

gain, or should the policy be to acquire more land than is needed for the project with the intent to resell after the work has enhanced values? If the project were an ordinary municipal one, financed on the credit of the municipality, no objection need be taken to owners profiting thereby, but when the scheme is national in perspective and financed by the country as a whole, it seems reasonable that as much of the cost be recovered as may be practicable. But such a policy would put the Federal District Commission into the real estate business and present the question of the means which might be employed to acquire property to be held for resale. In such decisions as *City of Sydney v. Campbell* [1925] A.C. 338 and *Boland v. C.N.R.* [1927] A.C. 198, the trend of thought does not appear to support use, by a statutory body, of the Expropriation Act, in its present form, whenever the real objective is to acquire land in order that it may be resold at enhanced values after improvements have been made in the area.

The joint resolution of 1948, which approved, in principle, developing a national capital area, stated:

That it is desirable that the work necessary to this end be under the supervision of the Federal District Commission, distinct from its ordinary operations.

and Vote 809 of the 1948-49 appropriations reads:

To authorize the establishment of a special account in the consolidated revenue fund, to be known as the national capital fund, consisting of such amounts as may be appropriated by parliament for the purpose out of which the Minister of Finance may from time to time, on the recommendation of the president of His Majesty's Privy Council for Canada, pay to the Federal District Commission amounts to be expended by the Federal District Commission with the approval of the Governor in Council for the construction, operation and maintenance of works or projects within the national capital district in keeping with an approved general plan for the improvement and development of the national capital and not in the nature of ordinary municipal improvements—amount required for the fund, to be effective July 1, 1948. The figure is \$2,500,000.

While there is no doubt as to the intent that the Federal District Commission act as an agent or servant, it may be that, in the event of litigation, the courts would ignore the text of the joint resolution and look only at the vote and the Federal District Commission Act. Neither of these clearly indicates a power to carry on major commercial enterprises for profit. It is for such reasons that I feel it would be prudent to control the financial application of national capital area projects by more precise legislation than is now on the statutes' books.

The CHAIRMAN: What about the appendices, gentlemen? Would it be in order to have them read at this time? You may go on, Mr. Sellar.