



May 28, 2019

Ministry of Municipal Affairs and Housing
Office of the Minister
777 Bay Street, 17th Floor
Toronto ON M5G 2E5

Dear Minister Clark:

The following are comments that Six Nations of the Grand River are submitting in relation to More Homes, More Choice: Ontario's Housing Supply Action Plan.

Six Nations of the Grand Rivers' Aboriginal and Treaty Rights throughout Southern Ontario are well documented through archaeological findings, historical facts and written Treaty Agreements. The Haldimand Treaty and the 1701 Fort Albany/Nanfan Treaty have been recognized in past court proceedings and are presented as factual evidence in the ongoing litigation from 1995 between Six Nations of the Grand River and the provincial and federal Crowns.

On May 2nd the provincial government tabled a large omnibus bill called the More Homes, More Choice Act. The Consultation and Accommodation Process Team at the Six Nations of the Grand River have some serious concerns with this bill including, but not limited to, those outlined below.

Buried within this bill are several pieces of proposed legislation that will have serious implications for future generations of not only the Six Nations of the Grand River but for Ontario as well.

Most notably we are concerned with the proposed Made-in-Ontario Environment Plan. Your government proposes to "increase the use of timber in the home building industry and yet on the other hand your government has cancelled the planting of 50 million trees. As you are aware, planting trees helps clean the air and water, protect shorelines, reduce erosion and reduce our carbon footprint. It does not make sense to encourage the use of timber without replanting this precious resource. One of our greatest concerns is the section that states, "Make Polluters Accountable". In this section there is discussion of "large emitters" but this term is not defined. There is also discussion about the option to "allow the province to grant across-the-board exemptions for industries of particular concern." How does this encourage innovative, practical approaches to mitigate the effects of climate change? Along with this concern, the section where it is stated that the Ontario government will, "Cut regulatory red tape and modernize environmental approvals" is very concerning to us. What does this mean for the safety of the environment? These are just the beginning of our concerns regarding the Made-in-Ontario Environment Plan.

We also have some serious concerns with the proposed changes to the Ontario Heritage Act. The bill has not outlined specific details of the changes. How are we to comment on areas that remain unknown at this point?

We have noted that changes to the Environmental Assessment Act, the Environmental Protection Act, the Conservation Authorities Act and the Endangered Species Act are proposed. On the surface one would assume that the proposed changes would be more stringent and offer greater protection. However, given the fact that the Progressive Conservative government has also reduced funding to Conservation Authorities, and in light of what we have read in Preserving and Protecting Our Environment for Future Generations, A Made-in-Ontario Environment Plan, we are concerned that the proposed changes may actually undermine the work that conservationists have done in order to preserve and protect our environment and species at risk.

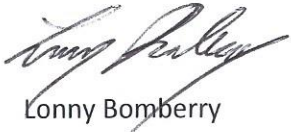
The Supreme Court of Canada's key court cases Haida Nation, Taku River Tlingit First Nation, Mikisew Cree, Tsilhqot'in and Keewatin decisions confirms the legal obligation to consult with First Nations. Six Nations Elected Council ("SNEC") requires that the Crown, proponents and municipalities engage in meaningful consultation in good faith in order to obtain its free prior and informed consent, a principle protected by international human rights standards and Canada's commitment to a renewed nation-to-nation relationship with Indigenous peoples based on recognition of rights, respect, co-operation and partnership that is rooted in the principles of the United Nations Declaration on the Rights of Indigenous Peoples.

We are certain that you would agree that by hiding significant changes in legislation within the proposed More Homes, More Choice: Ontario's Housing Supply Action Plan and then rushing these changes (as well as others) through an omnibus bill does not constitute "meaningful" consultation carried out in good faith. We urge you to remember your duty to act honourably and maintain the honour of the Crown, a longstanding legal principle that is infused in all of your relationships with Indigenous peoples, when drafting legislation that impacts the people of Six Nations. The Six Nations of the Grand River has many concerns regarding Bill 108 More Homes, More Choice: Ontario's Housing Supply Action Plan, some of which could not be included in this brief submission. We implore the Ministry of Municipal Affairs and Housing to seriously consider our initial concerns regarding Bill 108 and postpone the implementation until meaningful consultation has occurred. We are formally requesting a meeting with yourself and any member(s) of your staff that you deem appropriate to attend said meeting to discuss the concerns that we have with the various proposed changes and the lack of engagement and attention towards your duty to consult with First Nations.

As previously stated, the lands as covered by our treaties cover a large portion of Southern Ontario, are subject to active litigation and will clash with your proposed legislation. It is imperative the Six Nations of the Grand River be included in discussions with Crown Ontario through meaningful and in good faith consultation **prior to this legislation going forward.**

Thank you for taking the time to consider our concerns. We look forward to hearing from you and your staff soon.

Sincerely,

A handwritten signature in black ink, appearing to read "Lonny Bomberry". The signature is fluid and cursive, with the first name "Lonny" being more prominent than the last name "Bomberry".

Lonny Bomberry
Director, Lands and Resources
Six Nations Elected Council