



VIA EMAIL

July 10, 2025

Guy Gardhouse
Mayor of the Township of East Garafraxa
065371 Dufferin County Road 3, Unit 2, East
Garafraxa ON, L9W 7J8
Email: ggardhouse@eastgarafraxa.ca

Dear Mayor Gardhouse,

It was a pleasure to meet you during my Haldimand Tract engagement work. I write today to remind the Province of Ontario and the Township of East Garafraxa of their Constitutional obligations pursuant to the *Constitution Act, 1982* to consult with and accommodate Six Nations of the Grand River on land use planning decisions relating to current and future developments within the Township of East Garafraxa and to demand that the Province of Ontario fulfil its obligations.

Township of East Garafraxa is on lands in which the Haudenosaunee people have Aboriginal and treaty rights. These rights are derived from many sources, including the Haudenosaunee peoples' traditional connections to southwestern Ontario as reinforced by the Nanfan Treaty, the Dish With One Spoon Treaty, and the Great Peace of Montreal. In addition, the Six Nations of the Grand River have rights derived from the fact that the Haldimand Tract was set aside for them by the Crown in the Haldimand Proclamation of 1784, which is a treaty.

The Province of Ontario has a duty to consult with First Nations when it is contemplating a decision on land use that may affect an asserted Aboriginal right or claim pursuant to section 35 of the *Constitution Act, 1982*. The Province of Ontario has delegated certain aspects of this constitutionally mandated consultation to the Township by delegating to it legislative authority over land use planning in Ontario. It is, however, still the Province of Ontario's responsibility to ensure the fulfilment of the duty to consult and the duty to accommodate, and to supplement the Township's measures, where necessary, to ensure adequate consultation with and accommodation of Six Nations of the Grand River. Consistent with this, in its Provincial Planning Statement, 2024 Ontario explicitly recognized the importance of consulting with Aboriginal communities on planning matters that may affect their section 35 Aboriginal or treaty rights.

The Province of Ontario and the Township of East Garafraxa have failed to fulfil the duty to consult or the duty to accommodate Six Nations of the Grand River. In recent years, the Township has approved numerous developments which have been undertaken or are being undertaken without meaningful notice to, consultation with, and/or accommodation of us.

While sometimes developers engage with us of their own accord, this is infrequent or at best inconsistent, and – more importantly – does not satisfy the Province of Ontario's and Township's duty to consult and accommodate.

Going forward, Six Nations of the Grand River expects the Township and the Province to comply with the duty to consult and accommodate us, including by giving meaningful notice, reasonably

in advance, to Six Nations of the Grand River Elected Council via the Chief and the Lands and Resources Department, of all land use planning and development decisions.

Six Nations of the Grand River intends to fully exercise our rights to make any necessary submissions to the Township about these decisions, and to the Ontario Land Tribunal if necessary, to ensure that our Constitutionally-protected rights to adequate consultation and accommodation are respected.

Sincerely,

A handwritten signature in black ink, appearing to read 'SHill', written in a cursive style.

Chief Sherri-Lyn Hill
Six Nations of the Grand River 59th Elected Council

Copy:

Hon. Doug Ford
Premier of Ontario
Email: premier@ontario.ca

Hon. Greg Rickford
Minister of Indigenous Affairs and First Nations Economic Reconciliation
Email: minister.indigenoussaffairs@ontario.ca

Hon. Rob Flack
Minister of Municipal Affairs and Housing
Email: minister.mah@ontario.ca