



July 29, 2022

To whom it may concern:

Please be advised that Brantford City Council at its meeting held July 26, 2022 adopted the following:

12.2.15 Seeking Prosperity and Partnership with Indigenous Nations and a Timely Resolution of Haldimand Tract Land Dispute

WHEREAS, in 1784, Sir Frederick Haldimand issued a proclamation allocating six miles on either side of the Grand River, beginning at Lake Erie and extending to the head of the river, for the benefit of the “Mohawk Nation and such others of the Five Nation Indians as wish to settle in that quarter” (also known as the Haldimand Tract); and

WHEREAS the current reservation of land allocated to the Six Nations of the Grand River (SNGR) represents approximately 5% of the 950,000 acres described within the Haldimand Proclamation; and

WHEREAS, in 1995, the SNGR commenced a lawsuit against the Federal and Provincial Governments seeking compensation for lands not surrendered, an accounting for all profits, property, or other assets belonging to or held by the Crown for the benefit of the SNGR, and an accounting for the management or disposition of those assets; and

WHEREAS, negotiations between the SNGR, the Province of Ontario, and the Government of Canada broke down in 2010 resulting in the SNGR recommencing their litigation against the Crown; and

WHEREAS communities within the Haldimand Tract experience the tensions, uncertainty and frustrations arising from failure of the Crown to address the SNGR’s land claims in a timely and equitable manner; and

WHEREAS Brantford supports the fair and final settlement of the Six Nations’ 1995 lawsuit against Ontario and Canada and is working to establish a meaningful relationship of peace, friendship, mutual respect and shared prosperity with local First

Nations; and

WHEREAS, since 1974, purchasers of land or a beneficial interest in land in Ontario have been paying a percentage of the purchase price for these interests to the Province of Ontario in the form of a Land Transfer Tax; and

WHEREAS Indigenous communities have not historically benefited from the proceeds of Land Transfer Taxes collected by the Ontario Government on the transfer of land and interests in land in Ontario; and

WHEREAS in 2008, the Province of Ontario authorized the City of Toronto to implement a new Municipal Land Transfer Tax to be collected by the municipality, however, a likewise authority was not extended to any other municipality in Ontario; and

WHEREAS municipalities require new tools to build capacity for advancing the meaningful inclusion of Indigenous Peoples in land use planning matters and promoting a local community approach to economic development and shared prosperity; and

WHEREAS the City of Brantford is experiencing significant growth and desires to explore prosperity sharing initiatives with local Indigenous communities in a manner that promotes and strengthens the economies of this region and the economic self-sufficiency of the Indigenous peoples of this region; and

WHEREAS, during the negotiations leading up to the boundary adjustment between the City of Brantford and the County of Brant, the Six Nations of the Grand River requested that a form of prosperity sharing be considered and implemented prior to the approval of the boundary adjustment by the Minister of Municipal Affairs and Housing; however, at the time, a prosperity sharing initiative was not approved by the province as part of the boundary adjustment; and

WHEREAS the scope of municipal powers are determined by the province and therefore municipalities have limited legislative authority to implement unique arrangements with First Nations such as establishing development fees; levying special taxes; or entering into contractual arrangements in order to share in municipal

growth and prosperity, facilitate Indigenous interests in development projects, or create equity interests in municipal projects;

NOW THEREFORE BE IT RESOLVED:

- A. THAT the Council of The Corporation of the City of Brantford respectfully CALLS UPON the Province of Ontario and the Government of Canada to resume negotiations, in good faith, with the Six Nations of the Grand River to settle the legal proceedings filed against both governments on March 7, 1995 by the Six Nations of the Grand River; and
- B. THAT the Council of The Corporation of the City of Brantford respectfully CALLS UPON the Province of Ontario to set aside a percentage of all Land Transfer Tax collected by Ontario to be held for the benefit of and remitted to First Nations situated in the province as one means of reparation for historic injustices; and
- C. THAT in addition to the above the Council of The Corporation of the City of Brantford respectfully CALLS UPON the Province of Ontario to empower municipalities within the Grand River Watershed to participate in prosperity sharing with First Nations by way of the following:
 - i. Amend the Municipal Act, 2001 to allow all municipalities in Ontario who so desire to implement a Lot Levy to be applied to purchases on all new builds in the municipality in addition to the Provincial Land Transfer Tax, and held for and remitted to local First Nations for the benefit of Indigenous Peoples' to freely pursue their economic, social and cultural development; and
 - ii. Amend the Development Charges Act, 1997 to include in the list of eligible services a specific charge to be remitted to First Nations in order to provide capacity funding to those Nations who have an interest in protecting and managing cultural heritage and archaeological resources of interest to Indigenous communities, as well as for infrastructure that benefits First Nations communities; and

- iii. Amend the Planning Act to expand the Community Benefits Charge to include a charge that may be collected for the benefit of and remitted to local First Nations for the preservation and advancement of Indigenous interests; and

- D. THAT the Clerk BE DIRECTED to forward a copy of this resolution to The Honourable Justin Trudeau, Prime Minister of Canada, the Minister of Crown Indigenous Relations of Canada, The Honourable Doug Ford, Premier of the Province of Ontario; the Ontario Minister of Municipal Affairs and Housing; the Ontario Minister of Indigenous Affairs; Chief Mark Hill, Six Nations of the Grand River; Chief Stacey Laforme, Mississaugas of the Credit First Nation; Federation of Canadian Municipalities; Association of Municipalities of Ontario; and
- E. THAT the Clerk BE DIRECTED to forward a copy of this resolution to each municipality that oversees lands within the Haldimand Tract and, further, that those municipalities BE REQUESTED to consider supporting this initiative by the passage of similar resolutions; and
- F. THAT a copy of this resolution BE FORWARDED to The Ontario Home Builders Association, the Brantford Home Builders Association, the Ontario Real Estate Association and the Brantford Real Estate Association; and
- G. THAT those bodies BE REQUESTED to provide commentary on this resolution; and
- H. THAT their responses BE PROVIDED in a staff report to city council at a later date.

I trust this information is of assistance.

Yours truly,



Tanya Daniels
City Clerk, tdaniels@brantford.ca