



Office of the
Leader of the
Official Opposition

Room 381
Main Legislative Building
Queen's Park
Toronto, Ontario M7A 1A8
Tel: (416) 325-0445
Fax: (416) 325-0491

August 27, 2006

The Honourable Dalton McGuinty, MPP
Premier of Ontario
Room 281, Main Legislative Bldg
Queen's Park
Toronto, ON M7A 1A1

Dear Premier,

We have all been following the events in Caledonia and the associated court proceedings with great interest. As you are aware, I am especially concerned about the breakdown of the Rule of Law that we have witnessed in Caledonia

This past Friday, August 25, 2006, the Court of Appeal for Ontario granted a stay with respect to the injunction issued by Justice Marshall against protestors occupying the Douglas Creek Estates. In an effort to better understand the process and expectations of all, I would appreciate your clarification of a number of issues and response to the following questions:

1. During the recent Court proceedings, when prodded by a judge, lawyers representing the Government of Ontario clearly indicated that your government is now comfortable with the First Nations protestors remaining on the site indefinitely.

These statements from lawyers representing your government marked the first time this position had been publicly advanced and I would ask that you confirm that this is indeed your government's position.

2. If you believe the protestors are legally occupying the Douglas Creek property, (what Friday's decision referred to as a peaceful occupation) would you, as the overseer of public safety and security in our province, set out the conditions under which you agree to have the land occupied?

The Court has stated “[t]he Province should be permitted to determine what level of occupation and what use of its own property best promote the public interest in these difficult circumstances.” According to many of the residents with whom I’ve spoken, there is great concern about personal safety given recent activities which have occurred without consequences. Such terms, if required by your government as owner, would protect the interests of the residents of Caledonia and their families, as well as the First Nations people, and could provide comfort to parents as their children prepare to return to school in the coming weeks.

As suggested to you in my earlier letter on this matter this should include for example, reasonable restrictions on noise and nighttime activities. This is consistent with mutually respectful behaviour followed by neighbours everywhere and consistent with restrictions placed on almost every person using someone else’s property.

If indeed the First Nations people are on the land with the concurrence of your government, why are the barricades needed? Isn’t it reasonable that you might make it a condition of that concurrence that those barricades come down prior to the kids returning to the nearby school, as I suggested to you in my earlier letter?

I respectfully suggest to you that your failure to insist on a minimum standard of behaviour over the past six months has led to disrespect for the law and a series of potentially negative precedents.

Taking steps to clarify these questions would be using your office to uphold respect for the law and due process, to persuade people to behave in a manner consistent with our shared expectations in Ontario and to reinforce the point that every single citizen, from the Premier to the newest arrival, is equal under the law and equally subject to that law.

I look forward to a reply at your earliest convenience.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "John Tory". The signature is fluid and cursive, with a large loop at the end.

John Tory, MPP
Leader of the Official Opposition