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Mississaugas of Scugog Island First Nation

Written Submission to the Ministry of Municipal Affairs and Housing

November 30, 2023

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Introduction:

From time immemorial, the Mississaugas of Scugog Island First Nation (MSIFN) have lived on the shores of Lake Scugog, north of what is now Port Perry. MSIFN is widely considered to be a model of a successful First Nation government in Canada. In part due to its exceptional financial management and foresight, MSIFN has provided their community with thousands of jobs, and charitable donations to organizations throughout the region.

MSIFN considers the protection of the environment as an essential responsibility, to provide future generations with an opportunity to thrive. The full protection of the Greenbelt is closely aligned with the spirit of reconciliation in Canada as the lands that were targeted for development directly impact Indigenous territory protected by Treaty and Harvesting Rights.

Request:

Therefore, we ask the Ministry of Municipal Affairs and Housing to continue its push for full protection of the Greenbelt. Overall, the Greenbelt Statute Law Amendment Act, 2023 is an appropriate first step to undo the recent plans of the provincial government to develop parcels of the Greenbelt. This plan was always unnecessary to address the housing crisis, and further was pursued in a flawed manner.

While MSIFN is a strong supporter of this initiative, we would like to raise our concerns with the government's plan to re-enact and enhance section 19 of the Greenbelt Act, 2005. The proposed re-enactment and enhancement will ensure that the province has no legal liability for matters related to the Greenbelt Act.

In MSIFN's view, the government is solely responsible for its own vulnerability to lawsuits from parties that disagree with the government's reversal of the original decision and should face accountability. More importantly, MSIFN has already witnessed the government's repeated violations of Indigenous rights, and is concerned that this change will further limit First Nations from exercising their rights in the future.

Greenbelt Statute Law Amendment Act, 2023

The proposal to restore the 15 parcels of land that were redesignated or removed from the Greenbelt in late 2022 is a good – and long-awaited – action for the government to



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take. As has been known for a long time, Greenbelt lands were never necessary to address Ontario's housing crisis, and many groups, including MSIFN, tried to draw the government's attention to the fact that sufficient land was already available to facilitate the construction of the housing supply that is urgently needed across the province.

Using parts of the Greenbelt and thereby destroying Ontario's biodiversity and wetlands critical to combat climate change was always a short-sighted and ill-informed decision. That it was possible for the government to easily make the Greenbelt land available for development also showed how fragile the existing protections of the environment were.

Furthermore, what is now known about the decision-making process that was used by the government clearly shows that the public was excluded from the process. Public consultation, a sacred good for any democracy, was not taken seriously nor respected by the government. The same is true for Indigenous consultation that, as the Auditor General outlined in her report without any ambiguity, was violated during the decision-making process.

These mistakes have not only put critical parts of Ontario's environment at severe risk, but they have also undermined democratic processes, public trust in government institutions, and from an Indigenous perspective, the process of reconciliation itself in Ontario.

Consequently, the least that should be done is to ensure that, going forward, any potential changes to the Greenbelt requires the approval of the Ontario legislature through a more open and transparent process.. It is a change in the interest of democracy and the environment, which would reduce the likelihood of another flawed decision-making process putting the province's future at risk.

Considering that this change would still allow a governing party to amend the Greenbelt boundaries in the future, MSIFN would like to see even stronger protection of the lands that would eliminate the possibility of unnecessary and shortsighted environmental destruction in its entirety. However, the proposed changes would certainly guarantee the protection of the land in the immediate short-term and are therefore welcomed by MSIFN as a first step.

Indigenous Rights



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The decision-making process that led to the removal of land from the Greenbelt and that the government is now, rightfully, trying to fix, has illuminated the fragility of Indigenous rights. First Nations have had to spend significant time and resources to remind the government of their constitutional rights, which were purposely and consistently ignored and, therefore, violated.

While impossible to measure, the damage this has done to public trust in democratic values and the process of reconciliation cannot be overstated. The constitutional rights of the members of our society should be at the foundation of every legislation. Shortcuts and intents to circumvent them cannot be tolerated and the people responsible in this case must be held accountable to repair the damage done.

Therefore, in MSIFN's view, the government's plan to re-enact and enhance section 19 of the Greenbelt Act, 2005 is troubling, because it ensures that the province has no legal liability for matters related to the Greenbelt Act. While the desire to put this saga behind Ontarians is understandable and not even inappropriate, it sets a worrisome precedent and ignores the importance of accountability in a democratic society.

Mistakes can be corrected as long as they are addressed appropriately, and measures are taken to ensure they are not repeated. This part of the proposal, however, appears to pre-emptively exonerate future governments from similar mistakes related to the Greenbelt. Moreover, it will further undermine the rights of the public, which is particularly concerning for First Nations that continue to face an uphill battle in protecting their rights.

Conclusion:

For the reasons outlined above, MSIFN strongly supports the proposal put forward by the Ministry of Municipal Affairs and Housing to better protect the Greenbelt. While more thorough protections would be possible and welcomed, this is a strong first step to ensure that changing the Greenbelt boundaries is much more difficult.

Unfortunately, the current proposal excludes the damage that has been done to our democratic system, avoids accountability, and weakens the rights of the public. Therefore, re-enacting and enhancing section 19 of the Greenbelt Act, 2005 should be revisited.

MSIFN's Chief and Council would be happy to provide additional input on these matters.