

Dear Mr. Smith,

You informed me in your May 30th, 2017, e-mail that you had forwarded my correspondence regarding the designation of Chaudiere, Albert and Victoria Islands as National Interest Land Mass (NILM) to the National Capital Commission as being the appropriate organization to answer my questions.

Mark Kristmanson, Chief Executive Officer, responded on February 14th. I have enclosed a copy[*1], with my March 28th reply attached[*2]. (I forwarded the latter to you on March 30th, but don't know if you read it.) There are important issues that still need to be addressed.

I have done extensive research into the legal, administrative and property ownership history of the Chaudiere Islands, drawing on primary source material in the National Archives, the Service Ontario Land Registry, Region 03 Assessment Roll and others. My findings are outlined in my e-mail to Dr. Kristmanson. The Islands were reserved for Public Purposes in 1854 by the Government of the Province of Canada. (I have enclosed a copy of the Order-in-Council[*3]) Under the terms of The British North America Act, they became the property of the new country of Canada. There are no privately-owned lands here. The Islands were opened specifically for industry in the late 1850's - early 1860's. They were not for speculation and rules were established to prevent this. The industrial users were given Licenses of Occupancy and Leases only.

I have included a copy of your letter to me of September 16th, 2014[*4]. You state that "The lands under the control of the PWGSC on the Chaudiere Island have been leased since the late 1800's and early 1900's to third parties. As the landlord, PWGSC must act in conformity with the terms and conditions of the leases." May I hold you to this? The original agreements specify that the Crown can take the land back "at any time for any public purpose." The government applied this in the 1920's when they reclaimed the eastern end of Victoria Island for the Royal Canadian Air Force aircraft repair depot.

The Windmill Development Group assert that they own most of their proposed development site in fee simple and are supported by the NCC. As I have evidence to the contrary, I expect them to prove it by producing their original Land Deeds for all of the Lots in question. This is very basic, and you should have this information, too.

The Service Ontario Land Registry currently assigns the leased Crown Hydraulic Lots H, I & J to Windmill-Dream-Zibi Ontario Inc, along with peripheral areas of reclaimed riverbed and infill. The latter are "Rivers and lake improvements" which belong to Canada under the BNA Act. I spoke with a past employee of E.B. Eddy who stated that it was common knowledge that these would revert to the Crown if ever they stopped using them. These most definitely Crown Lands which belong to all Canadians. How can they be handed to a private developer without a major public consultation?

An Act respecting certain Works on the Ottawa River establishes that Parliament has exclusive authority over everything in or on the River and that it all "shall be held to be works for the general advantage of Canada." This is in keeping with the 1854 Public Purposes designation and the BNA Act.

Parliament has the prerogative to change their minds and privatize the Chaudiere Islands, but they would need to pass a new Statute to do so. Have they done this?

On October 8th, 2014, the Ottawa City Council voted to change the zoning for 3 & 4 Booth Street on Chaudiere Island from Parks and Open Space to Downtown Mixed Use to permit Windmill's development. On April 6th, 2017, the NCC's Board of Management approved private development on Chaudiere & Albert Islands. Did Parliament direct them to do this? If not, they lacked jurisdiction. I also note that Public Service and Procurement Canada had yet to transfer the lands under their management to the NCC when they made their decision. Did your Ministry give them this authority in advance?

I expect the rule of law in this country, based on evidence. The push for private development on Chaudiere and Albert Islands is anything but. Please investigate the points that I have made.

The Federal Government is not like a private landowner who can simply choose to trade it away or sell. They hold lands as a Public Trust. In permitting private development on the Chaudiere Islands they are violating this trust.

Could I please meet with you to discuss the issues?

You also forwarded my May 8th, 2017, e-mail to Indigenous and Northern Affairs Canada for their response on whether or not there is an Indian Act Reserve on Chaudiere, Albert and Victoria Islands. I have enclosed copies of the correspondence. The matter is ongoing.

I will be grateful for your help, and I'm not alone in this.

Yours sincerely,

Lindsay Lambert.

Attachments:

[1] Kristmanson to Lambert, Feb 14 2018

<https://www.scribd.com/document/383086848/Kristmanson-to-Lambert-2018Feb6>

[2] Lambert to Kristmanson, March 28 2018

<https://www.scribd.com/document/383087103/Lambert-to-Kristmanson-2018Mar28>

[3] 1854 Order-In-Council

(not currently available online)

[4] Smith to Lambert, September 16 2014

(not currently available online)