

"MORE LAND USE MANIPULATION"

July 13 2007

Mr. Gerry Phillips
Ministry of Government Services
Suite 4320, 99 Wellesley Street,
Toronto Ontario

Dear Mr. Minister:

RE REGISTRATION OF FORMER RAIL LANDS

My first letter to your office concerning this topic was sent by EMail on July 4th 2007 under the subject heading **SURVEY REQUIREMENTS RAILWAY CORRIDOR.**

Whether we are talking land survey or land registration, both are combined in this particular instance.

Your office has correspondence from Mr. Bill Murnighan dealing with the same subject matter and I am aware your office responded to him and he is to expect your answer by July 27th. In my case however, there was no courtesy or an acknowledgment of my letter from your office. Minister Dombrowsky has acknowledged receipt of my carbon copied correspondence. Both my letter and Mr. Murnighan's letter deal with the same problem. Before continuing, I ask that receipt of today's letter be acknowledged to both myself and MPP Dombrowsky and Nathan Cato (Lawrence Cannon office)

Land registration is an important issue within the mandate of your Ministry. When the integrity of the land registration system is questioned, then automatically the involvement and integrity of the Minister and government is questioned.

The agreement of purchase of the former Kingston Pembroke Railway line by Bell Canada in 1992 is closely scrutinized. Both the Kingston Pembroke Railway Company and CPR are regulated under the Canada Transportation Act. (CTA) In this case a valid 999 year lease granted to CPR in 1912, combined with sections 96 to 98 of the CTA, dealing with alienation of the lands only from one railway company to another railway company are under the public microscope for allowing sale of said lands to Bell Canada. No

matter how you twist or turn the definition, Bell Canada is not a railway company.

I quote the Eastern Ontario land surveyor in his letter of July 21 2006 to Joe Davis, City of Kingston "The following outlines the Ministry's policy with respect to the conveyance of abandoned railway Rights Of Way from a railroad company to a lower tier municipal government." Note he underlines the words railroad company. In fact, railroad company appears to be the preferred description. Quoting again from that letter "While the policy was originally developed in order to accommodate conveyances from the railroad companies to government, *the Ministry is willing to accept these conditions to Bell Canada, an intermediate, to the local government provided that Bell Canada transfers the complete fee simple estate without retaining an easement over all or part of the corridor.*"

The letter further states - quote "*As you have indicated to me verbally, the Municipality and Bell Canada are contemplating the negotiation of an Agreement to be registered on title that would require the Municipality to convey an easement either over part or the entire corridor at some time in the future. The Ministry would be prepared to accept the registration of such an Agreement using the current description that does not comply with the regulations.*"

The letter appears to be a form letter with added remarks on the second page. The Land Surveyor has previously stated he is aware there are areas where there are no title deeds. In 2006. Bell had made known they will require either an easement over the full width of the corridor or a 3 metre wide easement over the entire length. By devious twisting of the wording in agreements, the Eastern Ontario Land Surveyor will allow a questionable land transfer to go through again.

Lawyers state this puts an undue burden on adjacent landowners if they ever want to sever or transfer their properties. The proving of boundary lines for adjacent landowners because of lack of integrity in the land registration system and with the minister and regional land surveyor is unsatisfactory and unfair. Adjacent landowners have been frustrated with the entire scheme of things from day one. In very blunt language, we are being "railroaded" and now contemplate public disclosure of the entire set-up.

An immediate answer is required.

Frances Thurlow