



Bruce M. Wright
Chair, Board of Directors

James W. Wright
General Director

Jonathan Darlington
Music Director

July 22, 2008

Mr. Kevin G. Lynch
Clerk of the Privy Council and Secretary to the Cabinet
Government of Canada
Langevin Block, 80 Wellington Street
Ottawa, ON K1A 0A3

Dear Mr. Lynch:

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 Vancouver Opera Association ("Vancouver Opera") regarding the above-referenced Petition to Cabinet regarding the impact of the above-noted CRTC decision on Canada's charities.

Vancouver Opera is a registered charity and, as Canada's second largest opera company, provides a full season of four operas in Vancouver each year. Vancouver Opera holds extensive community outreach programs for children and adults throughout the Lower Mainland of British Columbia and, as part of this, provides education services to schools throughout the province, reaching 50,000 children each year with arts programming not available in the schools.

Vancouver Opera 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. **Vancouver Opera strongly believes 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.**

Charities deliver important services to Canadians, and dedicate the bulk of their resources to valuable public service. In exchange, all levels of government provide for certain exemptions from taxes, fees and bureaucratic red tape. Vancouver Opera 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 on Canada's charities and nonprofits. **This ruling by the CRTC effectively undermines the spirit and impact of Bill C-62, an 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.**

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Our mission is to share the power of opera with all who are open to receiving it, through superior performances and meaningful education programmes for all ages.



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Along with additional 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 financing a new enforcement body at the CRTC to be a charitable objective.

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 the exemption of charities from certain taxes, fees and regulations that are burdensome and undermine our charitable missions. 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. That's 22.2 million Canadians voting with their pocketbooks to support charitable programs – not regulatory red tape and fees.

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 Vancouver Opera and other Canadian charities.

Yours very truly,

A handwritten signature in black ink, appearing to read "James Wright". The signature is fluid and cursive, written in a professional style.

James W. Wright
General Director
Vancouver Opera Association

cc. The Honourable Diane Ablonczy P.C., M.P.
The Honourable Jim Prentice P.C., M.P.
The Honourable Gordon O'Connor P.C., M.P.
Mr. Len St-Aubin, Director General, Telecommunications Policy Branch