



July 26, 2011

Mayor John Henry,
City of Oshawa,
50 Centre Street South,
Oshawa, Ontario L1H 3Z7

Sent VIA Fax: 905-436-3884 and regular post

Thank you for your letter dated July 20, 2011 and sent by facsimile on July 21, 2011.

Following a meeting of the Oshawa Harbour Commission (OHC) Board at which the demands outlined in your noted correspondence were tabled, I am now in a position to respond.

While I challenge some of the premises you allege, I do not believe there is anything to be gained by a detailed commentary on each of the points your letter raises.

As you are well aware, your office and the City Council as a whole are creatures of the Ontario Municipal Act. The OHC is a creature of and governed by Federal statutes and regulations. Under the circumstances it is unclear by what legal authority you feel you can "insist" that the OHC do or refrain from doing anything.

We respect your right and that of Council to comment regarding certain activities proposed to be undertaken on lands owned by the Crown and operated by the OHC. Your comments are duly noted. As you know, Oshawa Council made its position on this project clear long before it made any attempt to consult the OHC and long before the appropriate Federal agencies had completed their studies and submitted their report. However, Council, having drawn its conclusions based on facts not necessarily in evidence it should not assume that the OHC will do the same.

Finally, with respect to your "demands", I must assume that you are not asking me or any member of the OHC to deliberately breach any legal obligation we may have. I assure you, the Oshawa Harbour Commission will continue to honour all its legal obligations and operate within the parameters established by the governing Statutes and Regulations.

Regards,

A handwritten signature in black ink, appearing to read "Gary Valcour", with a long horizontal line extending to the right.

Gary Valcour
Chairman

- c. The Honourable Jim Flaherty, Minister of Finance
Dr. Colin Carrie, MP Oshawa
Jerry Ouellette, MPP Oshawa

Christine Elliott, MPP Whitby-Oshawa
John Knubley, Deputy Minister, Agriculture and Agri-Food Canada
Oshawa City Council