

To: Trent-Severn Waterway Task Force Panel

Re: Proposal for a Change of Name - Planning is an Ontario Responsibility

Dear Panel Members,

I have an honours B.A. degree in Modern History from the University of Toronto and a Bachelor of Laws Degree from the University of Toronto Law School and I am currently and have been a Member of the Ontario Bar since March of 1973 - 34 years. I have studied Constitutional Law under and amongst recognized experts. The late Bora Laskin, former Chief Justice of the Supreme Court of Canada, taught Constitutional Law at the University of Toronto Law School and published the Constitutional Law casebook. The combination of my interest in and study of Canadian History and Canadian Law is the basis of my comments on the matters of jurisdiction and governance in Ontario over Ontario resources and the civil rights of Ontario citizens.

As members of the Panel, you have no doubt seen the confusion that exists everywhere among the public as to the legitimate role of Trent-Severn Waterway (TSW) as a federal canal operating agency - operating a canal within Ontario's jurisdiction over Ontario's lakes, rivers, and lands, under the legal umbrella of Ontario Statutes and Ontario Ministries that comply with the Canadian Constitution.

I know that your Panel respects Canadian history, including the Canadian Constitution, the Provincial Statutes and the Federal Statutes that flow from that Constitution which have been in place in most cases for a very long time. The Distribution of Powers under the Constitution has been working well for Canada for over 140 years. Ontario owns its resources and manages them via its large Ministries that have been doing so for 140 years since Confederation and before Confederation. Constitutional Amendments have not been sought nor has the Ontario Government been taken to the Supreme Court of Canada by TSW to challenge the constitutionality of Ontario Statutes, Ontario Ministries, and Ontario's legal jurisdiction under the Constitution. The Panel, I am sure, will seek to uphold the 'Rule of Law' in our Canadian democracy and honour Ontario's long-established and constitutionally legitimate jurisdiction over its resources "Property and Civil Rights in the Province" (S.92.13 Constitution Act), etc.

The name Trent-Severn Waterway is part of what I believe from lengthy observation to be an apparent propaganda campaign by the federal canal operator to confuse the public and be identified with all interests pertaining to the waterway which consists of Ontario lakes and rivers, their beds, and the Ontario communities and privately-owned lands along the Ontario route.

No effort whatsoever is applied to diminish this confusion directed at the public by the federal canal operator. It can only be seen as a deliberate objective and part of a scheme to try to encroach on the Constitutional and Provincial Statutory jurisdiction of the Province of Ontario and its municipalities by the back door rather than to seek a

Constitutional Amendment or to challenge Ontario jurisdiction before the Supreme Court of Canada.

It is part of an apparent scheme that confuses the public to believe that the canal operator has powers and authorities that it does not have. This leads to interference with Ontario citizens' property and civil rights. There are many examples of this and I have my own personal examples to present on request.

Regarding planning matters under Ontario's Planning Act, the public is misguided into looking to the canal operator as an authority on planning matters on Ontario lakes and rivers which they are not. TSW has no power whatsoever under Ontario's Planning Statutes.

Planning is an Ontario responsibility under Ontario Statutes including the Ontario Planning Act and numerous other Ontario Statutes that come to bear together with the various appeal mechanisms such as the Ontario Municipal Board.

The federal canal operator should stay out of Planning matters where the interests of Ontario citizens and Ontario municipalities are at stake. Ontario citizens can appeal to the OMB. They don't appeal to a federal canal operator. The canal operator should only be circulated with Planning Act applications that fall within a radius of 120 meters of the locks, adjoining canal, and dam properties that they own. That is what the Ontario Planning Act requires.

The lakes, rivers, and planning along the waterway are the responsibility of the Ontario Government and its agent Municipalities as representatives of Ontario's citizens.

The federal Trent-Severn Canal Agency owns certain specified properties to run the canal and manage the water levels via the dams to allow passage through the locks.

Change of Name: -

I would recommend that the federal canal operator be renamed – "**The Trent-Severn Canal Agency**" which would more accurately describe its role.

This would help eliminate confusion among the public.

Sincerely,

George Godwin, B.A.(Hon.), LLB
Bobcaygeon, Ontario