

Draft-VIP



Toronto General & Western  
Hospital Foundation

2008 AUG 13 A 9:17

August 7, 2008

Privy Council and Secretary to the Cabinet  
Langevin Block, 80 Wellington Street,  
Ottawa, ON K1A 0A3

Lead: **SPS-TP**  
Action: **DRAFT REPLY**  
Issue: **TELECOM-POLICY-GEN**  
Doc/File Date: **2008-08-07**  
Document # : **0147892**

input: **2008-08-13**  
BF: **2008-08-28**  
C.C: **PH, DM, AL, MM**  
File# **M-45000-1-1**  
Analyst: **AL**

The Honourable Jim Prentice P.C., M.P.,  
Minister of Industry,  
C.D. Howe Building,  
235 Queen Street,  
Ottawa, ON K1A 0H5  
**Prentice.J@parl.gc.ca**

The Honourable Gordon O'Connor P.C., M.P.,  
Minister of National Revenue,  
7th Floor, 555 MacKenzie Avenue,  
Ottawa ON K1A 0L5  
**OConnor.G@parl.gc.ca**

Re: **Canada Gazette, Part I, June 14, 2008, Telecommunications Act, Notice No. DGTP-002-2008 — Petition to the Governor in Council concerning Telecom Decision CRTC 2008-6, Vol. 142, No. 24.**

I am writing on behalf of Toronto General & Western Hospital Foundation regarding the above-referenced *Petition to Cabinet regarding the impact of the above-noted CRTC decision on Canada's charities.*

Toronto General & Western Hospital Foundation is a registered charity that is dedicated to supporting excellence in health care by raising funds for research, medical education, and the enhancement of patient care at the Toronto General Hospital and the Toronto Western Hospital, which, along with Princess Margaret Hospital, comprise University Health Network.

Our Foundation appreciates having access to this right to appeal to Cabinet, and we wish to sincerely thank Cabinet for its consideration of our serious concerns about this decision. We appreciate that our elected officials have ultimate authority over public-policy making in Canada, and we strongly believe that this ruling by the CRTC erodes important long-standing public policy principles that have underscored the relationship

between governments and charities since Confederation. We urge you to rescind the CRTC's ruling insofar as it applies to charities.

We establish charities to deliver important services to Canadians. Our hospitals are at the forefront of providing lifesaving care to over 800,000 patients each year. Our researchers and scientists are also global leaders in finding the answers to some of the most complex health challenges. As 84,000 small enterprises, charities benefit most from red tape reduction—not more bureaucracy. Filling out forms under the *Telecommunications Act* is not something that we are well equipped to execute. I am sure that the Minister of Revenue will acknowledge that compliance with the T3010 regime at CRA is already quite challenging for many charities.

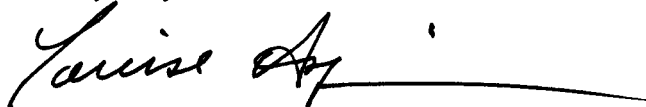
Our Foundation was pleased to see the introduction in June 2008 of Bill C-62, a *Not-for-Profit Corporations Act* aimed at reducing the red tape burden placed by governments and regulatory bodies on Canada's charities and nonprofits. This ruling by the CRTC effectively undermines the spirit and impact of this important legislative initiative. It also undermines the spirit of Parliament's decision to exempt registered charities from the national Do-Not-Call List (DNCL), which is the principle component of the telemarketing rules that the new CRTC investigative body was set up to enforce.

Apart from red tape, Canada's charities should not be subjected to unnecessary fees, which serve as a *de facto* tax on charities. Under the *Income Tax Act*, charities are exempt from taxation. Further, they must apply their funding and resources to charitable objectives. We and, more importantly, our donors, do not consider registering with and financing a new enforcement body at the CRTC to be a charitable objective. Further, unlike commercial organizations, charities are not able to pass such fees on to customers.

We understand that it is an exceptional request to ask Cabinet to intervene in a decision of a regulatory body. However, there is a long history of federal, provincial and municipal "forbearance" and exemption of charities from fees and regulations that are burdensome and undermine our charitable missions. Charities are exempt from income tax under the *Income Tax of Canada*; charities that own real estate, such as churches, are overwhelmingly exempt from property tax; charities are exempt from many corporate governance duties and benefit from distinct corporations law regimes; and in the telemarketing arena, charities secured an express statutory exemption to the national DNCL, to avoid placing new constraints on the ability of charities to raise charitable donations and fund our work in our communities. Our fundraising activities result in 22.2 million Canadians choosing to make donations to charities each year. The CRA data base demonstrates that Canadians claim \$9B/ year in receipted donations to charities.

For these reasons, we urge you to rescind the CRTC ruling insofar as it applies to charities. Thank you for your consideration of our strongly-felt concerns and your support of Canada's charities.

Yours very truly,

A handwritten signature in black ink, appearing to read "Louise Aspin", followed by a long horizontal line extending to the right.

Louise Aspin  
Vice President, Advancement  
Toronto General & Western Hospital Foundation

**cc. The Honourable Diane Ablonczy P.C., M.P.**

Secretary of State (Small Business and Tourism)  
C.D. Howe Building  
235 Queen Street  
Ottawa, Ontario K1A 0H5  
**ablond@parl.gc.ca**

cc. Director General, Telecommunications Policy Branch **telecom@ic.gc.ca**. 300 Slater Street, 16th Floor, Ottawa, Ontario K1A 0C8.