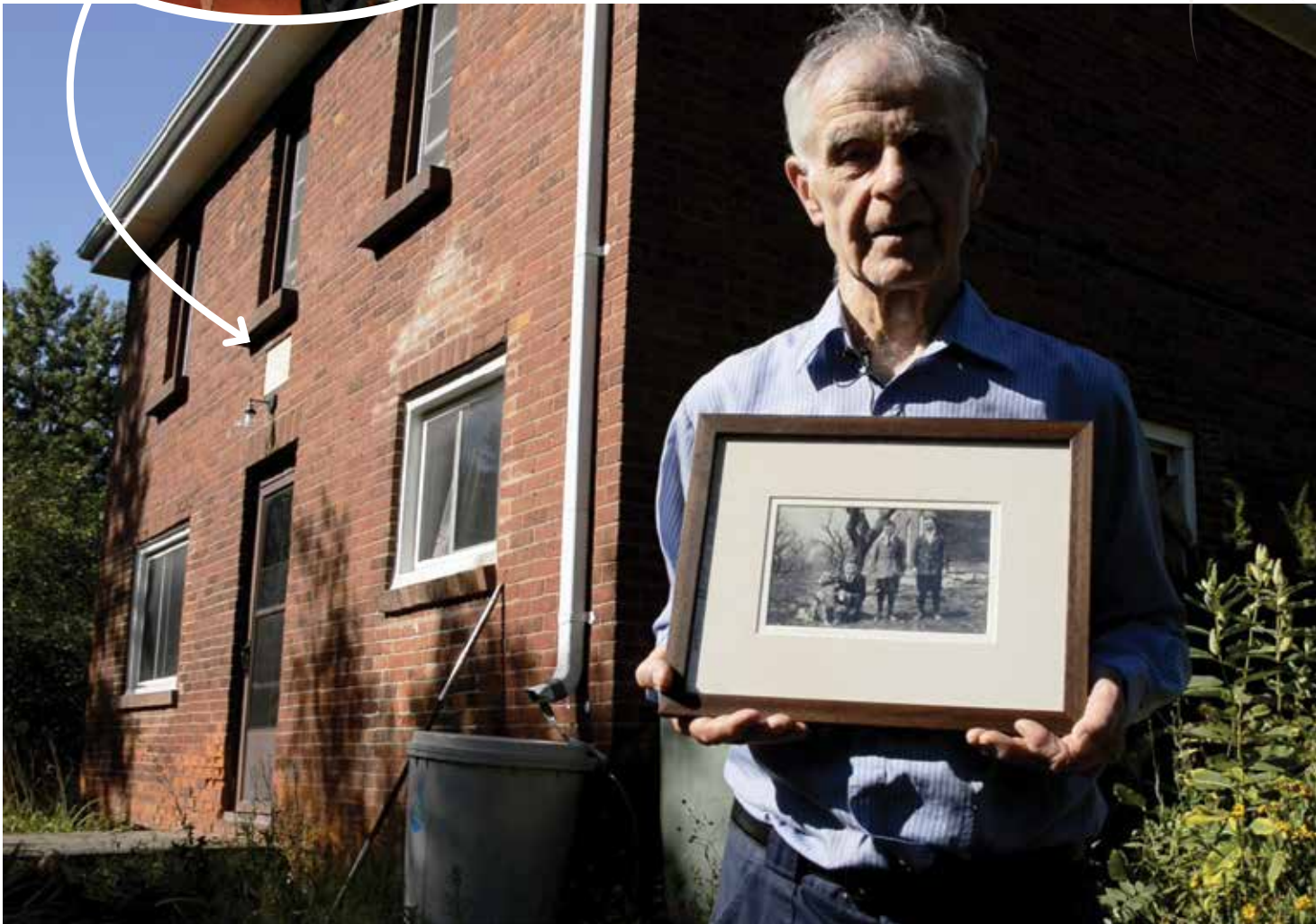


A Deep-Rooted Attachment



◀ A wallstone marks the construction of the O'Reilly farmhouse in 1900. The name "Knowlesdale" was used by the builders, who were an earlier generation of the O'Reilly family, to signify the house is on a knowle (hill) overlooking a dale or valley. The plan is to restore the wall as part of an ongoing restoration of the brickwork.



▲ Dan O'Reilly in front of the farmhouse, holding a century-old photo of his father and uncles standing at the exact same spot. PHOTO BY TERENCE KRAMMER.

PROTECTING PROPERTY FROM DEVELOPERS' DOLLARS

WRITTEN BY DAN O'REILLY
PHOTOS BY DAN O'REILLY EXCEPT WHERE NOTED.



◀ Dan's brother
Bernie O'Reilly.
PHOTO BY RUTH O'REILLY.

In late 2020 my brother Bernie and I completed one of the most important legal agreements of our lives. We signed all the required documents enabling the Escarpment Biosphere Conservancy to place a conservation easement on our approximately 65-acre family farm on the Brampton/Caledon border.



▲ The West Humber River flows through the property.



The conservation easement was registered on title and remains on title even if the property were to be sold. What that means is that the property can't be turned into a subdivision. The agreement also contains a number of restrictive clauses including a

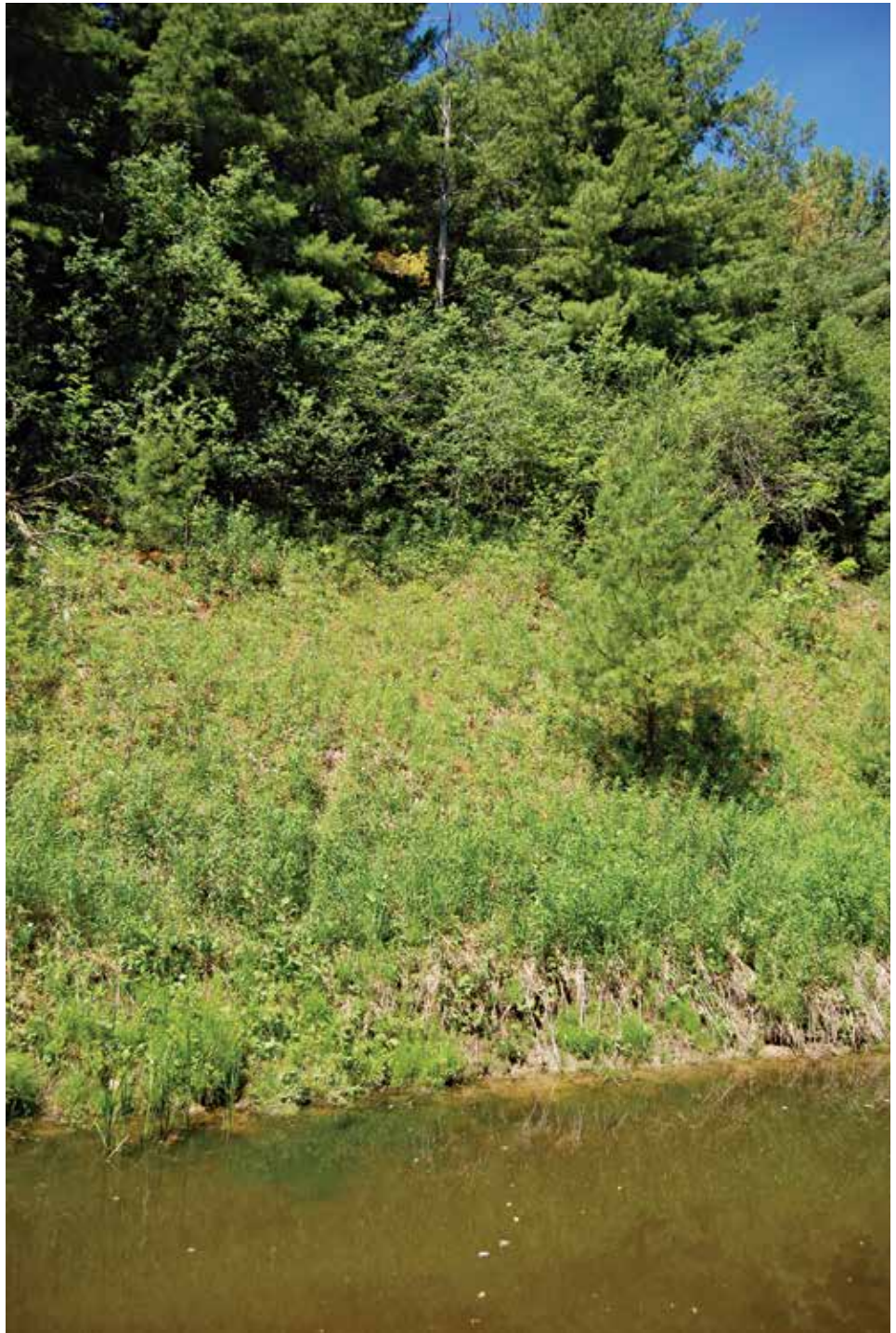
swimming pool ban. Although we have no intention of selling the property, the easement will ensure it remains undeveloped, should circumstances change in the future.

Signing the agreement wasn't something we entered into easily and

required careful deliberation, especially as the route of a proposed Highway 413 is only about a km away. While the easement prohibits private redevelopment, it doesn't prevent government infrastructure projects. The farm was included in the



▲ A very old apple tree stands high on a ravine which in turn, overlooks a wetland.



▲ A major reforestation project in 1977 included planting a mix of White Pine and Spruce on the plateau of this hill, adjacent to the West Humber River. Over the years, grass, shrubs and small trees have started to take root on the hill, stabilizing it and significantly reducing erosion. Previously, the hill was bare and eroding significantly, with the result that earth was falling into the river.

initial highway study area.

Nevertheless, we accepted that risk. Adding Bernie as a joint owner prior to the eco gift in the same calendar year allowed me to avoid a huge capital gain. That sequencing, first having Bernie listed as joint

owner and then signing the agreement, was recommended by a specialized high-priced accounting firm. Modelling by my accountant showed I would be hit with a \$two-million tax bill without this eco gift. As I am considerably older and will likely die

first, Bernie would face a similar nightmarish prospect if I had simply willed the property to him. Ultimately he will take over the property and, we hope, pass it on to one of his children.

We chose Escarpment Biosphere Conservancy

(EBC) to implement this agreement because I have known its executive director, Bob Barnett, for several years and had several discussions with him over more than a few years on the advantages of a conservation easement. In view of the high, if not



▲ The wetland on the O'Reilly property. This important habitat, with the entire property, is now protected.



▲ On the right, corn grows on the arable part of the farm. On the left, maple and some ash trees mark the boundary between the house lawn and the farm field. Just visible beyond the trees is an old wooden shed.

In view of the high, if not outrageous, prices potentially developable land is going for, the obvious question some might ask is: *“Why would you do such a crazy thing?”*

outrageous, prices potentially developable land is going for, the obvious question some might ask is: “Why would you do such a crazy thing?”

Why Do This?

The answer is diverse and encompasses a love of nature and the environment, and disgust with how a large swath of southern Ontario is being paved over with housing and warehouses. Most importantly, however, is a deep-rooted attachment to the property and its history.

It has been in our family’s possession since 1842 when it was purchased by our great-grandfather. During the 1930s’ depression, our father and an uncle held onto the property by their fingernails. In the late 1970s this uncle sold me his share for a ridiculously low price to ensure it would remain in the family. So, I feel I have a moral obligation not to develop it.

A description of the property’s geographic setting and its natural features may also provide some insight. It’s located in the historic hamlet of Wildfield, which straddles the Brampton/Caledon border. Although we call it the farm, it’s not an actual working farm, but is leased to a genuine farmer who alternates between growing corn one year and soya beans the next.

About one half of the acreage is farmable, while

the remaining area is valley land which I had reforested in the late 1970s and early 1980s under various Ministry of Natural Resources and Toronto Region Conservation programs. The West Humber River flows through the valley, creating interesting sections including a wetland which is not traversable, except in some heavy snow-laden winters when I am able to snowshoe over it. Overlooking the wetland is a ravine dotted with two very old and very high apple trees which are intermingled with the White and Red Pine and White Spruce planted by the Ministry. There are also two vernal ponds in a corner of one of the farm fields.

Unfortunately, the property is also the home of copious amounts of buckthorn. With help and advice of the conservation authority, I have been making a valiant effort to control this insidious invasive species which chokes out natural growth. Every year since 2012, sections of the buckthorn have been cut and sprayed by Guelph-based Bartram Woodlands, a firm I highly recommend. This is done in the fall, and in the following spring, tree seedlings are planted in those sections by the Authority. This is a slow, multi-year process and the buckthorn may never be totally eradicated. Progress, though, is being made.



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▲ Michelle Place of Toronto and Region Conservation Authority (TRCA) collects fluvial geomorphology data for the Humber River Watershed Plan. Fluvial geomorphology is the study of the interactions between the physical shapes of rivers, their water and sediment transport processes, and is used to determine the health and stability of the watercourse and the potential impacts on the local biological community. PHOTO PROVIDED BY TRCA.



Maple and other tree seedlings are naturally taking root in the cleared sections, as are woodland violets.

Environmental Commitment

As part of my commitment to the property's environmental health, I have allowed the Authority to conduct a number of studies, including a geomorphology analysis in 2021. It is one of 30 such sites in the study, which is being conducted to determine the overall health and stability of the Humber River and its tributaries. Bank slope heights and widths, plus soil and vegetation characteristics at three different areas per site are evaluated and recorded by Authority staff.

Returning to our reasons for signing the agreement, I would like to reference a photograph hanging on a wall of the living room of my 1900 farmhouse. Almost as old as the house itself, it's an image of our father and his two brothers standing beside an apple tree in front of the house. Knowing my father's birthdate and judging by how old he looks, it was probably taken about 1919 or 1920. The apple tree is long gone. But in its place in the exact same spot is a spirea bush, which I and my siblings can stand beside just like my father and his brothers did at the apple tree a century ago. That experience is more important than any developers'

dollars. Hopefully, this article will inspire large property owners who want to preserve their property and perhaps pass it on their children or grandchildren without incurring exorbitant capital gains, while ensuring it will remain in a pristine state in case their offspring have any thoughts of eventually selling it to a developer.

For more information I suggest contacting EBC executive director Bob Barnett, whose column is a regular feature of this magazine. It's also wise to consult your accountant. **NEV**

Dan O'Reilly's last feature for this magazine was "65 Years of Grimsby's Sweat Equity Houses," Autumn 2021.

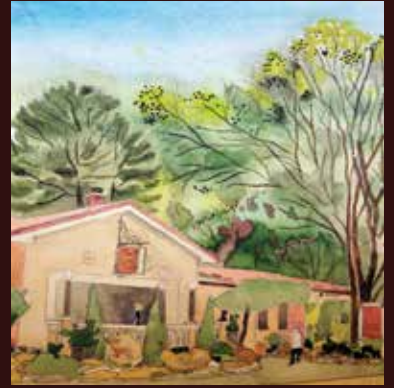


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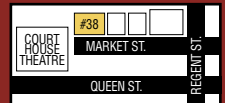
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▲ One of the features of the property is a crabapple tree which is at least a century old, and probably older. Until about 20 years ago, it was still producing fruit. Some apples still appear every summer. The tree has produced an offshoot through a natural process, not through any grafting.

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