

*Supply—Public Works*

to engage—and they are able lawyers indeed—tell us cannot be filled in because waterlot privileges only exist for tying up of boats. In answer to my questions I was told that waterlots can be filled in, and that answer was given by the highest officials of the Department of Public Works.

I have in my hand a real estate development blueprint given me by the township of Etobicoke showing a waterlot granted in 1891 to Mr. C. Nurse, which takes in the mouth of the Humber river. Looking at this plan and realizing that waterlots used to be sold by the provincial Crown to men on the shore, it appears that the lots were purchased so boats could be tied up at night and at week ends. Mr. Nurse's waterlot is in the mouth of the Humber river and extends into lake Ontario. Depending on where the wind was, he could tie up his boats either in lake Ontario or in the Humber river, and he would not cause offence to anyone.

Now, according to the way the Department of Public Works administers the act, the man who gets legal title to Mr. Nurse's waterlot at the mouth of the Humber river can fill in the river if he wants. And nobody can stop him because the Department of Public Works say that you can fill in waterlots. That is why Millgate has been allowed to do this. That is why all these waterlots from the mouth of the Humber west toward New Toronto have been filled in.

If you can fill in waterlots, then the man who has the title to Mr. C. Nurse's waterlot granted in 1891 can fill in the mouth of the Humber river. I do not think the people of that part of Ontario will stand for that for one moment. Neither do I think the taxpayers of Canada will stand for having river mouths filled in by real estate developers, who build along the shores of lakes and look for places where they can build high rise apartments or hotels, knowing that the Department of Public Works will give them its blessing to build up this free land which, in the case of metropolitan Toronto, is worth as much as \$150,000 an acre.

If a precedent of that sort is allowed to remain, then these lots will be extended from where I live along to the city of Hamilton and to the city of St. Catharines.

People say that the provinces do not sell waterlots any more, that their policy has changed. Policies change overnight. The province may not be selling waterlots today, but what is to stop the state of New York selling waterlots along the south shore out to the

international border? Then the developers could put land fill in them. They would also be able to say that that does not interfere much with navigation. All a boat has to do is get in on the Canadian side of lake Ontario and get by the land fill projecting from the U.S. side.

• (4:50 p.m.)

It seems as if the province of Ontario can sell waterlots on the south shore of Norfolk county out to the international boundary. The waterlot owner could fill it in and if somebody complains that there is an interference with navigation, then they could be asked to go around to the American side to get around this land fill. The Department of Public Works rules that land fill, once the province has been persuaded to sell a waterlot, is all right. I submit that waterlots cannot be filled.

The hon. member for Timiskaming a moment ago used the word "filibuster". I regret that. I am not attempting anything like that. All I am asking is that the government direct a reference on this matter to the Supreme Court of Canada to determine what are the legal rights of the owners of waterlots in the Dominion of Canada. Can they fill them in and thereby cause an obstruction to navigation? The Navigable Waters Protection Act refers to navigation; it does not say substantial navigation, because navigation can be in a canoe. The act does not say that it applies to commercial navigation. As I say, a canoe can be included under the act. It does not say that it applies to the *Queen Mary*. In fact, it does not state the size of the ship. As much as anything else, under the act a canoe can be classified as navigation. It refers to anything that interferes in any way with navigation. I am again asking for about the tenth time for a reference to the Supreme Court of Canada as to what are the legal rights of owners of waterlots.

There are some who say, "Oh, yes. Surely the hon. member for York-Humber will ask the minister responsible to carry this inquiry to the cabinet; the cabinet will consider it, there will be a decision and then the minister will be in a position to answer him". By that time Millgate Investments will have completed its project. By that time it will be too late for the answer, "We have looked into this matter and we have decided it was not legal," to be effective.

I say, get the ruling now. I read a letter last Friday in which it was said that approval of the retaining wall is being held up during these discussions. I said then, why could the