

Toothless laws for our Lakes

It's a common problem at all levels of government, the notion that passing laws alone will change behaviour. We all know it doesn't work and that what works is some form of consequences if folks don't follow the rule of law. This not to say that enforcement bodies always stick to the letter of the law. But try ignoring the Ontario Building Code and using 20" centres instead of 16". On our highways, the OPP make decisions around the speed laws... seems 100 is the posted 80, but they do monitor performance and there are consequences.

About ten years ago, HH was wrestling with provincial and county laws that were designed to protect our lake trout lakes, particularly those "at capacity" for development. In effect the laws for development on these types of lakes required extensive testing and research on their impact on the lakes, or in some cases suggested septic systems to be placed 300 metres from the lake unless a full blown environmental study was completed.

Our HH Council working with the land use planning staff of Hastings County developed a way around these laws called the Water Quality Impact Assessment Agreement. This agreement did not require property owners to do anything in the way of research on the impact of their development. Simply complete your site plan and get this Agreement registered on your plan and with the Municipal Clerk

Now you might think a logical step would include confirmation by HH that this form met all county, provincial and federal laws on development of the lakes mentioned above (There are 7 such lakes mentioned in the legislation for HH)

You would be wrong.

Given that it's now about ten years since these Agreements have been in use in HH, at a Council meeting this summer I asked about the management of this law, and if it was protecting our lakes as it was supposed to.

I asked to see the sign off by higher levels of government that this WQIA met their requirements, the number that have been signed and the results of audits on long term enforcement, remediation etc. (The form requires property owners to contact the Municipal Clerk for any changes outlined in the property listed in the WQIA)

So far I can't even get any record of the number that have been completed, let alone any audits and certainly no enforcement. I estimate somewhere around 300 have been produced

Now I know that this is a major failing of most municipal governments; they pass laws and simply don't follow up to see if the laws are being followed. But in this case the laws were set by upper tier governments at the County and Province, so an option would have been for HH to simply enforce what they were asked to do by their senior government levels.

But they didn't do this: they designed a legal agreement to be signed by the property owner (we don't know how many were) that sounds like it protects our lakes and then ignored it (at least for the last two administrations)

Long term , all it demonstrates to constituents again is that laws don't really matter and this means that when municipalities try to change their attitude and enforce laws (such as happened with our buffer zone by-law for our lakes) there is an outcry and enforcement is ignored again

Fewer laws that have teeth may be an answer

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