

STAND WITH LANDOWNERS OR GO HOME**PROF. LEX'S CORNER****NO COURTROOM CLIMATE DEBATE**

The Courtroom Is a Place for Evidence, Authority, Public Spending and Proven Parcel Consequences

DATED	September 26, 2026
PREPARED FOR	Landowners, candidates, councillors, researchers and legal reviewers
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STATUS	Public evidence and accountability issue

LANDOWNER NOTICE

All councillors and municipal candidates are called upon to direct landowners to WatershedDebacle.ca for updates concerning property controls, accountability and potential litigation. Report notification efforts to info.watersheddebacle@gmail.com.

THE POSITION IN ONE SENTENCE

The Court need not decide the global climate debate; it must determine whether the particular public expenditure, land-control decision and parcel consequence were authorized, supported by relevant evidence, fairly administered and accompanied by any remedy legally owing.

NOTICE TO THE READER

This issue does not deny observed climate change, endorse a political position, or ask a court to choose between competing climate ideologies. It identifies the narrower legal and evidentiary questions arising when public authorities rely upon broad policy to spend taxpayers' money, map private land, restrict access or use, and leave loss or compensation questions unanswered.

EVIDENCE - AUTHORITY - NECESSITY - PROPORTIONALITY - LOSS - REMEDY

1 THE COURTROOM QUESTION

A courtroom is not a public-policy seminar and it is not the proper forum for retrying the entire international climate debate. Courts decide pleaded disputes by applying governing law to admissible evidence.

The material questions are specific: what decision was made, who possessed the legal authority, what evidence supported it, what procedure was followed, what effect occurred, what loss can be proved, and what remedy follows under the applicable law.

THE ESSENTIAL DISTINCTION

Climate evidence may form part of the factual background. It does not relieve government of proving the connection between a general policy and the particular expenditure, map, restriction or parcel consequence challenged in court.

What the Court does not need to decide

- Whether every climate projection is correct.
- Whether every climate policy is wise or unwise.
- Whether one political camp has won the public debate.
- Whether every severe-weather event is caused by climate change.
- Whether global evidence automatically proves a local wetland, hazard, hydrologic feature or development prohibition.

What the Court may need to decide

- 1 What statute, regulation, Official Plan provision, bylaw or lawful delegation authorized the challenged action?
- 2 What reliable evidence connected the general policy to the particular Severn parcel or group of parcels?
- 3 Was the mapped feature field-verified, and were the limitations of regional modelling disclosed?
- 4 Were affected landowners given meaningful notice, access to the relied-upon record and a fair opportunity to respond?
- 5 Was the measure necessary and proportionate to the identified local risk?
- 6 What measurable effect did it have on reasonable use, marketability, financing, taxation or value?
- 7 Was correction, tax adjustment, acquisition, land exchange, compensation or another remedy examined?
- 8 What remedy, if any, is legally available on the proven facts?

PROF. LEX COMMON-SENSE QUESTION

If global policy alone were sufficient proof, why would government need parcel mapping, site investigation, planning evidence, notice, reasons or professional valuation?

2 DOCUMENTED DISAGREEMENT IS NOT THE LEGAL CLAIM

Scientific reports contain findings, confidence levels, assumptions, scenarios, limitations and competing assessments of likely consequences. Policy debates add further disagreement about cost, timing, effectiveness, distributional impact and alternative responses. The existence of debate is relevant because it demonstrates that a policy label cannot replace evidence.

The inquiry should not claim that positive and negative scientific outcomes are proved in equal measure. The safer and stronger proposition is that the public record contains documented uncertainty, alternative scenarios, different policy options and both anticipated benefits and anticipated burdens. Government must identify which evidence it accepted and why.

Government of Canada admissions that matter locally

- Uncertainty generally increases as projections move from global to regional and local scales.
- Greater downscaled detail does not necessarily produce greater predictive value.
- Canada-wide flooding trends are not spatially consistent.
- Where sufficient records exist, long-term changes in Canadian lake and wetland levels have not been demonstrated as a uniform national pattern.
- Groundwater responses are difficult to assess, and the magnitude and even direction of future change may be unclear.
- Local conditions, evidence quality and the applicable historical policy still matter.

THE ADMISSIBLE USE OF THIS MATERIAL

These acknowledgements do not disprove climate change. They support a demand for local evidence, disclosed assumptions, parcel verification and proportionate decision-making before global or regional policy is used to justify a specific burden.

The evidentiary rule

Each disputed proposition should be classified as a confirmed record, expert opinion, projection, assumption, reported fact, inference or missing-record issue. None should silently be converted into a proven parcel fact.

PROF. LEX COMMON-SENSE QUESTION

Which measured condition on the affected land - not which global slogan - required this exact restriction?

3 FOLLOW THE TAXPAYERS MONEY

Taxpayers finance the studies, consultant reports, mapping, staff time, agency programs, grants, monitoring, public communications, legal advice and defence of municipal decisions. The accountability issue is not that public spending is automatically improper. It is whether the expenditure was authorized, necessary, transparent, evidence-based and connected to a defined public result.

The government record should identify

- 1 The program, contract, grant or budget line that paid for each study, map, model, consultant or institutional activity.
- 2 The question the expenditure was intended to answer and the measurable result delivered.
- 3 Every assumption, limitation, alternative and contrary professional opinion supplied to the decision-maker.
- 4 The public body that accepted the work and the official who authorized its use.
- 5 Whether the same public record considered landowner notice, parcel error, market effects, taxation and compensation.
- 6 Whether taxpayers later paid again to defend, reinterpret or correct an inadequately supported decision.

Publicly funded activity	Accountability question
Regional mapping and modelling	What parcel conclusion was the work qualified to support?
Consultants and peer review	Were contrary findings, assumptions and limitations disclosed?
SSEA and municipal programs	Was the role advisory, operational or legally delegated?
Planning administration	What remaining use and affordable correction route were identified?
Legal defence	Did government investigate correction and compensation before litigation spending?

PROF. LEX COMMON-SENSE QUESTION

Did taxpayers finance an objective investigation of both benefits and burdens - or only the machinery used to justify and defend control?

4 LANDOWNER ACCESS HAS TWO PARTS

The word access must be used precisely. The inquiry concerns both access to the government's evidence and access to reasonable use of private land. They are related but legally distinct.

Access to evidence

- Original maps, metadata, models, assumptions and change histories.
- Consultant instructions, draft and final reports, peer review and staff recommendations.
- Minutes, correspondence, approvals, delegation instruments and implementation records.
- Parcel-specific inspections, photographs, ecological or hydrological evidence and permitted-use analysis.
- Notice records, mailing lists, delivery proof and landowner submissions.
- Loss, taxation, compensation, insurance and risk-management analysis.

Access to reasonable land use

- The uses legally available under the historical and current instruments.
- The practical cost, delay and probability of obtaining approval.
- Whether owner-funded studies are required to challenge unverified government mapping.
- Whether the alleged remaining use is realistic rather than theoretical.
- Whether a fair and affordable correction or appeal mechanism exists.

NO AUTOMATIC CONCLUSION

A refusal, designation, fee or loss does not automatically establish illegality, negligence, constructive taking or compensation. Equally, the existence of a paper application process does not prove that reasonable use remains available in practice. The evidence must establish the actual effect.

The reverse-onus concern

Government selected or accepted the policy, mapping and administrative system. If the supporting record is incomplete or unavailable, the landowner should not be expected to finance an unlimited investigation merely to discover what evidence government relied upon. The responsible authority should identify its own legal and factual foundation.

PROF. LEX COMMON-SENSE QUESTION

Why must a landowner pay to reconstruct the government's case before government will explain what it did to the land?

5 LOSS AND COMPENSATION MUST BE STATED CAREFULLY

The inquiry may demand the compensation record without asserting that compensation is automatically payable. Loss, legal liability and remedy are separate questions.

The correct sequence

- 1 Identify the government action and precise legal authority.
- 2 Prove the parcel-level effect and causal connection.
- 3 Establish the owner's historical and current reasonable uses.
- 4 Obtain qualified evidence of market, financing, tax or other measurable loss.
- 5 Apply the elements of the pleaded legal route, including all defences and statutory protections.
- 6 Determine what correction, declaration, damages, compensation or other remedy is legally available.

Authorities requiring counsel review

- Annapolis Group Inc. v. Halifax Regional Municipality, 2022 SCC 36 - constructive taking requires proof of the governing two-part test; regulatory loss alone is insufficient.
- Canadian Pacific Railway Co. v. Vancouver, 2006 SCC 5 - regulatory restriction and reasonable-use analysis.
- St. John's (City) v. Lynch, 2024 SCC 17 - valuation principles in an expropriation setting; it does not independently create a Severn compensation right.
- Baker v. Canada, [1999] 2 SCR 817 - procedural fairness principles, applied according to context.
- Ontario Planning Act, Municipal Act, 2001, Assessment Act and MFIPPA - precise provisions and historical versions require verification.

THE THREE KISS QUESTIONS

1. Was compensation or another remedy considered?
2. Who calculated the private loss, using what methodology?
3. If a legally compensable loss is proved, who pays?

PROF. LEX COMMON-SENSE QUESTION

If government concluded that no compensation was required, where is the written analysis identifying the alleged loss, the legal test applied, the decision-maker and the reasons?

6 FORMAL RECORDS DEMAND

For every climate, watershed, Greenlands, shoreline, quarry, Tea Lake, MacLean Lake or related measure relied upon to affect private land, the responsible public authority should provide:

- 1 The precise legal authority and authorized decision-maker.
- 2 The original scientific or technical evidence, including limitations and contrary material.
- 3 The local and parcel-specific connection between the evidence and the challenged measure.
- 4 The complete expenditure record: funding source, contract, deliverable, approval and measurable result.
- 5 The landowner notice, participation and access record.
- 6 The proportionality and alternatives analysis.
- 7 The permitted-use and practical-access analysis for affected properties.
- 8 The appraisal, highest-and-best-use, assessment and tax-impact record.
- 9 The compensation, acquisition, correction, insurance and remedy analysis.
- 10 A clear statement where no responsive record exists.

NOTICE TO COUNCILLORS AND CANDIDATES

Do not tell landowners that climate policy ends the inquiry. Direct them to WatershedDebacle.ca, preserve the records, demand parcel-specific answers and disclose whether you support an independent review of notice, evidence, taxation, loss and compensation.

The final position

The Watershed Debacle Inquiry does not ask a court to debunk climate change. It asks the responsible authorities to prove their own decisions. A legitimate public objective does not erase the requirements of lawful authority, relevant evidence, fair procedure, rational connection, proportionality, accurate records and any remedy legally owing on proven facts.

PROF. LEX FINAL QUESTION

If the public purpose was sound and the parcel restrictions were justified, why can government not produce one complete chain showing the authority, evidence, expenditure, notice, necessity, loss analysis and remedy?

SELECTED OFFICIAL AND LEGAL SOURCES

- Government of Canada, Canada's Changing Climate Report (2019), especially Chapters 2, 3, 4 and 6.
- Provincial Planning Statement, 2024, and the planning instruments legally applicable at the date of each challenged decision.
- Ontario Planning Act, Municipal Act, 2001, Assessment Act and Municipal Freedom of Information and Protection of Privacy Act.
- Annapolis Group Inc. v. Halifax Regional Municipality, 2022 SCC 36.
- Canadian Pacific Railway Co. v. Vancouver (City), 2006 SCC 5.
- St. John's (City) v. Lynch, 2024 SCC 17.
- Baker v. Canada (Minister of Citizenship and Immigration), [1999] 2 SCR 817.

PUBLIC-RELEASE SAFEGUARD

This issue distinguishes established records, reported facts, expert opinions, projections, inferences and missing-record questions. It does not determine scientific truth, accuse an identified person of dishonesty, establish civil liability, or state that compensation is automatically payable. Original records, qualified experts, governing law and admissible evidence must lead the conclusions.

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