

## Thames Sydenham and Region Drinking Water Source Protection ToR and Restrictions on Property

Assignment June 2008 Joe Kerr

Look at procedures for dealing with the financial issues that arise when normal business operating practices are changed or stopped when restrictions are placed on property by Source Water Protection and the Clean Water Act.

FACTS: 1/ The ToR outlines who does what, when it will happen and how much it will cost. Source [ pg. 2 SWP handout May 2008 ]

2/ Mission Statement ; Protect sources of drinking water by developing a plan based on science and local cooperation. Source [ pg. 1 SWP handout May 2008 ]

3/ We Value ; Fair and reasonable solutions. Source [ pg. 1 SWP handout May 2008 ]

4/ Limitations on Remedies; No Remedy [2] No costs, compensation or damages are owing or payable to any persons and no remedy, including but not limited to a remedy in contract, restitution, tort or trust, is available to any person in connection with anything referred to in clause [1] [a], [b], [c] or [d].

It appears to be clear how the Province intends to handle financial instruments.

I would suggest that our SWP group would include in our ToR a dispute resolution procedure that deals with how to handle the problems that restrictions on properties cause to its owners.

1/ The best solution would be that the Municipality involved and the property owner work out a settlement showing [ Local Cooperation].

2/ There may be cases where there are more than one municipality that receives benefit from a Water Protection Zone. There may also be cases where a property owner and a local municipality cannot reach an agreement on an issue. Under these types of circumstances we could leave opportunity within our ToR to have a tribunal type body from our SWP area arbitrate these rare cases.

### Comments

1/ It appears to me that there are many common principles shared between the Goal of DSWP and Medicare. Eg. Provide equal opportunity to all weather it be good drinking water or good medical care.

2/ Unresolved land rights issues have come back to haunt us all. Lets learn from past mistakes and put a procedures in place to resolve issues fairly.

3/ Many of us have family members who fought and gave their lives so we could have some rights and freedom! Lets protect the rights they fought for and create a procedure that can provide fair and reasonable local solutions when dealing with SWP in our area.