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July 29, 2008

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

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](mailto: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](mailto:OConnor.G@parl.gc.ca)

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| C.C: MIN, DM, MM, AL      |                    |
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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 the Toronto Public Library Foundation regarding the *Petition to Cabinet regarding the impact of the CRTC decision on Canada's charities (noted above)*.

The Toronto Public Library Foundation believes in the social benefits of a strong and healthy public library system. As a registered charity, we foster relationships with people of vision to provide Toronto's Library with improved and expanded collections, enhanced programs and services, and revitalized community spaces.

Toronto Public Library Foundation appreciates having access to the right to appeal to Cabinet, and we wish to sincerely thank Cabinet for its consideration of our serious concerns about the above decision. We appreciate that our elected officials have ultimate authority over public-policy making in Canada, and Toronto Public Library Foundation strongly believes that the 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.

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Beyond the added burden of filling out additional forms as would be required by the CRTC decision, 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. Unlike commercial organizations, charities are not able to pass such fees on to customers.

Further, and more importantly, the ruling by the CRTC effectively 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.

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,



Heather Rumball  
President

cc. The Honourable Diane Ablonczy P.C., M.P.  
cc. Director General, Telecommunications Policy Branch