

CONSTRUCTIVE THEFT BY LAWFARE AND ZONING

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Introduction

Constructive expropriation and taking is accomplished by Canadian fictitious and fraudulent governments by writing fake laws to permit stealing of property. The fake laws allow the interfering of the use of the property by the rightful owner – this theft is rampant and supported by courts.

In fact, it is 'constructive' fraud and theft.

Learn more about Constructive and all actions 'constructive' in [PDF 1415](#). This is one of the most important concepts you will ever need to understand.

Constructive. That which is established by the mind of the law in its act of construing facts, conduct, circumstances, or instruments. That which has not the character assigned to it in its own essential nature, but acquires such character in consequence of the way in which it is regarded by a rule or policy of law; hence, inferred, implied, or made out by legal interpretation; the word "legal" being sometimes used here in lieu of "constructive."

Constructive possession. A person has constructive possession of property if he has power to control and intent to control such item. Exists where one does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.

Constructive fraud. Exists where conduct, though not actually fraudulent, has all actual consequences and all legal effects of actual fraud. Breach of legal or equitable duty which, irrespective of moral guilt, is declared by law to be fraudulent because of its tendency to deceive others or violate confidence.

The excuses for thousands of 'constructive takings' have been the United Nation's claims (all lies) of water shortages, dropping water levels on earth, and the attendant need to 'licence' water use so as to also control production of food.

In 1999, the following case outlined the matter of expropriating and depriving property owners of the use of their properties through rezoning, until the price was so low, the rightful owner lost on their investment.

In 1999, the Nova Scotia Appellate Court stated, in a case called [Mariner Real Estate Ltd. v. Nova Scotia \(Attorney General\)](#), 1999 NSCA 98 (the case is preserved as [PDF 1886](#))

"This case involves a collision of important interests. On one side, there are the interests of the respondents in the enjoyment of their

privately owned land at Kingsburg Beach. ... In the background of this case is the policy issue of how minutely government may control land without buying it. But in the foreground is the narrower issue of whether the stringent land use regulations applied by the Province to the respondents' lands is an expropriation of them ...

[42] In this country, extensive and restrictive land use regulation is the norm. Such regulation has, almost without exception, been found not to constitute compensable expropriation. It is settled law, for example, that the regulation of land use which has the effect of decreasing the value of the land is not an expropriation. As expressed in Ian Mac F Rogers, Canadian Law of Planning and Zoning (looseleaf, updated to 1999) at s .5.14, "The law permits the appropriation of prospective development rights for the good of the community but allows the property owner nothing in return." ...

Traditionally the property concept is thought of as a bundle of rights of which one of the most important is that of user. At common law this right was virtually unlimited and subject only to the restraints imposed by the law of public and private nuisance. At a later stage in the evolution of property law the use of land might be limited by the terms of restrictive covenants.

Today the principal restrictions on land use arise from the planning and zoning provisions of public authorities. By the imposition, removal or alteration of land use controls a public authority may dramatically increase, or decrease, the value of land by changing the permitted uses which may be made of it. In such a case, in the absence of express statutory provision to the contrary an owner is not entitled to compensation or any other remedy notwithstanding that subdivision approval or rezoning is refused or development is blocked or frozen pursuant to statutory planning powers in order, for example, to facilitate the future acquisition of the land for public

purposes. "Ordinarily, in this country, the United States and the United Kingdom, compensation does not follow zoning either up or down ... (but) a taker may not, through the device of zoning, depress the value of property as a prelude to compulsory taking of the property for a public purpose.: (emphasis added)"

As you learn below, in 2024, that case was COMPLETELY IGNORED by the Supreme Court of Canada, which by now Canadians must be noticing, is the tip of the spear in the violation of rights, including private property rights.

Family Deprived of Use of Their Land for Decades

As you can see from the following 2024 decision, this family was deprived of the use of their property for decades, put through the endless stress of multiple court cases and in the end, did not get to use their property but instead had to accept market value, which as we know, in 2024, was low in most areas.

This family could not use the property and could not even sell it when it was most beneficial to them to sell it.

By all measures, this is legalized theft of private property. This kind of theft is commonplace in most municipalities across Canada and especially Ontario.

From Supreme Court Judgment, dated 2024-05-10 Case number 40302 (if the link is broken, access [PDF 1883](#))

[St. John's \(City\) v. Lynch, 2024 SCC 17](#)

Several family members own a property in the Broad Cove River watershed. Groundwater within the watershed drains toward the Broad Cove River, which is used by the City of St. John's for the local water supply.

While the property was located in unorganized territory and not subject to any planning authority at the time it was conveyed by Crown grant in 1917, amendments to the City of St. John's Act in 1959 resulted in the property becoming subject to the City's pollution control and expropriation powers.

In 1964, the legislature enacted a prohibition on the construction of buildings in the watershed, with limited exceptions.

In 1978, the building prohibition was amended to empower the City to permit construction, subject to the prior recommendation of the City manager.

In 1992, a municipal reorganization extended the City's boundaries to formally encompass the property. The property remained subject to the statutory building prohibition in the City of St. John's Act, but was now also subject to the City's zoning regulations. Following the boundary expansion, a new municipal plan and development regulations were prepared for the entire City.

The 1994 Development Regulations included a watershed zone that encompassed the property. There are no permitted uses within the watershed zone, but three discretionary uses are contemplated: agriculture, forestry and public utility.

In 1996, the City and the provincial government adopted a watershed management plan, based on a report that observed that the City of St. John's Act entitled the City to prohibit the erection of buildings within the watershed regions, including the Broad Cove River watershed, and that recommended it should continue to use those powers to do so.

Since at least the 1990s, the family has tried to obtain permission to develop the property. In 2008, the City refused to transfer the property to an adjacent town, and, in 2011, the City indicated informally that the land must be kept unused in its natural state.

Then, in 2013, the City rejected a formal application to develop a residential subdivision on the property, citing its authority under the City of St. John's Act and the property's designation as part of the watershed zone pursuant to the 1994 Development Regulations.

Following that refusal, on application by the family, the Court of Appeal declared that the property had been constructively expropriated and that the family had a right to file a claim for compensation with the City as though a notice of expropriation had been served as of February 1, 2013.

When the City applied to the Board of Commissioners of Public Utilities for a determination of the amount of compensation payable, the Board stated a special case for the opinion of the Supreme Court of Newfoundland and Labrador asking whether the compensation should be assessed based on the uses permitted by the existing zoning — agriculture, forestry and public utility uses — or whether the existing zoning should be ignored and the value determined as if residential development were permissible. The application judge concluded that the compensation assessment should take account of the existing zoning. The Court of Appeal allowed the family's appeal

and ordered the Board to determine compensation without reference to the existing zoning.

Held: The appeal should be allowed and the application judge's order restored.

The family is entitled to fair compensation but not more than fair compensation for the City's constructive expropriation of the property. Given the application judge's finding that the watershed zoning was an independent enactment and not made with a view to expropriation, the market value assessment for the property must take into account the fact that it is limited to discretionary agriculture, forestry, and public utility uses.

Theft without compensation

Take a quick look at this [January 2023 example \(PDF 1904\)](#) of corporate government theft of private property without compensation. An Ontario senior couple's private property has been taken by the Ontario government WITHOUT COMPENSATION to widen Highway 401, again.

The property is now not habitable, no one will buy it and all value has been lost. In 2003, the Sheppards' property had also been acquired by a 401 lane-widening consortium that saw the then four lanes converted to six. They were not compensated for that land grab, either.

Thousands of Ontarians are experiencing the 'taking' of their properties under one pretext or another, without compensation. This is the result of UN municipal planners in cahoots with mega development and construction corporations. You must learn more about how the municipalities have become UN corporations working to end private property ownership by 2030 by accessing Series #1.

In the May/June 2021 issue of Landowner Voices, at pages 18-19 provided as [PDF 2304](#), MP Cheryl Gallant shared the story of how in 1993, 18,600 acres of Class A farmland was expropriated from 800 farmers near Pickering, Ontario, purportedly to accommodate the building of an international airport. That airport, as you might suspect, was never built!

Is there any point in asking the criminals why it would have to be built on prime farmland, and not on poorer quality land?

These lands are now being leased out by the for-profit corporate municipality at mostly agricultural rather than commercial rates, and benefit a small number of individuals and businesses -- most of the land is

leased to 5 large commercial farms, otherwise known as Agri-businesses, typically owned by foreign corporations.

Even an Access to Information request results in a redaction of the names of the private foreign individuals and businesses that benefited from throwing 800 farmers and their families off their lands.

The local MP for Pickering-Uxbridge, Ontario, at the time, the same apparently ethically-bankrupt individual who voted against private property rights, has sponsored a petition to have the Pickering Airport land-leases transferred to the control of Parks Canada, voided the reason given for the expropriation in the first place.

Parks Canada of course, will use the land not for the purported airport or transportation infrastructure, but to ensure that no individual could ever live on it again, all in keeping with the United Nations goals to end private property ownership and to rewild the entire landmass.

In another example of outright theft using one pretext after another, is what happened in Wilmot Township, Ontario.

In Wilmot Township, in the Region of Waterloo, the UN's shills on council decided they would buy 700 acres of good farmland.

The farmland that the Region is targeting is owned by several farmers. Each landowner was notified by a representative from the consulting firm Canacre Ltd. that they are being forced to let the Region of Waterloo purchase their property for what they believe is a fair price. However, if the farmers refuse to sell, their properties will be expropriated for a pittance of what it is actually worth.

What the region and Canacre believe is a fair price for the land, isn't even close to being enough to purchase one of the farms, let alone all of them. reported from The Record. No community input and no explanation why land zoned agricultural is being used for industrial purposes. There is no public 'purpose' for this forced sale.

These actions started decades (PDF 1906) ago when 18,600 acres of Ontario farmland, was acquired by the Liberal government of then-Prime Minister Pierre Trudeau in 1972 for the construction of an airport in Pickering, Ontario. It was never built.

By 2022, 319 acres per day were lost to development, (PDF 1907) and this is quite simply not sustainable," said Mark Reusser, vice president of the Ontario Federation of Agriculture. Soon, all Ontario **produce will be**

imported and many jobs will be eliminated – just as the United Nations wants.

However, the agenda to cause starvation by 2030 is in full force as municipalities in Ontario and the provincial government controlled by the UN are expropriating farmland at alarming levels to prevent the local growing of produce. By 2024, farmers and the general public are becoming aware of the destruction of farmland and the local food supply to satisfy developers.

Appeals are a joke!

History shows us that in almost every case of expropriation of private property, the theft benefits a developer or corporation. Fighting municipalities that work for developers against their residents is a monumental financial task and extremely distressful for the property owner. Yet, this lawlessness and corruption happens as a matter of routine, with the victim often being a senior. Following is a perfect recent example.

As the owner of a 150-year-old farm in Welland, Ontario, a Mrs. Rempel -- a 5th generation owner -- had to fight the City of Welland and its many industrial corporate buddies, to prevent the taking of her farm for an industrial park. An industrial park is NOT in the interests of municipal inhabitants; it is strictly to create a place of business and profit-making for corporations.

Regulatory takings are not permitted by law for any reason but for important public interest! But the UN has re-written domestic laws across the country and substituted its own, which ensures that all private property ownership will end by the World Government's goal time: 2030.

Contrary to the opening sentence of this February 2022 [article from CBC, repeating the City of Welland lies](#), (PDF 2757) the City of Welland, Ontario, has ample stock of vacant industrial buildings and parcels of land that could be rezoned for industrial.

The City of Welland (a for-profit corporation) said that industrial plots were almost sold out and the expropriation would create jobs, however, if CBC had done even the slightest bit of investigation before it took the corporate municipality at its word, they would have learned that this was outright misrepresentation.

According to the *Ontario Expropriations Act*, a landowner facing expropriation may request a 'hearing of necessity' by notifying the Ministry within 30 days of receiving a notice of expropriation. The hearing is an inquiry into whether the expropriation is "fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority." To paraphrase, the municipality taking the land need only to want it to be entitled to it.

The hearing is heard by an Inquiry Officer, who then prepares a report on the validity of the reasoning. It does not overturn a decision, and the report is nonbinding. That is the end of the appeal.

In other words, a property is forced to participate in criminal theatre at their own expense.

As you can see, as with all other legislative nightmares forced on innocent men and women across Canada, the 'recourse' is a joke at best because the decider is an insider with no teeth whatever. By pretending there is 'recourse' to an appeal, it makes the theft of property by a gang of corporations using the color of law, legit!

How did Mrs. Rempel's fight turn out? [Well \(PDF 1916\)](#)-- her neighbors raised bloody hell, realizing that if it could happen to Rempel, it will happen to them eventually. But nothing can compensate for the extreme distress caused to the victim. **It just goes to show that when Canadians get off the couch and actually work together, the criminals in government can be made to back off.**

Municipalities, Judges and Developers Work to Make Property Owners Destitute

Expropriations are now being used to steal property outright and to leave property owners destitute. As in the case of Tommy Craft, the province of New Brunswick falsely claimed Craft's property had to be expropriated to build a school. Apparently, a school can't be built on vacant land, it has to displace the rightful owner of a particular property for some suspicious reason.

Moreover, the plans for the school were not yet finalized and approved, so it is likely there is a different plan for this property, especially since the government would not provide a copy of the relevant plans.

And it gets more suspicious when the laws on expropriation are simply ignored by the Judge. **In every case we have been made aware of in Ontario and New Brunswick, the Judges ignore the laws, case law and**

common law, and make it clear they are working, in fact, to dignify the process of land theft.

The Tommy Craft recent court case in New Brunswick was sent to People-United as an example of the overt theft of land, the judicial corruption involved in ignoring the law, rampant incompetence of the former lawyer of the victim and the wholesale torturing of a law-biding property owner using lawfare.

(source: Mitchell Albert) St. John's New Brunswick victim of property theft, Tommy Craft being thrown off his property, left destitute to make room for a purported 'school'.



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JUDGE RULES IN FAVOUR OF PROVINCE IN EXPROPRIATION CASE

It was another packed courtroom on Wednesday, April 10th, as concerned members of the public gathered to support Tommy Craft as he disputes the expropriation of his land in the Saint John courthouse.

Mitchell Albert, Tommy Craft's power of attorney, stood by Craft to represent him during the hearing. Justice Grant started

off by hearing two motions that were brought forth before the court as part of Mr. Craft's defence strategy.

First, was a motion to intervene by New Brunswick representative of Stand4THEE, Adie Pearson. Adie intervened as an expert witness on the homelessness issue in Saint John. Mr. Craft's home seconds as an income property that can house up to 15 residents and the loss of this home not only affects Craft, but the tenant he is currently housing. Pearson also raised the concern around the lack of public consultation that is required as part of due process in the expropriation process.

Despite being contrary to the evidence, Crown Prosecutor Jason Cassie, rebutted that there were no indications that the province had done any wrongdoings, that they followed the expropriation act as obligated. However, they further admitted that there could have been discrepancies from other parties previously involved. Cassie then asked the Court to deny the motion, with costs. Ms. Pearson defended herself, saying she was there in an act of good faith, and as stated in the Magna Carta "Law is never to be sold" and while the motion was dismissed, Justice Grant agreed with Ms. Pearson and dismissed the claim of costs.

Justice Grant then heard an injunction from Mitchell Albert, Mr. Craft's power of attorney. This injunction brought forward the lack of due process, and most importantly the fact that no homeowner should be left destitute because of expropriation. Mr. Craft's previous lawyer, who abandoned Mr. Craft the night before his previous hearing in January, failed to explain to Mr. Craft the expropriation process or procedures which is the not only a lawful, it's also the moral and ethical, obligation of a lawyer. In fact, As Mr. Albert expressed in the court, it appears that everyone involved has acted above their lawful authority.

Mr. Cassie argued that the breaking of ground to build the new school was due to happen any day and suggested to Justice Grant that Mr. Craft's warrant to vacate his home be issued for one week's time as not to delay the project. Mr. Albert interjected and brought forward the **fact that the District Education Council has yet to finalize the plans for the new school project and when Mr. Albert asked the Crown to provide the plans of the school that 'was ready to break ground', Cassie was either unable or unwilling to provide these plans.**

Mr. Albert further noted that Mr. Craft is willing to vacate the property, however, the lack of due process and adequate payment for his house warrants arbitration. Mr. Albert asked the court to reexamine the original agreement to relocate Mr. Craft's home to a new plot of land. Mr. Albert further suggested the Crown is using the expropriation act as a cloak for fraud. Justice Grant said the hearing was not a trial, and after refusing to accept evidence on the contrary, Justice Grant's opinion was that he believed there was no evidence of fraudulent behaviour.

Justice Grant ruled against Mr. Craft and the warrant to evict was issued. Cassie had asked to exercise the warrant within a week's time; however, Justice Grant extended the eviction until June 1st. And although disappointed in the Judge's ruling, Mr. Craft is going to continue to fight for what is right and to force the province to uphold the law.

No homeowner should be left destitute through the expropriation process. If we allow the provinces to forego due process, we will become lawless, and no one will be safe from having their property taken.

Charities now involved in land grabs for peanuts

Here's a less-than-novel UN way to steal private property ... 30X30 Land Grab Plan.

Minister for Environment Steven Guilbeault is concocting a new program called the Landscape Resiliency Program. It is one of those criminal public-private partnerships designed to steal everything we own under one pretext or another. See our PUBLIC-PRIVATE PARTNERSHIP RACKET page in Series #1 for details.

This Public-Private Partnership (PPP) is between Parks Canada and the Nature Conservancy of Canada, a purported 'charitable organization'. See our CHARITY-FOUNDATION FRAUD page to learn how private corporations can steal with impunity and not pay a single cent in taxes.

This transfer of public assets to a private corporation is purported to protect 30,000 hectares of land around Canada's National Parks, all to advance the UN's goal of protecting (read: steal) 30% of all of Canada's lands and waters by 2030.

This partnership is called the 30X30 Land Grab Plan, created in cahoots with the Communists who control China. The cost, Canadians were told, will be \$30 million devoted to *protecting* 30,000 hectares.

But after the press conference by convicted criminal Steven Guilbeault, Minister for Environment and the Minister of Climate Change, it was learned that actually, the Liberals were giving this 'charity' \$15 million to conserve (read: CONTROL) 30,000 hectares next to 10 selected National Parks. If the budget is \$30,000,000, what is the charity going to do with the \$15,000 it got outside the budget?

How many bets that Liberal supports and politicians don't own some bushland around these Parks that they can sell to this 'charity'.

The government plans to pay a pittance for the land to be 'protected' (stolen), that 'compensation' being an average \$1,000 per hectare (not acre, hectare, which is 2.471 acres). This works out to less than \$500/acre).

MP Cheryl Gallant stated that according to her enquires at Realtor.ca, in November 2023, a 34-hectare farm near the Bruce Peninsula National Park is listed for sale at \$1,495,000 or approximately \$42,650 per hectare, or just over \$17,260 per acre.

A vacant lot near Thousand Islands National Park is listed for \$384,900 for less than one hectare of land – that's roughly \$155,767 per acre.

To reach the NDP-Liberal Government's goal of "protecting" 30% of Canada by 2030 would mean setting aside over 300 million hectares. Stealing property at the price the government has set of an average \$1000 per hectare (\$500/acre) the cost to Canadians would be \$300 billion.

Based on the price of the farm for sale near Bruce Peninsula, the cost to Canadians would be \$12.7 trillion. At the price of the vacant lot near Thousand Islands, the cost to conserve 30% by 2030 would reach \$115.4 trillion.

UN Lies about Water Shortage to Deprive Growers of Farming

There are other ways that land is stolen through the process of constructive theft by depriving private property owners of their use of their land. The following is the 'regulating' of use:

First it was 'regulating' the use of front lawns as gardens, then the regulation of back-yard gardens, the restrictions to growing herb gardens and pollinator habitats.

Then it was ending the farm-to-consumer direct sales of produce and milk, the end to buying raw milk which was much healthier, and now, entire small farms are being shut down through over-regulation and policies that support mega-farms.

By twisting the legal definitions of mega-farms (CAFOs – Concentrated Agricultural Farm Operations), world government operatives in environmental regulatory positions are closing down small farms altogether to encourage mega-farms of 70,000 animals in tiny spaces, destroying water, land and animal protection regulations – all for profit and because of political donations.

As just a couple of thousands of examples, on April 15, 2024, Oregon State SHUT DOWN all farmers. In British Columbia, Canada, two years ago, [regulators deliberately turned off the water supply to produce farms](#). (PDF 1885)

The excuse is the 'shortage' of water, and water quality, which is 100% a lie, since it is proven that there is so much primary water beneath the surface, the earth can never run out. The other excuse for eliminating small farmers are the non-existent climate changes.

The truth is that mega farms are not only abusing the natural needs of the livestock, but polluting ground water with untreated manure that contains tons of heavy metals and antibiotics, since antibiotics are pumped into livestock and chickens whether or not they are ill.

In this video report, [Oregon lawmakers have issued cease-and-desist letters to numerous small farms and market gardens, effectively shutting them down](#) -- access [VID 1326](#) if the link is broken. This is despite the fact that they are 100% environmentally friendly, and it is the CAFO's that are destroying the environment, polluting the food and abusing the livestock.

Using satellite technology, authorities pinpoint these small farms and notify them of the prohibition on their operations.

The creation of monopolies in the food industry have left us with substandard and poisoned food supplies, obscene prices,

great waste, land and water pollution and unemployment of agricultural works. And, of course, we see severe abuse of livestock jammed into tiny spaces with no access to sunlight or nature.

The Netherlands saw a similar attack on the agriculture industry, where their politically-controlled regulators decided to drastically reduce the fertilizer rates. The farmers beat that back, but the globalists persist across the world.

All communist regimes control populations by controlling the food supply.

Oregon's crackdown on small farms and its potential consequences for agricultural communities and beyond is an existential crisis. These creeping communist policies start in one locality, appearing to be a one-off, only to migrate to other states as increasingly more politicians and upper-level bureaucrats are bought off.

The kicker is that there IS NO WATER SHORTAGE, as the UN has claimed, because the earth has an over-abundance of PRIMARY water, that you can learn about from [Primary Water Institute](#). The website is too big to preserve, but you can easily research Primary Water and obtain all the scientific evidence you need that this claim of water shortage is simply another UN globalist lie.

The truth is that they want to make 'fresh water' a commercial product, a commodity. They are '[licencing](#)' it, ([PDF 1884](#)) but as you learn from our LICENCING FRAUD page, licencing is nothing more than a cash grab that has as a secondary benefit for the government, the creation of monopolies by putting all others out of business.

The UN Agenda 2030 is to control the entire food supply and put farmers out of business. NO farmers, NO food, NO life. This is the depopulation network at play.