

*Supply—Public Works*

Furthermore, our engineers recommend that lights be installed at the outer ends of the filled area.

If they want to instal lights at the outer ends of the filled area, you know this is a menace to navigation.

Consequently, pursuant to Section 2(5) of the works in navigable waters regulations made by Order in Council P.C. 1956-1960 dated August 15, 1956, you are hereby required to provide and maintain lights at the outer ends of the filled area throughout the navigation season.

I like the next sentence.

On the assumption that you should immediately comply—

Can the government of this nation not state, you will comply? No, they write as follows:

On the assumption that you should immediately comply with the above instructions and requirements, you are requested pursuant to Section 5(2)(b) of the said act for the purpose of rendering the total existing fill lawful, to apply for approval of the said existing fill five years after its completion.

I cannot believe that any man in the employ of the Department of Public Works would write that sentence without having been told what to put in it. I want to read this five year clause. This earth has been dumped off Long Branch without the permission of the Department of Public Works. We just let it lie for five years and then apply for permission under the five year clause in the Navigable Waters Protection Act.

Section 5, subsection 2, of the Navigable Waters Protection Act reads:

The minister may, subject to deposit and advertisement as in the case of a proposed work, approve of the plans and site of a work after construction thereof has commenced...

(b) if five years have elapsed since completion of construction of the work;

Now, notice the wording here:

The minister may, subject to deposit and advertisement as in the case of a proposed work, approve of the plans and site of a work after construction thereof has commenced...

(b) if five years have elapsed since completion of construction of the work;

The attention of the Department of Public Works was drawn to the fact that fill was being deposited. This thing had not been completed; they were working on it when these facts were drawn to the attention of the Department of Public Works. Then the developers are told, we will look on this as though it were completed five years ago and then we can give you approval under section 5 (2)(b) of the act. The letter says that for the purpose of rendering the total existing fill

lawful they should apply for approval five years after its completion.

Let it lie in the lake; let the mud go up and down the shore under the wave action. Let the beaches that have been built up for generations be ruined. Then five years later we will say that it has been five years since you did that so we will give you permission. We could not give you permission now because you did not request permission in advance.

I continue quoting from the letter:

Should you fail to adhere to my instructions, consideration will be given for the complete removal of the fill, at your expense, pursuant to Section 5 of the Navigable Waters Protection Act.

Rest assured that it is not my desire to be forced to such radical measures as the forcible removal of the fill placed by you at your expense, and I should be pleased if you would co-operate with me by complying with the requirements outlined above at your earliest possible convenience.

District Engineer, H. & R.  
Toronto, Ontario.

● (4:40 p.m.)

That was on January 21, 1965.

In March, 1965, at a public meeting in the village of Long Branch Mr. James McCallum, the solicitor for the firm of real estate developers, admitted that the letter of January 21 had never been brought to the attention of the directors of Millgate Investments until March 4. According to this copy of the *New Toronto Advertiser* which I hold in my hand, the letter was mislaid. The paper says:

Millgate director Sam Muller who attended the meeting said that he was unaware of the federal government's edict.

Reeve Tom Berry, Monday, read a letter written by Millgate counsel, J. F. McCallum, to Mr. Muller in which the lawyer assumed that the Ottawa warning had been passed on from Mr. Muller's "fellow directors" to Mr. Muller.

Mr. McCallum said it was his mistake that Mr. Muller was not informed about the Ottawa letter. The lawyer's letter was forwarded by Mr. Muller to the reeve, to explain why he was not aware of the Ottawa letter.

So the period from January 21 to March 4 elapsed. From January 21 to March 4 I can assure this house that fill kept on being dumped at the property. I saw that happening with my own eyes on numerous occasions. By March 4 the ground had been built level and was some 470 feet from the shoreline. That was why they wanted this fill put in right away. Then suddenly the letter dated January 21 is found on March 4.

I have here the *New Toronto Advertiser* for March 18, 1965, which says:

Lawyer McCallum advised Mr. Muller that Millgate will ask Ottawa for approval of the fill that was dumped and now sits on the lake.