

From: **Lindsay Lambert** <m.lindsaylambert@gmail.com>
Date: Mon, Dec 12, 2016 at 12:06 PM
Subject: Re: Notice of Decision, File Number D07-12-14-0075.
To: Allison.Hamlin@ottawa.ca

Dear Ms. Hamlin:

I received your December 5th, 2016, Notice of Decision, Subject: Two Stage Site Control Application 3 and 4 Booth Street (Zibi Ontario). I have some questions that I will be grateful if you can answer:

On October 8th, 2014, the Ottawa City Council voted to re-zone 3 and 4 Booth Street from Parks and Open Space to Downtown Mixed use to permit Windmill's proposed Zibi development. 3 & 4 Booth represent only a portion of Chaudiere Island. Could you please tell me how the rest of Chaudiere and Albert Islands are zoned, or if they are zoned at all?

The Region 03 Assessment Roll, compiled in 2015 for 2016 taxation, provides a comprehensive description of the addresses and other properties on the two Islands. 3 Booth Street is on the east side and is comprised of Building Lots 7, 8 and part of Lot 9, with parts of Head Street, Union Square and Chaudiere Street. 4 Booth Street is on the west side, consisting of Nepean Concession A part Lot 40, Building Lots 1 to 6, 12 to 17, part Lots 18 to 24, parts of Union Square and Chaudiere & Head Streets, along with RP26534 part 7, part 37.

6 Booth Street is not included in the re-zoning. It is on the east side, identified as Hydraulic Lots H, I and J. There are properties without street numbers that are likewise not in the re-zoned area. These are the Building Lots, part of 9 and Lots 10 & 11, part of Lots 18 to 24, Hydraulic Lots A to G & K to P - PA, and the Bridge Reserve. Albert Island is not part of the re-zoning either. Half of it is Unpatented Land, with the remainder divided into Building Lots 1 to 5. Again, please tell me how these are zoned.

The Phase I Environmental Site Assessment - Domtar Lands Redevelopment Chaudiere and Albert Islands, 3, 4 and 6 Booth Street, was issued in April, 2014 and revised in August. Both include 20 pages of environmental testing done in 1980 - 1981 at 6 Booth Street by the Department of Indian Affairs and Northern Development (Indian and Inuit Affairs Program.) The stated "Reason for Involvement" is that it is "A reserve as defined in the Indian Act." Since the Federal Government regards 6 Booth as an Indian Reserve, one can reasonably conclude that this also applies to the rest of the Islands. Please tell me how this information is factored into your Decision.

Your Consultation Details beginning on page 3 don't quite match up with my recollections: The Windmill Development Company held two public open houses, on December 11th, 2013, at the Canadian Museum of Civilization and June 24th, 2014, at the Canadian War Museum. These were promotional events to showcase their plans for the Islands, not impartial consultations. They are developers, and it's not in their interest to consider opposition or alternatives. When the change of zoning was discussed at the Planning Committee Meeting of October 2nd, these were declared retroactively as the City's Official Public Meetings. They certainly weren't advertised as such. City staff had a table on June 24th, but this doesn't automatically make it a credible City of Ottawa consultation. You indicate that Ward Councillor Diane Holmes was in attendance, but she can't have been impressed with the event: She voted against the zoning change on October 8th, 2014. The only public consultation announced and held by the City of Ottawa was the Planning Committee Meeting. 42 people made representations, 38 against re-zoning for development. They also received 76 written submissions in opposition. How can you state that "these comments were provided outside of the commenting period... therefore, they are not included within this report?" It's the only true City consultation that people were made aware of. Shouldn't these take precedence over the 37 comment sheets from Windmill's events? It's a pitiful representation from the reported 1,100 people who attended, and they aren't unanimously in favour.

On page 5, you list the comment that "condominiums should not be built on sacred Anishinaabe Territory." Your Staff respond that "the proposed development is on the privately-held former Domtar

lands. This is a questionable assumption. According to National Archives records, there is no private ownership on the Islands. They are Crown Land:

On August 25th, 1854, the Government of the Province of Canada approved an Order in Council reserving Chaudiere, Albert and other Islands for Public Purposes, along with an area of the Ottawa shoreline. It states that they may be disposed of when not required for Provincial Works, and leasing is specifically recommended. The Islands were surveyed into Hydraulic and Building Lots, which were made available from 1857 to businessmen who would immediately put them to industrial use. They were not offered for speculation. (Harnessing the water power was considered to be for the greater public good.) The Hydraulic Lots were the most important, and were leased by the Crown for the construction of mills. These leases were "forever," renewable on a 21 year basis, and remain in force as long as the lessee adheres to the conditions: They must pay their rent, maintain their infrastructure so as not to interfere with their neighbours, and operate a mill. (Domtar closed theirs in 2007.) Furthermore, the Crown can "take them back at any time for any public purpose." The Building Lots are listed separately, with minimal description. They were offered for \$10.00 each, on the condition that an industrial building to a certain value is constructed within a year. If not, the Lot reverts to the Crown and the person loses their deposit. There is nothing to indicate that they were being sold outright.

Sir John A. Macdonald wrote a letter on July 15th, 1869. He states that the first industrial occupiers, Messrs. Perley and Pattie, have a "Licence of Occupation," that the area is Crown Land, "and was before the first of July, 1867." There was a legal question in 1902 as to whether the Islands were under the jurisdiction of the Federal Government or the Province of Ontario. The conclusion is that "the Chaudiere Islands, slides and Hydraulic Works connected therewith, except such parts as had been granted by the late Province of Canada; and also the entire water Power of the Ottawa River flowing past the Islands, are the property of the Dominion of Canada." According to Sir John A., there were no pre-Confederation grants.

The Federal Government took back an area at the eastern end of Victoria Island in 1926, for the Royal Canadian Air Force aircraft repair depot. They followed the Hydraulic Lot rules, giving the occupant 30 days notice to clear their lumberyard and vacate, with nothing owed by the Crown. The interesting part is that there are no Hydraulic Lots there, just Building Lots.

The Hydraulic Lots on the Chaudiere Islands remain Crown Land. Domtar claims that they own the area of the Building Lots. This issue is easy enough to resolve. All they need to do is produce their original land deeds, showing that they own them all in fee simple. If they can't, it's still Crown Land. Will the City of Ottawa please look into this? We all need to know.

As a small note, your staff describe the proposed Zibi site as "former Domtar lands." This isn't true. According to the current Ontario Land Registry Office records, the only things registered to Windmill are a five year lease and a sublease, both from Domtar. Windmill owns nothing.

Citing private ownership in reply people's concern that condominiums shouldn't be built on sacred Anishinaabe Territory is evading the issue. Everyone acknowledges that the Chaudiere Falls and Islands are sacred, including the developer who is using it as a selling point. The question is, should such an important place be open for private development? Last month, the Ottawa Police arrested a young man for vandalizing a Mosque, Synagogues and a Church with swastikas and other hateful graffiti. The incidents were discussed in the House of Commons, and Ontario Premier Kathleen Wynne visited one of the affected Synagogues. In her speech, she said "by doing these things, by defacing people's property and religious sacred sites really to instil fear in communities, it's reprehensible." Graffiti can be removed with some solvent and elbow-grease. Indigenous people here have fared much worse: Ottawa is situated on unceded Algonquin territory. This is a legal fact, determined by the Supreme Court. There was no treaty agreement here. People were systematically pushed aside. Asinabka/Akikojiwan, their sacred and peaceful meeting place that has been used for at least 5,000 years, was despoiled by industry. Akikpautik, the Chaudiere Falls, was ultimately effaced in 1908 by the construction of the Ring Dam across the entire span. Now that the industrial use is past, we have the opportunity to free the Falls, restore the Islands as parkland, and give them back in the spirit of truth and reconciliation. We will benefit

from this as well. Is the City asserting that an Indian sacred site means nothing, other than being a pleasant fable to cite when convenient? This colonial racism has no place in 21st century Canada.

I am looking forward to your reply.

Yours sincerely,
Lindsay Lambert.