

**Mr. Stevens:** At committee stage I hope the minister and his staff will be prepared to justify why they are losing the money to which I have referred. Before we blindly give him the power to charge higher fees on a user-pay concept, we must find out why they are running up the deficits to which I have referred.

I should like to touch on the second item in this bill which disturbs me greatly. I refer hon. members to page 5 which deals with this extension of federal power into the zoning of lands adjacent to or involved with airports in Canada. As the bill points out this is a new provision, and it is stated that this amendment would authorize regulations respecting federal land use control in relation to airports or airport sites. I should like to refer to the proposed two sections which concern me. The first is found at page 5, section 6(2), which reads as follows:

Subject to the approval of the governor in council, the minister may, by regulations, designate lands adjacent to or in the vicinity of an airport or airport site as a protection area to prevent the use or development of such lands or any part thereof in a manner that is, in the opinion of the minister, incompatible with the operation of an airport where . . .

And certain circumstances are then set out. I would also like to direct hon. members' attention to subsection (4) at page 6 which reads:

Any owner or lessee of lands forming all or part of lands designated as a protection area by a zoning regulation who was in occupation of those lands immediately before the zoning regulation became applicable thereto and who, at that time and in the course of such occupation, was making use of those lands or any buildings, structures or objects thereon in a manner that is incompatible with the uses prescribed therefor by the zoning regulation, and any successor or assignee of any such owner or lessee, may continue to do so unless such use by such owner or lessee is specifically restricted or prohibited by the zoning regulation.

I should like to summarize those two subsections, as I understand them. The minister, in effect, is requesting new-found powers to zone lands arbitrarily which are appurtenant or in the vicinity of an airport or an airport site. In subsection (4) he makes it clear that you can carry on your use, provided it is not prohibited under the new regulations which the minister is hoping to have the power to make.

When we look at page 8, subsection (10), we are told that the user of that land, if he has been prohibited under the minister's new regulations, is entitled to compensation in the amount by which his interest in those lands, buildings, structures or objects was decreased in value by the application of the regulation, minus an amount equal to any increase in the value of that interest that occurred after the claimant became the owner thereof and that is attributable to the airport or airport site. The minister is asking for new powers to affect the zoning and the land use appurtenant to airports or airport sites. He makes it clear you may not use your property in the future, if he designates a prohibition against it.

The compensation is a rather odd formula. First of all you have to show the extent to which you feel it has been depreciated, as a result of the government's move, but you must also add in any appreciation which may have followed from the airport being situated adjacent to you. Thus, it is a minus and a plus type of concept which the minister has proposed.

### *Aeronautics Act*

I should point out under subsection (11) that you must make your claim within two years. That is an arbitrarily short time because if they are going to put an airport in beside you, it takes time to build these airports and to see exactly what the traffic pattern will be after the airport becomes operational. That time should be longer than two years. A person will be in a position to lose his rights because the arbitrary time limit will have elapsed and he will not know, up to that time, the full impact of the airport activity which the government has placed in the area adjacent to him.

In subsection (12) the minister goes on to make it very clear that, except as set out in subsection (10) which is the compensation subsection, you are not entitled to any damages with respect to the airport development the minister has in mind.

● (1700)

The reason I want to dwell on these zoning provisions is that we have had a sad experience with this type of thing in my riding. Pickering is adjacent to the York-Simcoe riding, and in particular adjacent to towns such as Whitchurch-Stouffville, Markham, and other such towns. When the government wished to put Pickering into that area, it bought about 18,000 acres. That was very unfortunate. However, it also requested the provincial government to freeze about another 60,000 acres in the area on the ground that that could be a noise area. The government wished to have further development frozen.

The Ontario government went along with the request of the federal government at that time. Happily, most of that land has been released since the ultimatum was first given by the federal authorities. However, it was a very uncomfortable and unsatisfactory experience for all concerned. People who had farms were uncertain as to what extent they could continue to farm them. Businessmen and housewives were greatly upset with the arbitrary move made by the federal government with respect to that 80,000 acres which were to be included in Pickering and the surrounding area. Clearly the minister wants greater powers, presumably to mistreat local residents even more than they were mistreated in the Pickering area.

I feel that hon. members in this House have every right to demand from the minister before this bill is passed to know why he wants these unusual powers and rights. Surely people who live on property have the right to have the protection which has been guaranteed them by the British North America Act with respect to the use of their property? Up to the present time property and related rights have generally been considered purely provincial matters. Certainly town planning and zoning have been left to provincial jurisdiction. I think it is a very serious step backward when a federal government, especially the federal government through a department which is as irresponsible as the Department of Transport, now asks to be given the power to invade that property right which has been rarely invaded up until now.

The people in my area will be very concerned if this type of clause passes because unfortunately Pickering is not completely dead. We sense that the bureaucracy which burbles underneath this minister still wants to build one further white