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MASSE CALLS ON FEDERAL GOVERNMENT TO TRANSFER OJIBWAY SHORES TO ENVIRONMENT CANADA

OTTAWA –Brian Masse MP (Windsor West) called on the Federal Government to transfer stewardship over Ojibway Shores from the Windsor Port Authority (WPA) to Environment Canada.

Ojibway Shores is a 33 acre parcel of land owned by the Federal government currently under the management of the Windsor Port Authority. Environmentalists in the region agree that Ojibway Shores is extremely significant environmental land providing habitat rare fauna and flora as well as species-at-risk.

After failed attempts to develop the property for commercial interests the WPA has proposed publicly that it would lease the property for \$10M over 30 years. The Port wants to be compensated through the Community Benefits fund that is proposed for the Gordie Howe International Bridge. This fund is meant to offset economic and environmental degradation of Sandwich Towne and the broader community related to the border.

Masse responded to the WPA proposal: **“Ojibway Shores must be protected** but the suggestion that Community Benefits meant to mitigate the significant impacts of hosting crucial international border infrastructure in an historic neighbourhood should be used to acquire land the public already owns is in a word – offensive. **Those funds are intended to be spent on restoring neighbourhoods like Sandwich Towne.** The WPA’s suggestion is predatory and I do not believe their proposals not acting as a responsible community partner in making this suggestion.”

Masse has written the federal government outlining a plan to transfer stewardship of Ojibway Shores to Environment Canada, where it can be managed by a Department equipped to exercise appropriate stewardship over land holding critical environmental significance: “I am proposing that the federal government remove Ojibway Shores from under the management of the Windsor Port Authority and move it to Environment Canada. This is a simple administrative process that could happen quite easily and would cost the community nothing. The benefits for the Government, the community and even the Port are immeasurable. Environment Canada is the proper steward given the resources at its disposal that will protect Ojibway Shores’ biodiversity.”

Masse argued in the House: “Port Authorities across Canada are steward of public lands. Simple fact, simple truth – it (Ojibway Shores) belongs to the people.” Masse stated during debate on C-344.

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Summary of Process for Transferring Ojibway Shores from the Windsor Port Authority to Environment Canada

- 1. Minister of Transport notifies Windsor Port Authority Board of Directors of his intention to remove Ojibway Shores from WPA management. Provides a timeline for WPA response.**
- 2. Minister of Transport issues supplementary letters of patent amending the letters of patent of the WPA legally removing Ojibway Shores from WPA management.**
- 3. Minister of Transport makes formal request to the Minister of the Environment to transfer management of Ojibway Shores to Environment Canada.**
- 4. Transfer legally proceeds though either the Minister or Governor in Council and must be endorsed by either the Treasury Board President or the Minister of Justice. After the transfer process is complete Ojibway Shores would fall under the jurisdiction of Environment Canada where program funds and resources could be devoted to protecting and studying the land.**

In Legislative Terms:

Section [44\(1\)](#) of the [Canada Marine Act](#) (CMA) attributes to the Minister of Transport (the Minister) the administration of the federal real property managed by a port authority. The Minister gives a port authority management of real property by letters patent under section [44\(2\)](#) of the CMA. In order to transfer the management of that property to another federal department, the Minister must first remove management from the port authority. Once the transfer of administration is completed, the deputy minister of the department that received the transfer will manage the transferred property.

1) Removing the Management of a Real Property from the Port Authority

The Minister removes management of the real property from the port authority by amending the latter's letters patent in conformity with section [9](#) of the CMA. First, the Minister provides the port authority's board of directors a written notice of his or intentions, setting out a time limit within which the board may comment on the intended changes. Second, the Minister issues supplementary letters patent amending the letters patent of the port authority to remove from it management of the property.

While the real property will remain under the administration of the Minister as per section [18\(1\) and 18\(4\)](#) of the *Federal Real Property and Federal Immovables Act (FRPFIA)*, its everyday management will pass on, by default, to his or her deputy minister (see the Treasury Board's [Policy on Management of Real Property](#)).

2) Transferring the Administration of a Real Property to Another Minister

Once the Minister removed management of the real property from the port authority, the administration of the property can be transferred to another federal department where it will be managed by the latter's deputy minister. The Minister can offer to transfer the real property to another department or the Governor in Council can carry out the transfer.

Under sections [6\(1\)\(a\) and 6\(1\)\(c\)](#) of the *Federal Real Property Regulations (FRPR)*, a Minister may transfer the administration of federal real property to another Minister, providing the latter Minister accepts it. To be effective, both the transfer and its acceptance must be put in writing, signed by both ministers and countersigned by the Minister of Justice (see s. [6\(2\)](#) FRPR).

Under section [16\(1\)\(g\)](#) of the FRPFIA, "the Governor in Council may, on the recommendation of the Treasury Board, in accordance with any terms and subject to any conditions and restrictions that the Governor in Council considers advisable, ... transfer the administration of federal real property ... from one Minister to another."

Section [2](#) of the FRPR states that a transfer of administration is not to be legally treated as an acquisition or a disposition by the transferee and the transferor departments, respectively. However, their deputy ministers may still treat them as such, but only for administrative and strategic purposes (see title 8.5 of the Treasury Board's [Guide to the Management of Real Property](#)).