

Proceedings on Adjournment Motion

effect that the legal definition of waterlot was one of urgency and great importance, and should be looked into by the Minister of Justice.

I simply asked the Minister of Justice to have a reference made to the Supreme Court of Canada for a definite interpretation of the meaning of the term, as we find it in legal documents, claiming to confer ownership of waterlots on certain individuals. This problem has been brought to the fore in the two ridings of York-Humber and York West by the action of land developers who are making land for themselves off the shore of Lake Ontario, without any consent from the Department of Public Works or the Department of External Affairs. The land developers, not having permission to fill in the lake, simply claim they have the right to fill a waterlot.

The legal authorities have been consulted on the matter by the residents of the village of Long Branch, the town of New Toronto, the town of Mimico and the town of Etobicoke. They simply claim there is no legal right to fill a waterlot. The only legal authority vested in the owner is that he may tie up his boats to piles in the lake. He cannot fill it in unless he has received prior consent from the Department of Public Works, or the International Joint Commission where it affects international boundary waters.

At the present time, we have the ridiculous situation of a developer filling in waterlots off the village of Long Branch without the prior consent of the Department of Public Works. Now he is applying for a permit to build a retaining wall around the fill he has illegally placed in the lake. The question now arises, is this government going to grant a permit to a developer to build cribwork around an illegally filled waterlot, the definition of which is not known to either the Ontario government legal authorities or the federal government legal authorities. Numerous questions have been addressed to the Ontario department of lands and forests as to what the legal rights of a waterlot owner are, and similar questions have been addressed to the federal government. No definite ruling can be obtained.

I ask, on behalf of the owners of lakeshore lots in Etobicoke, New Toronto, Mimico and Long Branch, if the Minister of Justice of the federal government will not submit a question to the Supreme Court of Canada asking for a definite statement of the property rights of those who claim to own waterlots in international waters such as Lake Ontario.

I will be discussing the matter in greater detail when the estimates of the Departments of External Affairs and Public Works are under discussion. Surely, having waited nine months, the full period of gestation, we are entitled to some action on the part of the Department of Justice in connection with this matter which, if it is allowed to continue, will create confusion for property owners on both sides of the Great Lakes from Kingston right through to Duluth, Minnesota.

Hon. Lucien Cardin (Minister of Justice): Mr. Speaker, I have a great deal of sympathy for the hon. member for York-Humber (Mr. Cowan). I know that he has been concerned with this problem of waterlots on the Great Lakes for some considerable period of time. The hon. member broached this subject with me at the time I was minister of public works. There seems definitely to be a problem concerning these lots. However, the problem seems to be more or less concerning two groups of individual land developers. It was quite difficult for the Department of Public Works at the time to give the hon. member any other answer to his question, other than that the Department of Public Works was concerned only with the navigational aspects of the waterway in conformity with Navigable Waters Protection Act. This, of course, is still the case. The federal government has sole responsibility for the navigational aspect of the Great Lakes. It has very little to do with the ownership of or property in the land below the lake.

The hon. member asks that this question be submitted to the Supreme Court for determination, but he is a little vague in what he wants to know. Does he want to know who is the owner of the land, or who is authorized to give the rights for the construction of retaining walls?

Before a question can be submitted, or is submitted to the Supreme Court, there must be a specific problem, and it must be quite clear as to what information is required. The question must not be hypothetical. Of course there must at least be some indication of what the actual situation is.

It would appear to me that the land under the Great Lakes is clearly a provincial matter, that the ownership of that land would be a provincial matter, and that all responsibility for it would be provincial. Therefore, largely, the responsibility would be that of the provinces.