever change its mind and decide to develop some of the land.*

## Directors

Dr. Paul Thompson, Mr Brian Buckles, Mr Lorne Almack, Ms Kathryn Dean, Ms Marion Thomas, Dr Bruce Flattery,  
Mr Tommy Thompson, Mr William Wilder, Mr Edward Falkenberg

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*In July of 1997 the Region voted in favour of requiring ORC to register easements on the property before sale but the matter was tabled at Pickering Mayor Wayne Arthur's request that it was premature until Pickering's rural study was completed. More than a year passed before the study was completed and the Region approved Pickering's amendment to confirm the Preserve's agricultural designation. So any comments from the GDA have to be read in the context of this uncertainty as well as changing views on the nature and content of any agreement.*

*During this period as support for the easement process grew we fought for as much protection as we could possibly get. And at the end of the process when we signed off on the OMB settlement process, on the basis of the MOU signed between ORC, the Region and the City, it was our firm understanding that this agreement would permanently protect the land, from the unilateral action of one of the signatories – Pickering. Surely the essential point here is what was the nature of the ultimate agreement signed between the parties, not what was said under different and changing circumstances during the period leading up to the signing of the MOU.*

*It is true too, that at the time we had some concerns with Pickering ending up being the sole holder of the easements. However we felt the MOU created an obligation, where if there was any move by Pickering to consider the land for development and remove the easements it could only be done with the agreement of at least all the MOU signatories. And we felt the need to obtain this agreement would ensure permanence.*

*We believe Pickering had absolutely no legal or moral right to unilaterally break the MOU and release the easements. However even if one were to wear Pickering's hat and agree, which we do not, that Pickering was right in wanting to develop in the Preserve, and had every right to unilaterally break their agreement, Pickering's actions are disastrous to the public interest. How can Pickering justify getting so little from an asset that should have been worth so much should the land be developed? One of these Preserve land owners – Sylvio De Gasperis estimates that if the greenbelt designation is removed it would be worth \$240 million to him, (see March 11 National Post article with the headliner, "**Greenbelt Plan will cost me \$240M developer says**".)*

*We are talking of a greater transfer of public money to private hands than occurred with the sponsorship scandal should Pickering's and regrettably now also the Region achieve their desire to get parts of the Preserve removed from the greenbelt to allow development. Pickering's only conceivable explanation for why they squandered a public asset and ended up settling on a basis that gave the great lion's share and probably virtually all of the easement's value to private interests, should their plan to develop the land come about, is that their legal case was so weak they had no choice but to accept the dictates of these private interests.*

*Yet there is absolutely no evidence of this. Indeed Pickering's lawyer's initial feeling that they had a strong case followed by the abrupt subsequent rush to settle, without offering a defence, knowing the Province was taking steps to intervene but settling before they could do so, suggest Pickering had little interest in fulfilling their public obligation to get fair value the public asset they held. Their far more likely motivation seemed to be to cut off any effort by the province to guard against release of the easements.*

*To conclude we deeply resent and reject Mayor Ryan's inaccurate insinuation that we have made statements in the past that indicate support for Pickering's unilateral action to release the easements and break its Agreement with the Region and the ORC, and to adopt a course of action aimed at transferring a public asset worth hundreds of millions into private hands.*

*Sincerely*

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