



**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
MINUTES
TUESDAY, JULY 20, 2021**

A meeting of the Committee of Adjustment was held on Tuesday, July 20, 2021 at 9:00 a.m. in the Council Chambers of the Haldimand County Administration Building.

MEMBERS PRESENT:

Chair	Paul Brown
Members	Don Ricker
	Brian Snyder
	Brian Wagter
	Carolyn Bowman
	Leroy Bartlett

MEMBERS ABSENT: John Gould

STAFF PRESENT:

Manager Development Services	Shannon Van Dalen
Planner	Ben Kissner
Secretary-Treasurer	David Scott
Planning Technician	Jessica Easson

The Committee of Adjustment dealt with the following applications:

CONSENTS:

PLB-2021-080	Albert and Andrea Van Benthem	APPROVED
PLB-2021-098	350 Argyle Street North GP Inc.	APPROVED
PLB-2021-103	King & Benton Redevelopment Corporation	APPROVED
PLB-2021-104	Chris Clarke	APPROVED
PLB-2021-106	Hessels Farms Ltd.	APPROVED

MINOR VARIANCES:

PLA-2021-072	Haldimand County	APPROVED
PLA-2021-097	Clare and Margaret Packham	APPROVED
PLA-2021-107	Natalia, Andrei & Vladimir Jakhimets and Svetlana Oliynyk	APPROVED
PLA-2021-108	James Corbett	APPROVED
PLA-2021-109	Oscar Jose, Steve and Emyrose Maurice	APPROVED

DECLARATIONS OF PECUINARY INTEREST: Member Ricker declared a conflict in the matter of PLB-2021-106 (neighbour of subject property)

CONSENTS:

A) PLB-2021-098 350 Argyle Street North GP Inc.

Present: Michael Auduong, agent

The proposal is to sever a vacant lot into two for future commercial development. The severed parcel will have a frontage of approximately 23.41 metres (76.8 feet) and will contain an area of approximately 0.35 hectares (0.86 acres).

The agent stated that he talked with the planner, and there was agreement that conditions 2 and 3 would be combined. Member Ricker asked why this was the case. The planner said that the lands would be merged with adjoining property, so it would be dealt with then. Member Snyder asked if access to subject property would be an issue. Both the planner and manager that it would not, as there would be access over adjoining property. The subject property is to be developed as a trail. Member Ricker asked what is a Record of Site Condition (RSC). The planner said that it is to make sure that the land is not contaminated, and, if it is contaminated, what remediation of the situation will be done. Further clarification was given as to what is being proposed on the property. The committee determined that the RSC would be dealt with during a future site plan process, so that, at the applicant's request, the applicable condition can be removed.

The Committee made the following decision:

PURSUANT to Subsection 53(1) of *The Planning Act*, R.S.O. 1990 (as amended), this Committee hereby makes the following decision on the application of **350 Argyle Street North GP Inc.**, to sever a vacant lot into two for future commercial development. The severed parcel will have a frontage of approximately 23.41 metres (76.8 feet) and will contain an area of approximately 0.35 hectares (0.86 acres). **Range 1 East of Plank Road, Part Lots 9 to 11, Part A Block of Land, Part Turner Block, Part of Abandoned Railway, Range 2, Part Lot 12, Part of Block S, Registered Plan 18R3442 Part 1, Registered Plan 18R4574 Parts 1 to 3, Geographic Township of Seneca, no current civic address**

DECISION: APPROVED as amended

CONDITIONS: 1. That the Haldimand County requirements, financial or otherwise, be satisfied. This will include taxes paid up to date, a parkland dedication fee of \$350.00 and a fee of \$308.00 for deed stamping.

2. That a septic evaluation for severed parcel be completed and submitted to the Secretary- Treasurer, who will give it to the Haldimand County Building Controls and By-law Enforcement Division for approval. (Septic evaluations must be completed prior to the issuance of the certificate. Please allow approximately six (6) months for completion of the septic evaluation.) Please contact the Building Controls and By-law Enforcement Division at 905-318-5932, for further clarification.
3. Receipt of confirmation from the owner of the location of the cistern or well on the property prior to the signing of the certificate by the Secretary-Treasurer.
4. Receipt of a letter from the Planning & Development Division indicating that their requirements, regarding a partial lot grading plan to address surface drainage of the property, have been satisfied. Please note that grading plans must be prepared/stamped/signed by a qualified Professional Engineer as per Haldimand County Design Criteria. Contact the Development and Design Technologist at 905-318-5932, ext. 6409 for further clarification regarding required extent/limits. Please allow approximately six (6) to eight (8) weeks for completion of this process.
5. Receipt of a letter from the Roads Operations Division indicating that they have no objections to the future issuance of an entrance permit. In lieu of a letter, a copy of permit(s) may be provided to the Secretary-Treasurer. Entrance permits may be required for existing, severed, and / or retained parcels. Permits may be obtained from the County's Roads Operations Division Support staff at 905-318-5932, Ext. 8601 for details.
6. That the owner's solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the County, prior to the registration of the certificate; that the Secretary-Treasurer or designate must approve the change prior to registration of the certificate.
7. Receipt of a copy of the registered reference plan of the severed parcel, approximately 0.5 hectares (1.24 acres). Also, **prior to the signing of the certificate**, an electronic version of the reference plan in AutoCAD.dwg in format shown below, indicating the consent file number and name of the applicant, must be emailed to dscott@haldimandcounty.on.ca and

astewart@haldimandcounty.on.ca. The AutoCad drawings need to be georeferenced for the following Coordinate System:

Projected Coordinate System:	NAD_1983_UTM_Zone_17N
Projection:	Transverse_Mercator
False_Easting:	500000.00000000
False_Northing:	0.00000000
Central_Meridian:	-81.00000000
Scale_Factor:	0.99960000
Latitude_Of_Origin:	0.00000000
Linear Unit:	Meter
Geographic Coordinate System:	GCS_North_American_1983
Datum:	D_North_American_1983
Prime Meridian:	Greenwich
Angular Unit:	Degree

8. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before July 20, 2022, after which time this consent will lapse.

REASONS: The proposal conforms to the intent of the Official Plan and Zoning By-law.

B) PLB-2021-103 King & Benton Redevelopment Corporation

Present: Matt Johnson, agent
Ava Johnston, agent
Rick Coomber, neighbour
Terry Stubb-Densmore, neighbour
Eddie Earl, neighbour
Sherri Gay, neighbour
Gerald Ballstader, neighbour
Colin Martin, Six Nations
Lee Hartwell, neighbour
Suzie Miller, neighbour
Dean Hamilton, neighbour
Ronda Martin, Six Nations
Colleen Davis, Six Nations

The proposal is to sever a vacant lot into two for future residential development. The severed parcel will have a frontage of approximately 154.51 metres (506.9 feet) and will contain an area of approximately 3.39 hectares (8.38 acres). The applicant also proposes an easement for railway purposes over the subject lands.

The agents for the application stated that the purpose of the proposal is to carve out a parcel of surplus land in anticipation for future development, the details of which are still to be determined, but it is anticipated that it would be some form of residential development. He added that there was still a long way to go until development is anticipated. The Manager of Planning reiterated that the sole purpose for the application is for the severing of the property, and not for development. She added that the land is currently zoned industrial; there will be a further public process to follow in the future before any construction can be considered.

Mr. Comber expressed concern with the future ownership change. He also stated that the wetland on the property helps with the drainage in the neighbourhood, and he worries that development will impact the delicate balance. Ms. Gay then presented an 85-signature petition, asking that the severing of the land be stopped. She added that she was against the rezoning from industrial.

Member Bartlett asked if rezoning was part of the application in front of the committee. The Manager of Planning said that rezoning has not been submitted as of yet. Further to this, the Manager said that the property was slated to be removed from Industrial designation as a result of the ongoing official plan review being organized by the County. The results of this official plan review will still have to be reviewed and approved by the province. Provincial approval has to be received by the County before the rezoning of the property can be entertained.

Ms. Gay said that she was concerned that notification stated that residential was the proposed use for the property. The Manager of Planning said that the use was stated as residential so that there was transparency about the proposed uses of the property. No formal development proposals have been submitted to date. It was also clarified that the committee would not have authority to approve a zoning change on the property, as this is the responsibility of County Council. This point was made by numerous staff and committee members.

Mr. Ballstader expressed concern that trees would be sacrificed for development, and that he would personally block any chopping that is attempted.

Mr. Martin reminded the committee that the Haudenosaunee Confederacy had placed a moratorium on development on the Haldimand Tract as of April 20, 2021. The Haudenosaunee intends to protect the land for future generations. He then read a statement from the Haudenosaunee Confederacy (Appendix A of these minutes).

Mr. Hartwell was concerned that the development will affect the biosphere for his children. He added that the wetlands need to be protected. Ms. Miller stated that attitudes need to change regarding development. She added that the environment needs to be considered and protected when considering development, as well as the needs for the future.

The Secretary-Treasurer read emails received prior to the meeting. Andrew Moran wrote:

'The notice states that the purpose of the severance is for "future residential development". I oppose this severance because it will lead to future residential

development. The reasons I don't want more residential development in my neighborhood are: We are still dealing with an ongoing land dispute at the McKenzie Meadows development site that is still occupied by "land defenders". By starting another development, and laws not being enforced upon these "land defenders" at the prior 2 land claim issues- I fear that they would not hesitate to move into our neighborhood. These are not the neighbours we want in our area.

As well, schools are over crowded in Caledonia and my children go to one of the 2 schools near-by the potential build site. This is a 2 fold concern since 1) more residential means likely more kids enrolling in (already) over crowded schools and 2) during the construction, and especially once people have moved into the new development, their will be increased traffic in an already congested area. There are lots of kids that walk to the 2 schools nearby and parents dropping off and picking up. More traffic in that area is going to make it even more unsafe then it already is.

Lastly, I don't want to loose the green space. If the area is going to be developed at all- put in a walking trail to the train station and further more, connect the trail to Argyle Street. Or develop it into a park or devoted dog park.

There is enough new development happening in the North end of Caledonia (McClung and Argyle area) that more developments in town is, in my opinion, unnecessary and adds stress to an already over-burdened infrastructure system, and over crowded roadways. For these reasons, I do not support a severance that will ultimately lead to further residential development in my neighborhood. Thank you for your time. Please inform me of the decision made.'

Elizabeth Vanderburg wrote:

'The reasons that I am against this file is that it is a request for a severance for future residential development. Residential development in Caledonia is always a concern considering there are still two very active developments that were stopped due to protests and those cases are still not dealt with. There is the Douglas Creek Estates development from 2006 that is still in limbo to determine who is the rightful owner of the lands. The McKenzie Meadows land dispute is still ongoing with Skylar Williams still doing interviews about unceded territory within the Haldimand Tract.

File PLB-2021-103 is within that Haldimand Tract which would be unceded territory and being in April of 2021 The Haudenosaunee Confederacy Chiefs Council had called for a ban on any future development. In an interview on April 26, 2021, Six Nations Elected Council Chief Mark Hill said "...it would not be responsible to allow continued development in an uncertain legal environment." This could relate to the land claims that the Six Nations have with the Federal Government but also the claims between the Elected Council and the Confederacy Chiefs Council., but either way it would be irresponsible for the County to continue allowing future developments until the disputes are figured out.

There are land claims that are set to be heard in court in 2022. It would be beneficial to the County, developers and the residents of Haldimand to await decisions regarding those cases before agreeing to allow severance of properties for future developments. With the climate in our community regarding Indigenous Land and disputes over land, trying to

start a new development is a large cause of concern and these disputes leave me with a feeling of uncertainty regarding any future development projects in Haldimand County.'

Marcy Jones wrote:

'The reasons that I am against this file is that it is a request for a severance for future residential development. Residential development in Caledonia is always a concern considering there are still two very active developments that were stopped due to protests and those cases are still not dealt with. There is the Douglas Creek Estates development from 2006 that is still in limbo to determine who is the rightful owner of the lands. The McKenzie Meadows land dispute is still ongoing with Skylar Williams still doing interviews about unceded territory within the Haldimand Tract.

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There are land claims that are set to be heard in court in 2022. It would be beneficial to the County, developers and the residents of Haldimand to await decisions regarding those cases before agreeing to allow severance of properties for future developments. With the climate in our community regarding Indigenous Land and disputes over land, trying to start a new development is a large cause of concern and these disputes leave me with a feeling of uncertainty regarding any future development projects in Haldimand County.'

Ingrid Hutchinson wrote:

'I am writing to dispute the severance of land on Orkney St W in Caledonia. Caledonia is growing far too quickly and the road infrastructure is already too congested to maintain. Argyle St is single lane only, we only have one (SINGLE LANE) bridge connecting North and South. Public schools are overcrowded. It is really disheartening and disappointing to see houses in Avalon and now over Gypsum and NOW the want changes on Orkney in an established old Caledonia neighbourhood. Aside from all of that that area has had land disputes with Six Nations that have been well documented. I truly hope this change is seriously reconsidered.'

Ed and Sharon Earl wrote:

'There is no need to further congest Orkney St West , destroy green space , extinguish wild life, or raise the stress levels in our community. My family has been here for many years and witnessed the destruction of a slowly growing town until a few short years ago. It is not necessary to add such populace at this rate to any area. Reconsider building on the rocks in Sudbury if needed.'

Sheri Gay wrote:

' I am writing this letter today to inform you of my intent to vote no to the proposed land severance and residential development located in Caledonia on Orkney Street West.

I have been a property owner at 182 Orkney Street West since 2010. We have a small close-knit community and enjoy our established neighborhood. It comprises of privately-single-family dwellings. Each home with older populations, families, and all driving 2 vehicles. We also have an active railway at Inverness and Orkney West and an overcrowded public school with 8 portables on Shetland and Sutherland. I originally moved here from Hamilton to take advantage of a smaller community where you know who your neighbour is and my children would be safe to walk to and from school or play at the park.

For many years, the traffic at the corner of Orkney and Argyle streets has been difficult or at a stand still at all times throughout the day. Close to the intersection there is an industrial building, (Purina) which no longer manufactures product but is still used as a central storage/shipping location. Full sized transport trucks access this building all day long. Often it is impossible to drive east/west on Orkney when trucks are parked on the street waiting their turn to load or unload. Houses on the corner have guests who also park on the street. Rush hour on Argyle is already bumper to bumper all the way back to route 66. During school hours there is a minimum of 11 school busses and parents using this roadway to transport their children. They arrive and depart twice a day adding to the congestion. Traffic waiting at the lights to turn on and off Orkney is blocked daily both ways. This congestion already severely impacts access to the roadways.

I believe increased traffic flow from a new residential build will create a safety issue further limiting entry to emergency vehicles needing access to businesses, the school and residents in our community. It is public knowledge the fire station will be moving to Argyle Street North in the future. If there was an accident the public service response times through this artery are currently decreased. Adding more congestion to the location would severely impact an already dangerous situation resulting in unwanted liability issues for Haldimand County. Therefore, I am opposed to the severance and rezoning proposal and plead that you make the right decision and vote it down too.'

Rebecca Walters wrote:

'I'm contacting you to inform you of my concern, my neighbour's concerns and my communities concerns about the new development that is being proposed orkney Street west...

I live on Orkney Street West, next to the purina factory, and our road is constantly littered with transport trailers parked on the side of the road awaiting room at the purine factory. I'm very concerned with the proposed construction/housing development causing more traffic on our street which is already overloaded with traffic delays due to the transport trucks!!

I feel the development of housing in this area is not appropriate for our ALREADY EXTREMELY OVERLOADED school system. Which already cannot house all the current students in our schools! We are still patiently awaiting a school development near Avalon but in the mean time our school CCPS has 8 portables and limited bathrooms available to

them...I believe CCPS is at 130% capacity and assuming CCPS is the school that falls in This boundary of development....

We also have unresolved native demonstrations about the current halted development on Mackenzie road...causing 8 months of road blockages and townspeople segregation that we (as a community) are trying to settle ourselves! Having another threatening development I assure you will cause more protests...community uproar, and probable road closures and blockades in our community which NO CALEDONIA RESIDENT OR INDIGENOUS PERSON would want. We are trying to heal from the previous development disarray! I BEG you to consider holding off on this development until we see a peaceful end to the dispute of lands on Mackenzie road! I feel this development will negatively affect all the work we as a community have done to try and heal our relationship with the indigenous community!

There are also multiple wildlife that are at risk of dying when you are considering building on green space...we have foxes, coyotes, skunks, opossum, raccoons, endangered(threatened) snakes that frequent our home and live in the areas in which you are proposing development!!

I look forward to being involved in how we can safely and effectively develop areas in our community without disrupting our relationship with the Indigenous community, keeping our children safe at school, and limiting our affect on the green space around us!

Please reconsider this development for our communities sake!

Kimberley Parkin wrote:

'I am emailing my concerns over the construction that is proposed at the end of Inverness street (my street) and Orkney St W.

I live on Inverness and I value the nature and space we have in our neighbourhood. That is the reason we live in this area - we love the space between homes, the trees and we want nature left alone.

Most of us can agree that there is too much construction in Caledonia and it is an eyesore. We are tired of the destruction of nature and leaving our critters homeless. It really isn't a good look for our small town.

I wanted to email (since I was told our concerns would be read) because I love our area and wish that my kids can grow up loving nature too. They, too, feel like some forests should be left alone.'

Emily Vander Heide wrote:

'I am writing to you on behalf of the letter we received about the presumed development going in behind the railway tracks here on the north side of Caledonia. We live on MORRISON drive in a quiet and quaint court.

It is my understanding that the county wants to build more houses in this area.

This is very disappointing as it will make town even busier in terms of traffic, destroys the natural green space that inhabits wild life and trees, and is inhibiting the small town feel of Caledonia.

Is this development really necessary? Will they be town houses or singles? Who are these houses going to be marketed too?

I just wanted to share my stance with you that I am opposed to this development going forward.'

The public discussion continued. Mr. Earl reiterated the concerns expressed in his email. He also said that coyotes have moved into the neighbourhood due to loss of habitat. He felt that there is a need to stop cramming in development in the community. Ms. Stubbs-Dunsmore said that there is an opportunity to protect natural areas within the urban areas, and provided Lafortune is an example of what can be done.

Member Bartlett emphasized that the committee is not dealing with zoning of the property, but rather the severance. He added that the ownership may change for the property, but that would be the only ramification of the decision. Any development of the parcel is still far down the road yet. He concluded that he had no issues with the severance before the committee.

Mr. Hamilton felt that, if approved, problems would occur as a result of the severance. The committee would be passing the buck by approving the severance. He implored the committee to turn down the application. He also made note of undermining that occurred on the property. The planner said that he did not see evidence that undermining occurred there.

Ms. Martin stated that Douglas Creek Estates has been protected. She asked that proof of ownership of the subject property be provided. She went on to say that we all have a responsibility to protect the land. She could not understand why this development must occur. She further added that it is all about the protection of the land for future generations. She stated that more consultation is needed, as opposed to conflict, to create a better environment for the children. She continued that they were not there to take things away, but to work to live together and beside each other. She concluded that there is a need to protect the land, and the future. She felt that the land is not needed.

Mr. Earl stated that he could not understand why the land would be bought for trees; and that he felt that there were plans for the land not presented as of yet. Ms. Stubbs-Dunsmore believed that decisions need to be made for future generations. She then asked if the vote results are made public. The Secretary-Treasurer said that they were part of the minutes, so that they are in the public record.

Ms. Davis said that titleship must be confirmed prior to change of ownership. If this is not done, she continued, then problems are likely to occur. She added that the Haudenosaunee Confederacy has claimed ownership of the property. Mr. Martin stated that everyone needs to put pressure on the federal government to solve the issues that are faced. The agent said that consultation will be on-going with the community, and he asked that the committee approve the application.

Member Bartlett lamented that the problem is that this situation is occurring in Haldimand, and not in a higher profile locale, like Toronto. Because of this, the federal government will not deal

with the issues, so that the problems will continue. He added that the committee must work within this process, and that they do not have the ability to think outside the box.

Mr. Martin suggested that the committee defer any decision until there can be a working together to resolve the issue before us. Member Wagter suggested that sitting down together would be helpful going forward, because these issuers will re-occur in the future. Member Bowman felt that she could not support the application as of the meeting based on the discussion that has occurred. A discussion of the powers of the committee continued.

The Committee made the following decision:

PURSUANT to Subsection 53(1) of *The Planning Act*, R.S.O. 1990 (as amended), this Committee hereby makes the following decision on the application of **King & Benton Redevelopment Corporation**, to sever a vacant lot into two for future residential development. The severed parcel will have a frontage of approximately 154.51 metres (506.9 feet) and will contain an area of approximately 3.39 hectares (8.38 acres). The applicant also proposes an easement for railway purposes over the subject lands. **Part of Lot 11, Range 1 West of Plank Road, Urban Area of Caledonia, Geographic Township of Seneca, no current civic address**

DECISION: **Member Bartlett: Yes**
 Member Bowman: No
 Member Ricker: Yes
 Member Snyder: Yes
 Member Wagter: No
 APPROVED as amended (3 votes to 2)

- CONDITIONS:**
1. That the Haldimand County requirements, financial or otherwise, be satisfied. This will include taxes paid up to date, a parkland dedication fee of \$250.00 and a fee of \$308.00 for deed stamping.
 2. Receipt of a letter from the Roads Operations Division indicating that they have no objections to the future issuance of an entrance permit. In lieu of a letter, a copy of permit(s) may be provided to the Secretary-Treasurer. Entrance permits may be required for existing, severed, and / or retained parcels. Permits may be obtained from the County's Roads Operations Division Support staff at 905-318-5932, Ext. 8601 for details.
 3. That the owner's solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the County, prior to the registration of the certificate; that the Secretary-Treasurer or designate must approve the change prior to registration of the certificate.

4. Receipt of a copy of the registered reference plan of the severed parcel, approximately 3.39 hectares (8.38 acres). Also, **prior to the signing of the certificate**, an electronic version of the reference plan in AutoCAD.dwg in format shown below, indicating the consent file number and name of the applicant, must be emailed to dscott@haldimandcounty.on.ca and astewart@haldimandcounty.on.ca. The AutoCad drawings need to be georeferenced for the following Coordinate System:

Projected Coordinate System:	NAD_1983_UTM_Zone_17N
Projection:	Transverse_Mercator
False_Easting:	500000.00000000
False_Northing:	0.00000000
Central_Meridian:	-81.00000000
Scale_Factor:	0.99960000
Latitude_Of_Origin:	0.00000000
Linear Unit:	Meter
Geographic Coordinate System:	GCS_North_American_1983
Datum:	D_North_American_1983
Prime Meridian:	Greenwich
Angular Unit:	Degree

5. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before July 20, 2022, after which time this consent will lapse.

REASONS: The proposal conforms to the intent of the Official Plan and Zoning By-law.

C) PLB-2021-104 Chris Clarke

Present: Chris Clarke, applicant
 Ryan Goyette, agent

The proposal is to sever a parcel of land as a boundary adjustment. The severed lands will contain an area of approximately 0.35 hectares (0.86 acres). The property is to provide additional space for the benefitting lands.

No comments from the agent. Member Ricker feels that the applicant cleans up the boundary nicely.

The Committee made the following decision:

PURSUANT to Subsection 53(1) of *The Planning Act*, R.S.O. 1990 (as amended), this Committee hereby makes the following decision on the application of **Chris Clarke**, to sever a parcel of land as a boundary adjustment. The severed lands will contain an area of approximately 0.35 hectares (0.86 acres). The property is to provide additional space for the benefitting lands. **Part of Abraham Nelles Tract, Registered Plan 18R4238 Parts 1 and 2, Geographic Township of Seneca, known municipally as 44 Sims Lock Road**

DECISION: APPROVED

- CONDITIONS:**
1. That the Haldimand County requirements, financial or otherwise, be satisfied. This will include taxes paid up to date, and a fee of \$308.00 for deed stamping. Also, a one (1) foot square, unencumbered, parcel of land dedicated to Haldimand County, which must be shown on the reference plan, is required from the abutting lands presently owned by Ryan and Laura Goyette. and further identified as Roll # 2810-152-003-17800, if required.
 2. That Section 50(3) or (5) of the Planning Act shall apply to any subsequent conveyance or transaction.
 3. That the severed parcels become part and parcel of the abutting lands presently owned by Ryan and Laura Goyette and further identified as Roll # 2810-152-003-17800.
 4. That the solicitor acting in the transfer provide his/her undertaking in the following manner: in consideration of the Certificate by the official I undertake to ensure by a subsearch of the abstract book that at the time of the registration of the said Certificate or deed upon which it has been affixed, the name of the registered owner of the abutting lands is the same as that of the Grantee in the said deed and that the one (1) foot square parcel of land dedicated to Haldimand County is an unencumbered parcel of land. Also the solicitor will apply to consolidate the two parcels into one consolidated PIN so the two parcels can be assessed together and the consolidation information will be provided to the Secretary-Treasurer once completed.
 5. That the owner's solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the County, prior to the registration of the certificate; that the Secretary-Treasurer or designate must approve the change prior to registration of the certificate.
 6. Receipt of a copy of the registered reference plan of the severed parcel, approximately 0.35 hectares (0.86 acres). Also, **prior to the signing of the certificate**, an electronic version of the reference plan

in AutoCAD.dwg in format shown below, indicating the consent file number and name of the applicant, must be emailed to dscott@haldimandcounty.on.ca and astewart@haldimandcounty.on.ca. The AutoCad drawings need to be georeferenced for the following Coordinate System:

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False_Northing:	0.00000000
Central_Meridian:	-81.00000000
Scale_Factor:	0.99960000
Latitude_Of_Origin:	0.00000000
Linear Unit:	Meter
Geographic Coordinate System:	GCS_North_American_1983
Datum:	D_North_American_1983
Prime Meridian:	Greenwich
Angular Unit:	Degree

7. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before July 20, 2022, after which time this consent will lapse.

REASONS: The proposal conforms to the intent of the Official Plan and Zoning By-law.

Member Ricker leaves meeting due to declared conflict of interest with following application.

D) PLB-2021-106 Hessels Farms Ltd.

Present: Clarence Hessels, applicant

The proposal is to sever a lot containing an existing surplus farm dwelling and accessory structures. The severed lands will have frontage of approximately 67 metres (219.8 feet) and will contain an area of approximately 0.6 hectares (1.5 acres).

Mr. Hessels was confirming that he did live on a farm elsewhere in the County. Member Bartlett asked how many acres did he own in Haldimand County. The applicant said that he has 345 acres. He stated that he is willing to remove condition 2 (proof of residency in the County) because of this fact. Member Bowman asked the planner to respond on this. The planner said that the condition was in place due to the pending land transaction, but, since the application was submitted, the transaction has been finalized so the condition could be removed as a result.

The Committee made the following decision:

PURSUANT to Subsection 53(1) of *The Planning Act*, R.S.O. 1990 (as amended), this Committee hereby makes the following decision on the application of **Hessels Farms Ltd.**, to sever a lot containing an existing surplus farm dwelling and accessory structures. The severed lands will have frontage of approximately 67 metres (219.8 feet) and will contain an area of approximately 0.6 hectares (1.5 acres). **Concession 2, Part Lot 8, Registered Plan 18R4209 Parts 1 and 2, Geographic Township of Moulton, known municipally as 499 Diltz Road**

DECISION: **APPROVED as amended**

- CONDITIONS:**
1. That the Haldimand County requirements, financial or otherwise, be satisfied. This will include taxes paid up to date, a parkland dedication fee of \$350.00 and a fee of \$308.00 for deed stamping.
 2. Receipt of a letter from the Planning and Development Division indicating that their requirements, regarding a drainage re-apportionment agreement between both severed and retained parcels, have been satisfied. The county is responsible for maintaining municipal drains on behalf of the community of landowners involved in the drain. The cost of the drain maintenance is assessed to the landowners. The division of land requires that the assessment be recalculated for the retained and severed parcels. A written request to initiate re-apportionment is necessary. A fee is administered with each agreement. Please allow six (6) weeks for completion of this process. Contact Project Manager, Municipal Drains at 905-318-5932, ext. 6424, for further clarification.
 3. Receipt of a letter from the Roads Operations Division indicating that they have no objections to the future issuance of an entrance permit. In lieu of a letter, a copy of permit(s) may be provided to the Secretary-Treasurer. Entrance permits may be required for existing, severed, and / or retained parcels. Permits may be obtained from the County's Roads Operations Division Support staff at 905-318-5932, Ext. 8601 for details.
 4. That a septic evaluation for severed parcel be completed and submitted **to the Secretary- Treasurer**, who will give it to the Haldimand County Building Controls and By-law Enforcement Division for approval. (Septic evaluations must be completed prior to the issuance of the certificate. Please allow approximately six (6) months for completion of the septic evaluation.) Please contact the Building

Controls and By-law Enforcement Division at 905-318-5932, for further clarification.

5. That the owner's solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the County, prior to the registration of the certificate; that the Secretary-Treasurer or designate must approve the change prior to registration of the certificate.
6. Receipt of a copy of the registered reference plan of the severed parcel, approximately 0.6 hectares (1.5 acres). Also, **prior to the signing of the certificate**, an electronic version of the reference plan in AutoCAD.dwg in format shown below, indicating the consent file number and name of the applicant, must be emailed to dscott@haldimandcounty.on.ca and astewart@haldimandcounty.on.ca. The AutoCad drawings need to be georeferenced for the following Coordinate System:

Projected Coordinate System:	NAD_1983_UTM_Zone_17N
Projection:	Transverse_Mercator
False_Easting:	500000.00000000
False_Northing:	0.00000000
Central_Meridian:	-81.00000000
Scale_Factor:	0.99960000
Latitude_Of_Origin:	0.00000000
Linear Unit:	Meter
Geographic Coordinate System:	GCS_North_American_1983
Datum:	D_North_American_1983
Prime Meridian:	Greenwich
Angular Unit:	Degree

7. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before July 20, 2022, after which time this consent will lapse.

REASONS: The proposal conforms to the intent of the Official Plan and Zoning By-law.

Member Ricker returns to the meeting.

MINOR VARIANCES:

A) PLA-2021-107 Natalia, Andrei & Vladimir Jakhimets and Svetlana Oliynyk

Present: Svetlana Oliynyk, applicant

Juliana Hribljan (Barich Grenkie Surveying Ltd.), agent

The proposal is to request relief from the lot frontage, rear yard and landscape frontage provisions of the Urban Residential Type 3 (R3) Zone of Haldimand County Zoning By-law HC-1 2020. The relief is requested to recognize deficiencies caused by the approval of Consent application PLB-2018-162.

No comments from applicant or agent. Member Ricker asked for clarification that these are existing deficiencies. The planner confirmed that the deficiencies applied for were existing deficiencies.

The Committee made the following decision:

PURSUANT to Subsection 45(1) of *The Planning Act*, R.S.O. 1990 (as amended), this Committee hereby makes the following decision on the application of **Natalia, Andrei & Vladimir Jakhimets and Svetlana Oliynyk**, to request relief from the lot frontage, rear yard and landscape frontage provisions of the Urban Residential Type 3 (R3) Zone of Haldimand County Zoning By-law HC-1 2020. The relief is requested to recognize deficiencies caused by the approval of Consent application PLB-2018-162. **Lots 5 & 6, South East of Argyle Street South, Part 1, 18R-2836 & Part 1, 18R-1723, Urban Area of Caledonia, known municipally as 10 Renfrew Street**

DECISION: APPROVED

REASONS: The proposal is consistent with the Provincial Policy Statement (2020), conforms to the Province's Growth Plan (2019), and Haldimand County Zoning By-law HC-1 2020.

B) PLA-2021-108 James Corbett

Present: Dawn Corbett, representative of applicant
Peter Foster, representative of applicant

The proposal is to request relief from the provisions of the Agricultural (A) Zone of the Haldimand County Zoning By-Law HC-1 2020. The relief is requested to permit the placement of a garden suite on the property for their parents.

No comments from applicant. Member Snyder wanted to know who is responsible to keep track of the 10-year period for the garden suite. The planner stated that staff keeps track. Member Snyder asked if the agreement is registered on title. The planner said no. Member Snyder asked if change of ownership affects approval. The planner said that a sale nullifies approval. Member Bowman asked about the agreement that is required. The planner said that it is to identify the occupants, as well as the owner of the property. It also stipulates that the suite is to be removed if it is no longer required. Further discussion on the agreement ensued.

The Committee made the following decision:

PURSUANT to Subsection 45(1) of *The Planning Act*, R.S.O. 1990 (as amended), this Committee hereby makes the following decision on the application of **James Corbett**, to request relief from the provisions of the Agricultural (A) Zone of the Haldimand County Zoning By-Law HC-1 2020. The relief is requested to permit the placement of a garden suite on the property for their parents. **Range 2 from the Grand River, Part Lot 11, Geographic Township of Moulton, known municipally as 184 Inman Road**

DECISION:
Member Bartlett: No
Member Bowman: Yes
Member Ricker: Yes
Member Snyder: Yes
Member Wagter: Yes
APPROVED (4 votes to 1)

CONDITIONS:

1. The proposed development will be constructed substantially in accordance with the attached sketch;
2. Execution of a garden suite agreement between the applicants and the County.

REASONS: The proposal is consistent with the Provincial Policy Statement (2020), conforms to the Province's Growth Plan (2019), and Haldimand County Zoning By-law HC-1 2020.

C) PLA-2021-109 Oscar Jose, Steve and Emyrose Maurice

Present: Steve Maurice, applicant
Emyrose Maurice, applicant
Larry Page, neighbouring property owner (470 South Coast Drive)
David Atchinson, representative for neighbouring property owner (484 South Coast Drive)

The proposal is to request relief from the lot frontage and exterior side yard provisions of the Agricultural (A) Zone of Haldimand County Zoning By-law HC-1 2020. The relief is requested to permit the construction of a single-family dwelling on the property.

No comment from the applicants. Mr. Page stated that his property is behind his property. He said that the proposed dwelling will pose problems for his property. He stated that the applicants also own 480 South Coast Drive, and that that property is often in bad shape. He feels that the situation at 480 South Coast Drive may be extended to the subject property as well if the application is approved. Mr. Page is concerned with aesthetics.

Mr Atchinson said that he was pleased that the planning report recommends that lot grading should be made a condition of approval of the application.

Chairperson Brown asked where the house would be built on the property. The applicants said that the dwelling would be located on the east side of the parcel. Member Ricker asked whether construction equipment would be stored on the property, as this is the business that the applicant is employed in. The applicant (Mr. Maurice) said that no construction equipment would be stored there. Member Bartlett asked for clarification of the lot frontage deficiency being applied for, which was given by planning staff.

The Committee made the following decision:

PURSUANT to Subsection 45(1) of *The Planning Act*, R.S.O. 1990 (as amended), this Committee hereby makes the following decision on the application of Oscar Jose, Steve and Emyrose Maurice, to request relief from the lot frontage and exterior side yard provisions of the Agricultural (A) Zone of Haldimand County Zoning By-law HC-1 2020. The relief is requested to permit the construction of a single-family dwelling on the property. **Plan 19358 Lot 24, Geographic Township of Walpole, no civic address**

DECISION: **APPROVED**

CONDITIONS:

1. The proposed development will be constructed substantially in accordance with the attached sketch;
2. This approval does not provide variance from any other regulations, including setbacks from Hydro infrastructure;
3. Approval from the County for a full lot grading plan. The lot grading plan must be prepared and stamped by a professional engineer and must be prepared in accordance with the Haldimand County Design Criteria. For more information, contact the Development and Design Technologist at 905-318-5932 ext. 6413;
4. Receipt of an entrance permit from the Roads Operations Division for a new entrance from the municipally maintained portion of South Coast Drive. Permits may be obtained from the County's Roads Operations Division Support staff at 905-318-5932, Ext. 8601 for details.

REASONS: The proposal is consistent with the Provincial Policy Statement (2020), conforms to the Province's Growth Plan (2019), and Haldimand County Zoning By-law HC-1 2020.

D) PLA-2021-112

Matt and Natalie Stam

Present: Natalie Stam, applicant

The proposal is to request relief from the provisions of the Agricultural (A) Zone of the Haldimand County Zoning By-Law HC-1 2020. The relief is requested to permit the placement of a garden suite on the property for their parents.

No comments from applicant. Member Ricker asked for clarification of the location of the proposed garden suite. This was provided by the applicant.

The Committee made the following decision:

PURSUANT to Subsection 45(1) of *The Planning Act*, R.S.O. 1990 (as amended), this Committee hereby makes the following decision on the application of **Matt and Natalie Stam**, to request relief from the provisions of the Agricultural (A) Zone of the Haldimand County Zoning By-Law HC-1 2020. The relief is requested to permit the placement of a garden suite on the property for their parents. **Concession 11, Part Lot 14, Geographic Township of Walpole, known municipally as 1090 Concession 11 Walpole**

DECISION: **Member Bartlett: No**
 Member Bowman: Yes
 Member Ricker: Yes
 Member Snyder: Yes
 Member Wagter: Yes
 APPROVED (4 votes to 1)

CONDITIONS: 1. The proposed development will be constructed substantially in accordance with the attached sketch;

 2. Execution of a garden suite agreement between the applicants and the County.

REASONS: The proposal is consistent with the Provincial Policy Statement (2020), conforms to the Province’s Growth Plan (2019), and Haldimand County Zoning By-law HC-1 2020.

PREVIOUSLY DEFERRED:

A) PLB-2021-080 Albert and Andrea Van Benthem

Present: Kim Hessels, agent

This application was deferred at the June 15, 2021 Committee of Adjustment meeting. The proposal is to sever a lot containing an existing surplus farm dwelling and accessory structure. The severed lands will have frontage of approximately 63 metres (206.7 feet) and will contain an area of approximately 0.5 hectares (1.24 acres).

No comments from applicant or committee.

The Committee made the following decision:

PURSUANT to Subsection 53(1) of *The Planning Act*, R.S.O. 1990 (as amended), this Committee hereby makes the following decision on the application of **Albert and Andrea Van Benthem**, to sever a lot containing an existing surplus farm dwelling and accessory structure. The severed lands will have frontage of approximately 63 metres (206.7 feet) and will contain an area of approximately 0.5 hectares (1.24 acres). **Concession 11, Part Lots 14 and 15, Geographic Township of Walpole, known municipally as 1155 Concession 10 Walpole**

DECISION: APPROVED

- CONDITIONS:**
1. That the Haldimand County requirements, financial or otherwise, be satisfied. This will include taxes paid up to date, a parkland dedication fee of \$350.00 and a fee of \$308.00 for deed stamping.
 2. That a septic evaluation for severed parcel be completed and submitted **to the Secretary- Treasurer**, who will give it to the Haldimand County Building Controls and By-law Enforcement Division for approval. (Septic evaluations must be completed prior to the issuance of the certificate. Please allow approximately six (6) months for completion of the septic evaluation.) Please contact the Building Controls and By-law Enforcement Division at 905-318-5932, for further clarification.
 3. Receipt of confirmation from the owner of the location of the cistern or well on the property prior to the signing of the certificate by the Secretary-Treasurer.
 4. Receipt of a letter from the Planning & Development Division indicating that their requirements, regarding a partial lot grading plan to address surface drainage of the property, have been satisfied. Please note that grading plans must be prepared/stamped/signed by a qualified Professional Engineer as per Haldimand County Design Criteria. Contact the Development and Design Technologist at 905-318-5932, ext. 6409 for further clarification regarding required extent/limits. Please allow approximately six (6) to eight (8) weeks for completion of this process.
 5. Receipt of a letter from the Roads Operations Division indicating that they have no objections to the future issuance of an entrance permit. In lieu of a letter, a copy of permit(s) may be provided to the Secretary-Treasurer. Entrance

permits may be required for existing, severed, and / or retained parcels. Permits may be obtained from the County's Roads Operations Division Support staff at 905-318-5932, Ext. 8601 for details.

6. That the owner's solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the County, prior to the registration of the certificate; that the Secretary-Treasurer or designate must approve the change prior to registration of the certificate.
7. Receipt of a copy of the registered reference plan of the severed parcel, approximately 0.5 hectares (1.24 acres). Also, **prior to the signing of the certificate**, an electronic version of the reference plan in AutoCAD.dwg in format shown below, indicating the consent file number and name of the applicant, must be emailed to dscott@haldimandcounty.on.ca and astewart@haldimandcounty.on.ca. The AutoCad drawings need to be georeferenced for the following Coordinate System:

Projected Coordinate System:	NAD_1983_UTM_Zone_17N
Projection:	Transverse_Mercator
False_Easting:	500000.00000000
False_Northing:	0.00000000
Central_Meridian:	-81.00000000
Scale_Factor:	0.99960000
Latitude_Of_Origin:	0.00000000
Linear Unit:	Meter
Geographic Coordinate	System:GCS_North_American_1983
Datum:	D_North_American_1983
Prime Meridian:	Greenwich
Angular Unit:	Degree
8. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before July 20, 2022, after which time this consent will lapse.

REASONS: The proposal conforms to the intent of the Official Plan and Zoning By-law.

B) PLA-2021-072 Haldimand County

Present: Deb Zynomirski (Dunnville Horticultural Society) ,agent

This application was deferred at the May 18, 2021 Committee of Adjustment meeting. Relief is requested from the front yard setback and accessory uses to non-residential uses provisions of

the Service Commercial (CS) Zone of the Haldimand County Zoning By-Law HC-1 2020. The relief is requested to add a replica lighthouse as a decorative element on the property.

No comment from the agent. Member Ricker asked whether we were given written confirmation from the Director of Roads regarding their support. The planner said no, but that he can assure the committee that such approval was given, though it was not part of the package provided to committee. The agent assured the committee that the structure is movable if needed.

The Committee made the following decision:

PURSUANT to Subsection 45(1) of *The Planning Act*, R.S.O. 1990 (as amended), this Committee hereby makes the following decision on the application of **Haldimand County**, requesting relief from the front yard setback and accessory uses to non-residential uses provisions of the Service Commercial (CS) Zone of the Haldimand County Zoning By-Law HC-1 2020. The relief is requested to add a replica lighthouse as a decorative element on the property. **Plan 13558, Part Lot 1, Part of Closed Road Allowance, Registered Plan18R3714 Parts 2-7, 13 Part of Parts 14 & 15, Urban Area of Dunnville, no civic address**

DECISION: APPROVED

REASONS: The proposal is consistent with the Provincial Policy Statement (2020), conforms to the Province's Growth Plan (2019), and Haldimand County Zoning By-law HC-1 2020.

C) PLA-2021-097 Clare and Margaret Packham

Present: Bev Voisey, agent

This application was deferred at the June 15, 2021 Committee of Adjustment meeting. Relief is requested from the provisions of the Agricultural (A) Zone of the Haldimand County Zoning By-Law HC-1 2020. The relief is requested to permit the placement of a mobile home on the property to serve as a secondary suite for their parents.

No comment from agent or committee.

The Committee made the following decision:

PURSUANT to Subsection 45(1) of *The Planning Act*, R.S.O. 1990 (as amended), this Committee hereby makes the following decision on the application of **Clare and Margaret Packham**, Relief is requested from the provisions of the Agricultural (A) Zone of the Haldimand County Zoning By-Law HC-1 2020. The relief is requested to permit the placement of a mobile home on the property to serve as a secondary suite for their parents. **Concession 2 from Canborough, Part Lots 19, 20 and 21, Geographic Township of Moulton, known municipally as 162 Young Road**

DECISION: Member Bartlett: No
Member Bowman: Yes
Member Ricker: Yes
Member Snyder: Yes
Member Wagter: Yes
APPROVED (4 votes to 1)

CONDITIONS: 1. That the proponent enters into a Garden suite agreement with the County.

REASONS: The proposal is consistent with the Provincial Policy Statement (2020), conforms to the Province's Growth Plan (2019), and Haldimand County Zoning By-law HC-1 2020.

OTHER BUSINESS:

The minutes of the June 15, 2021 meeting were adopted as presented.

The meeting adjourned at 12:00 pm.



Chairman



Secretary-Treasurer

APPENDIX A

Moratorium on Development

The Haudenosaunee Confederacy at Grand River has put in place a moratorium on development in the Haldimand Tract. No development can proceed along the Haldimand Tract without the consent of the Haudenosaunee.

We understand that we share these lands with our Allies and we all agree to uphold the agreements between our people to live in peace, friendship and trust. Our vision for the future is self-determined, based in our inherent right to protect our lands for future generations of Haudenosaunee children.

The Haudenosaunee intend to exercise our jurisdiction over our lands and waters in a way that maintains the delicate balance between Creation and humans, focusing on sustainability and responsiveness to climate change to protect waterways and ecologically sensitive areas.

The moratorium builds on our Land Rights Statement (2006) to end the exploitation of lands and resources along the Tract and marks a shift on land stewardship within a portion of the traditional territory of the Haudenosaunee.

Land Rights Statement

(As adopted in Council November 4, 2006)

The Council of Chiefs of the Haudenosaunee, Grand River Territory, wish to affirm and clarify our land rights in the tract conferment by Governor Frederick Haldimand on October 25, 1784. In making this statement, the Council of Chiefs wants to make it clear that we hold certain land ethics and principles that must be respected in any agreements on land use or occupation. The Haudenosaunee, and its governing authority, have inherited the rights to land from time immemorial. Land is a birthright, essential to the expression of our culture.

With these land rights come specific responsibilities that have been defined by our law, from our Creation Story, the Original Instructions, the *Kaianeren:kowa* (Great Law of Peace) and *Kariwio* (Good Message). Land is envisioned as *Sewatokwa'tsherea't*, (the Dish with One Spoon); this means that we can all take from the land what we need to feed, house and care for our families, but we also must assure that the land remains healthy enough to provide for the coming generations. Land is meant to be shared among and by the people and with other parts of the web of life. It is not for personal empire building.

First and foremost is the concept that we are connected to the land in a spiritual way. The earth is our mother and she provides for our long-term well-being, provided that we continue to honour her and give thanks for what she has provided. We Haudenosaunee have upheld our tradition of giving thanks through ceremony, and in the cultural practices that manifest our beliefs, values, traditions and laws. Planting, cultivating, harvesting, gathering, hunting, and fishing also have spiritual aspects that must be respected and perpetuated if the land is to provide for our future generations, and the future generations of our neighbours. We are stewards. Our spiritual obligation is part of that stewardship.

Second, according to our law, the land is not private property that can be owned by any individual. In our worldview, land is a collective right. It is held in common, for the benefit of all. The land is actually a sacred trust, placed in our care, for the sake of coming generations. We must protect the land. We must draw strength and healing from the land. If an individual, family or clan has the exclusive right to use and occupy land, they also have a stewardship responsibility to respect and join in the community's right to protect land from abuse.

We have a duty to utilize the land in certain ways that advance our Original Instructions. All must take responsibility for the health of our Mother.

Our ancestors faced overwhelming odds and relentless pressure to give up our lands. We all know that unscrupulous measures were employed to seduce our ancestors into "selling" the land. At other times, outright fraud took place, as was acknowledged in the Royal Proclamation of 1763. The agreements we recognize reflect an intention to share land, and to lease land, within the context of the Covenant Chain relationship that our nations maintain with the Crown.

Our wampum belts, treaty council documents and oral history inform us that we always retained the right to hunt, fish, and gather upon all of our lands. This reflects the spirit of sharing that we expect to continue and is another example of the Dish with One Spoon.

We seek justice in our long-standing land rights issues. We seek an accurate accounting of the use and investment of the funds held by the Crown on our behalf, and land transactions conducted by the Crown involving our lands. For nearly two hundred years our Chiefs have been asking for such accounting and justice. Generations of our elders have passed away with these matters unresolved. It is time to end the injustice.

Our faith in the Canadian people is strong, as we feel that the majority of Canadians also want to see justice on these matters. However, their elected representatives and public servants have failed to act effectively to address and resolve these matters. It is time to lift the cloud of denial and to wipe away the politics that darken the vision of the future. It is time we are heard clearly, and our cases should be addressed with utmost good faith and respect. We firmly believe that if we have respect and trust, we will find mutually agreeable solutions that will reflect our long-standing friendship.

We want the land that is ours. We are not interested in approving fraudulent dispossessions of the past. We are not interested in selling land. We want the Crown to keep its obligations to treaties, and ensure all Crown governments-federal, provincial and municipal-are partners in those obligations. We want an honourable relationship with Canada.

That relationship, however, must be based on the principles that were set in place when our original relationship with the Crown was created. That is the rule of law that we seek. It involves the first law of Canada-the law that Canada inherited from both France and Britain. It is the law of nations to respect the treaties, to not steal land, or take advantage of indigenous peoples by legal trickery. As the Supreme Court of Canada has frequently stated, where treaties are involved, the honour of the Crown is always at stake.

We seek to renew the existing relationship that we had with Crown prior to 1924. That relationship is symbolized by the *Tehontatenentsonterontahkwa* ("The thing by which they link arms") also known as the Silver Covenant Chain of Peace and Friendship. Our ancestors met repeatedly to repolish that chain, to renew its commitments, to reaffirm our friendship and to make sure that the future generations could live in peace, and allow the land to provide its bounty for the well-being of all the people. The Covenant Chain symbolizes our treaty relationship, also symbolized by *Tekani Teyothata'tye Kaswenta* (Two Row Wampum), which affirms the inherent sovereignty and distinctness of our governments. An essential part of the relationship is our commitment to resolve matters through good-faith negotiation between our governments, including consultation on any plans, which might affect the other government or its people.

In any land issues, we want it understood that the following principles will govern any actions taken by the Haudenosaunee Council of Chiefs of the Grand River Territory:

1. The land is sacred to us. It defines our identities, belief system, languages and way of life.
2. We hold the aboriginal and treaty title to our lands collectively.
3. Our treaty relationship with the Crown is still alive and in force and directs our conduct in our relationship to Canada. Within this relationship, the terms of the treaties continue to bind both our government and the Crown.
4. We require a careful accounting for the Crown's dealing with our lands, and return of any lands that were improperly or illegally taken from our ancestors.
5. We require an accounting for the funds administered or held by the Crown for the Six Nations people, and restitution of any funds unaccounted for.
6. It is not only within the context of our treaty relationship with the Crown that we see justification for such accounting and restitution. Canadian and international law is clear on the right of the Haudenosaunee to see justice on these matters.
7. In any agreements with the Crown concerning land our goal is to promote and protect a viable economy for our people on our land-an economy that will be culturally appropriate, environmentally sustainable, and not injurious to our people and our neighbours.
8. Our fundamental approach is that Six Nations lands will come under the jurisdiction, management and control of Six Nations people. The federal and provincial governments must not impose jurisdictional, policing, taxation, and/or economic activities as part of the land rights settlement.

Our people, our laws, and our government have survived by being thoughtful, respectful, diligent and practical. In our relations with the Crown, and in any negotiations concerning land and the resolution of land-related issues, we will continue to apply those principles.



Six Nations "Iroquois" Confederacy GRAND RIVER COUNTRY

Ohsweken, Ontario

Moratorium on Development in the Haldimand Tract

April 20, 2021

In 2006, the Council of Chiefs of the Haudenosaunee, Grand River Territory, affirmed our land rights in the tract conferment by Governor Frederick Haldimand on October 25, 1784. In making this statement, the Council of Chiefs made it clear that we hold certain land ethics and principles that must be respected in any agreements on land use or occupation. The Haudenosaunee, and its governing authority, have inherited the rights to land from time immemorial. Land is a birthright, essential to the expression of our culture.

With these land rights come specific responsibilities that have been defined by our law, from our Creation Story, the Original Instructions, the (Great Law of Peace) *Gayensrango:wah* and (Good Message) *Gaiwiyo*. Land is envisioned as (the Dish with One Spoon) *Sgagaksa:t*; this means that we can all take from the land what we need to feed, house and care for our families, but we also must assure that the land remains healthy enough to provide for the coming generations. Land is meant to be shared among and by the people and with other parts of the web of life. It is not for personal empire building.

First and foremost is the concept that we are connected to the land in a spiritual way. The earth is our mother and she provides for our long-term well-being, provided that we continue to honour her and give thanks for what she has provided. We Haudenosaunee have upheld our tradition of giving thanks through ceremony, and in the cultural practices that manifest our beliefs, values, traditions and laws. Planting, cultivating, harvesting, gathering, hunting, and fishing also have spiritual aspects that must be respected and perpetuated if the land is to provide for our future generations, and the future generations of our neighbours. We are stewards. Our spiritual obligation is part of that stewardship.

Second, according to our law, the land is not private property that can be owned by any individual. In our worldview, land is a collective right. It is held in common, for the benefit of all. The land is actually a sacred trust, placed in our care, for the sake of coming

generations. We must protect the land. We must draw strength and healing from the land. If an individual, family or clan has the exclusive right to use and occupy land, they also have a stewardship responsibility to respect and join in the community's right to protect land from abuse.

We have a duty to utilize the land in certain ways that advance our Original Instructions. All must take responsibility for the health of our Mother.

Our ancestors faced overwhelming odds and relentless pressure to give up our lands. We all know that unscrupulous measures were employed to coerce our ancestors into "selling" the land. At other times, outright fraud took place, as was acknowledged in the Royal Proclamation of 1763. The agreements we recognize reflect an intention to share land, and to lease land, within the context of the Covenant Chain relationship that our nations maintain with the Crown. Our wampum belts, treaty council documents and oral history inform us that we always retained the right to hunt, fish, and gather upon all of our lands. This reflects the spirit of sharing that we expect to continue and is another example of the Dish with One Spoon.

We seek justice in our long-standing land rights issues. We seek an accurate accounting of the use and investment of the funds held by the Crown on our behalf, and land transactions conducted by the Crown involving our lands. For nearly two hundred years our Chiefs have been asking for such accounting and justice. Generations of our elders have passed away with these matters unresolved. It is time to end the injustice.

We want the land that is ours. We are not interested in approving fraudulent dispossessions of the past. We are not interested in selling land.

Our faith in the Canadian people is strong, as we feel that the majority of Canadians also want to see justice on these matters. However, their elected representatives and public servants have failed to act effectively to address and resolve these matters. It is time to lift the cloud of denial and to wipe away the politics that darken the vision of the future. It is time we are heard clearly, and our cases should be addressed with utmost good faith and respect.

Today, we are putting in place a moratorium on development in the Haldimand Tract. No development can proceed along the Haldimand Tract without the consent of the Haudenosaunee. The moratorium builds on our Land Rights Statement to end the exploitation of lands and resources along the Tract and marks a shift on land stewardship within a portion of the traditional territory of the Haudenosaunee.

We firmly believe that if we have respect and trust, we will find mutually agreeable solutions that will reflect our long-standing friendship. We want the Crown to keep its obligations to treaties, and ensure all Crown governments-federal, provincial and municipal-are partners in those obligations. We want an honourable relationship with Canada.

We seek to renew the existing relationship that we had with the Crown prior to 1924. That relationship is symbolized by the ("The thing by which they link arms") *Atęnadatnętsq:de:* also known as the Silver Covenant Chain of Peace and Friendship.

Our ancestors met repeatedly to repolish that chain, to renew its commitments, to reaffirm our friendship and to make sure that the future generations could live in peace, and allow the land to provide its bounty for the well-being of all the people.

The Covenant Chain symbolizes our treaty relationship, also symbolized by (Two Row Wampum) *Dekni deyoha:de gaswęda'*, which affirms the inherent sovereignty and distinctness of our governments. An essential part of the relationship is our commitment to resolve matters through good-faith negotiation between our governments.

Our vision for the future is self-determined, based in our inherent right to protect our lands for future generations of Haudenosaunee children. The Haudenosaunee intend to exercise our jurisdiction over our lands and waters in a way that maintains the delicate balance between Creation and humans, focusing on sustainability and responsiveness to climate change to protect waterways and ecologically sensitive areas.

This moratorium is consistent with previous statements and proclamations on our land rights. The Haudenosaunee Confederacy Chiefs Council endorses, supports, and recognizes that development should not be proceeding on our lands. The HCCC, as Chiefs and Clan Mothers, continue to support the efforts and stand behind our people who are protecting our land rights.

As we continue to work on the process of respecting our land rights, we must always place our children at the front of our minds. We are committed to peaceful resolutions of these long-standing issues.

