

*Proceedings on Adjournment Motion*

which elicited a reply from the Prime Minister, who waxed very eloquently in respect of civil rights not only of Canadian people but on an international scale.

My question arises from a problem we have had for many years in respect of the Banff National Park. A man by the name of Hugh L. Gourlay, who is only representative of perhaps hundreds of people in the parks, was operating a tourist business and had a 42 year lease with the right to renew it. He operates perhaps the only motel with tourist facilities in the lower Lake Louise area, outside of the Post Hotel. On April 12, 1965, in accordance with the terms and conditions of his lease he received a letter from the Minister of Indian Affairs and Northern Development (Mr. Laing) which said in part:

Dear Mr. Gourlay:

Thank you for your letter—

This was followed by the normal opening. The letter then stated:

I understand the director of the National Parks Branch has acknowledged your letter—

And this is the meat of the letter:

After a careful examination of your proposals, I would be prepared to permit expansion of your existing development as far as a new motel and a restaurant of sufficient size to serve registered guests are concerned. I would also be prepared to authorize year-round operation if the existing lease is surrendered and a new one for a term of 42 years with no provision for renewal is accepted.

Let me pause there to say that a new lease will be granted, but this gentleman must give up a 21 year period of renewal.

The minister goes on to say that a new lease would not permit a store and outlines the provisions for rent. That letter was written on April 12, 1965. When Mr. Gourlay submitted his plans to the department they were ignored. Last year he commenced an action in the Exchequer Court dated March 25, 1966, for damages resulting from the fact that the terms and the conditions of the lease were not carried out, and asking for other remedies which I have not time to outline.

What happened after he commenced that action? Without disrespect for the parliamentary secretary (Mr. Haidasz), because I am sure he is not aware of the situation and has no responsibility in this regard, as soon as the Department of Indian Affairs and Northern Development had notice of this action, it expropriated the whole property in order to avoid this right of action, in accordance with the terms and conditions of the lease and the law of Canada.

Having regard to civil rights, let me say that these people are so flagrantly bureaucratic nothing we can do will stop them. When we met in Banff we were presented with a brief such as we in the rural districts of the prairies would liken to an Eaton's catalogue. This was an obvious attempt to brainwash us. Instead of going out that night to attend a social engagement I read part of that brief. What I found was shocking to the deputy minister, because he had not been informed about it. In that brief it is stated, as the views of the Department of Justice, that:

On normal renewals of perpetual renewal leases, the department can probably be forced (legally) to issue renewal leases also containing the perpetual renewal clause—

It goes on to suggest that the term of the renewal lease cannot be reduced. That was based on the department's legal advice.

Let me draw an analogy. When they wanted four acres for the trans-Canada highway, which involved fee simple land, and when they could not make a deal they expropriated the whole 60 acres. I have a sworn copy of evidence taken on examination for discovery in the Exchequer Court action. This is the answer given by the witness. I said:

So that it was really, then, the result that as you were not able to negotiate for the highway that you did actually expropriate the other land?

That referred to the other 56 acres as well as the four involved. His answer was: "Yes".

We are talking about civil rights in this country. This man started an action. This is not one individual case, as Your Honour may have thought when I put the question. This question concerns hundreds of people in western Canada doing business for 1,700,000 tourists. As soon as they demand their rights through the courts, this minister and his department—with no disrespect to the parliamentary secretary—exercise bureaucracy by expropriation. If these are the civil rights in Canada which the Prime Minister (Mr. Pearson) talks about in such glowing terms, and which we hope to gain internationally, I think the time has come to ask this government—and I can be brief tonight—when they are going to stop usurping the civil rights of those doing business for visitors to the parks.

• (10:10 p.m.)

I was told four years ago—this situation has not developed only under this government; that is one thing I want to make clear—by an R.C.M.P. officer who is no longer near the parks, that in two nights in July and