



October 15, 2019

Provincial Policy Statement Review  
Ministry of Municipal Affairs and Housing  
Provincial Planning Policy Branch  
777 Bay Street, 13th Floor  
Toronto, Ontario  
M5G 2E5

To Whom It May Concern,

The following are comments that Six Nations of the Grand River are submitting in relation to Provincial Policy Statement Review Proposed Policies dated July 2019.

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.

The Supreme Court of Canada's key court cases Haida Nation, Taku River Tlingit First Nation, Mikisew Cree, Tsilhoqot'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 consult with SNEC 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 (UNDRIP). Article 19 of UNDRIP explicitly states, "States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them." As such, we the people of Six Nations of the Grand River maintain that The Province of Ontario has a legal obligation to consult with the Six Nations on proposed changes to the Provincial Policy Statement where those changes do not fully address the concerns of the people of Six Nations.

The Consultation and Accommodation Team at the Six Nations of the Grand River have some serious concerns with the "Proposed Provincial Policy Statement" including, but not limited to, those outlined below:

First of all, while we appreciate that Ontario recognizes the importance of Planning authorities meaningfully engaging with Indigenous communities, we feel that the wording is not strong enough. The sentence, "Planning authorities are encouraged to build constructive, cooperative

relationships through meaningful engagement with Indigenous communities to facilitate knowledge-sharing in land use planning processes and inform decision-making.” should be changed to: “Planning authorities shall initiate meaningful consultation with the goal of building constructive, cooperative relationships with the Indigenous Nations on whose traditional territories their municipalities reside.”

Secondly, we are still very concerned with the lack of attention that Ontario is paying to the climate change crisis we are currently facing. On page 7 of this proposed document when referring to efficient development patterns, it is stated, “They also permit better adaptation and response to the impacts of a changing climate, which will vary from region to region.” There is no mention in any of the documents that we have reviewed as to how Ontario plans to reverse the impacts of climate change and to reduce our greenhouse gas emissions. Six Nations’ standards are based on the principles of mitigation enhancements to counter climate change. This lack of concern by the Crown in Right of Ontario for our planet is unconscionable.

We are certain that you would agree that sending notification via email about proposed changes 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 the changes that are being proposed in the Provincial Policy Statement and many of the other legislative changes this government has passed, some of which could not be included in this brief submission. We implore the Ministry of Municipal Affairs and Housing to adhere to our concerns regarding the proposed changes to the Provincial Policy Statement and we respectfully request that the changes be postponed 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 changes. 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 changes in the Provincial Policy Statement being implemented.

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

Sincerely,



Lonny Bomberry, Director  
Six Nations Lands and Resources