

**Advice to the Minister of Municipal Affairs and
Housing**

**On the Design and Delivery of
Emergency Financial Assistance to
Residents of Caledonia, Ontario**

CONFIDENTIAL

Submitted by the
Caledonia Community Committee
February 8, 2007

Caledonia Community Committee Membership

The Caledonia Community Committee (CCC) members live primarily in various neighbourhoods in Caledonia, including areas most impacted by the presence of the protesters on the Douglas Creek lands.

We are community volunteers who have taken on this role in addition to our jobs and other responsibilities. Our names were not publicly released in order to allow us to carry out our volunteer work and provide our advice in a fair, impartial and timely manner.

The committee has attempted to appropriately reflect the interests of the community. Being fully aware of the sensitivity and imperative nature of the task, we endeavoured to propose a course of action that would lead to the best possible outcome, given our mandate.

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A. Introduction

On June 16, 2006, the Province of Ontario announced its intention to provide emergency financial assistance to households most directly impacted by the land dispute in Caledonia (see Appendix A). The government committed to meeting with residents to determine the shape of the emergency financial assistance. Ministry of Municipal Affairs and Housing staff met or corresponded with many residents in the area immediately adjacent to the Douglas Creek lands.

The government wanted further local input to assist with the design and delivery of financial assistance and sought knowledgeable community representatives to form a committee called the Caledonia Community Committee (CCC).

The Ministry of Municipal Affairs and Housing asked Haldimand County Council and local community groups directly involved with the issue in Caledonia to put forward names of individuals who would consider participating on the committee. These members also consciously decided to seek out the additional members from citizens residing in what they considered at the time to be the most highly impacted areas of the community. All of the members are volunteers.

The task given to the Caledonia Community Committee was to provide confidential advice to the Minister of Municipal Affairs and Housing on the design and delivery of emergency financial assistance for residents in Caledonia related to the presence of protesters on Douglas Creek lands. Specifically, the committee was to provide advice relating to the amount of funds already identified by the provincial government in the amount of \$450,000.

Although the committee members were strongly convinced that this amount was insufficient to provide assistance to the residents, we accepted our assignment and have also provided additional advice.

The committee's rationale for providing this added advice is that many people in Haldimand County have been affected in one way or another; *everyone* in Caledonia was affected, some more than others. Some residents were deeply impacted and the approved amount is considered by the committee to be inadequate.

"The approved amount of assistance provided by the government to date unfortunately limits our compassion."

The Terms of Reference given to the committee members can be found under Appendix B.

B. Background

This community has faced major conflicts, greater than any community should have to endure. Life-altering events started on February 28, 2006, when approximately 20 protesters set up blockades and began the occupation of a new residential housing subdivision, what was then known as Douglas Creek Estates.

Events escalated when an OPP raid in April, 2006 failed to end the occupation and various blockades were set up across Caledonia. This day became known for us as “the day of terror”.

As the activities surrounding the occupiers on the Douglas Creek (DC) lands continued, the turmoil was so apparent, the threats of violence so real, that at the end of April 2006, the provincial government appointed David Peterson, former Premier of Ontario, to try and resolve the issue.

The situation has persisted with a constant underlying degree of stress every day, although certain dates, which were particularly violent and terror-filled, are at the forefront of our minds.

On Victoria Day, 2006, a vehicle was driven into a transformer and then set on fire which resulted in a major blackout affecting three counties and the Six Nations community. A backhoe was used to tear a trench across our main road. Fights broke out between native and non-native demonstrators. The OPP showed up in riot gear, something we unfortunately were becoming accustomed to see in our community.

An extended state of emergency was declared by Haldimand County.

On June 9, there were three incidents. An elderly couple from a neighbouring community had their car surrounded by demonstrators. The man was taken to the hospital with chest pains. As a Hamilton television crew tried to interview the couple, the camera operators were attacked by native protesters and had their videocassette stolen. One of the operators had to go to the hospital to have staples as a result of the attack. Within an hour, an unmarked U.S. border patrol vehicle was swarmed by native protesters who forced the officers out, stole the vehicle and drove it away, nearly hitting an OPP officer. Classified information was also stolen out of the vehicle. These incidences resulted in a major police action to control the situation.

In the summer, every weekend was fraught with tension, as the confrontations persisted.

On August 8th, Mr. Justice Marshall of the Superior Court of Justice issued an order pertaining to the occupiers which resulted in a stand off between native protesters and the residents of Caledonia. Justice Marshall advised the province

to suspend negotiations until protesters left the site. Instead, the occupation continued and there was another standoff between the native protesters and the residents of Caledonia.

Many other events of protest and incidents of unrest ensued. The presence of the protesters on the DC lands has continued through the fall and the winter; it is almost one year later and the occupation is still going on. Residents regard the upcoming warm season with trepidation, afraid that the warmer weather will lead to further confrontations.

“Eleven months later, for outsiders looking in, the town almost looks normal; you can’t see our fear, but it is there, and at night, you still don’t know what might happen...”

C. Impact of Events on Residents

Over the past year, residents of Caledonia have been experiencing ongoing stress, intimidation, anxiety and fear. Living in the community, the committee members have their own experiences and were told many anecdotes by residents.

Many residents have incurred expenditures for extraordinary costs for things like child care, food spoilage due to the power outage, and for extra security measures such as monitoring, extra lighting, fencing, locks and alarm systems. Residents also had extra gasoline costs due to re-routing around blockades for over six weeks (see Appendix D for a map of the area showing the several blockades).

Many residents commuting to and from Caledonia for work experienced extended travel times, traffic congestion and increased gas consumption. The natives imposed curfews and provided passes to residents, who were required to use them to travel through blockades on Oneida 6th Line and Sterling. Residents have said that they felt abandoned by the OPP, the very people sworn to protect them.

Many residents took time off from work in order to stay home to provide security for their property. Many feared losing their insurance coverage on their homes if their homes were damaged by unrest; some feared that costs as a result of damages would not be recoverable because these might be deemed caused by “an act of insurrection”. Some residents experienced smoke in their homes from burning fires and expressed fear that their houses might be burned down.

Some residents had expenses for out-of-town travel and hotel costs to get away from the stressful environment, or to stay with friends for safety reasons, or just to get some sleep for one night.

“We feared for our safety. It was not unusual for folks to keep a baseball bat by their beds.”

Some residents have said that these experiences contributed to marital problems and the need for counselling for children and teenagers. For some residents, this has led to a loss of income while for others, it impacted their work performance.

The most significant impacts, however, are those which are most difficult to measure, caused by the disturbance and disruption of daily life: disturbing scenes, unsightly barriers, and trespassers on their property, noise, smoke, spot lights, fire crackers, gun shots, threats and physical attacks.

"My wife slept between the outer wall of our house and our six year old child, in fear of stray bullets...many neighbours we spoke to slept in their basement."

Residents have concerns over the stigma of being associated with DC lands, where relatives and friends refuse to visit because of fear for themselves and their children.

There was also impact on daily household activities, such as daycare, eldercare, shopping, medical appointments and community events. There was major concern for children's safety and the ability for them to go outdoors. Working parents experienced anxiety at having to leave their children in the care of others. In some areas, school bus service was cancelled.

Curfews were established by the natives for residents, and a missed curfew meant you might not be allowed through the blockaded street.

Residents experienced frustration regarding payment of property taxes for services they did not receive.

Some residents required medical attention and medications for lack of sleep and anxiety.



Source: photo courtesy Caledonia Community Committee

"I thought my teenager was fine until I discovered that she was having recurring nightmares about our dog being gutted – this related to the dead deer left hanging for days at the end of our street."

The lack of credible information sources on many topics caused rumours to constantly circulate throughout the town, raising the level of anxiety for residents.

"If I could just know what is going on..."

All of these difficulties were experienced by all the residents of Caledonia to some extent.

D. Advice to Government

The committee acknowledges that its task was to provide advice to the provincial government on the distribution of emergency financial assistance to those residents in Caledonia who were most directly impacted, and we have provided that advice in this section.

At this time, occupiers are still on the Douglas Creek lands. The one year anniversary of their occupation is coming up on February 28, 2007 and residents of Caledonia are asking, "When will this be resolved? When will we be able to return to being a normal community?"

We were not asked to comment on the nature of the negotiations that are presently ongoing, and we do understand that this is within the federal government's jurisdiction.

Having said that, the residents of Caledonia are anxiously waiting to see progress towards the resolution of this situation, and yet, no one has heard whether or not an offer has been made to settle the land claim, and if so, is that offer under consideration? We understand that "negotiations are ongoing," and that we should view this as a positive sign; however that response, after more than 11 months, is no longer acceptable. It is time for the federal government to [make things happen](#), and it has to do so sooner than later. This situation is no longer tolerable and residents do not understand why it is taking the federal government so long to resolve it. We urge the provincial government to use any influence it has to impress upon the federal government that this situation must come to an end.

In addition, the committee was not asked to comment on any other issues; however, we felt it was incumbent upon us both as residents and as committee members who were asked by our government for advice to bring up what we consider to be the broader issue, which is ["What does this mean for all of Caledonia?"](#)

Time and again, in its many hours of deliberations, the committee kept coming back to the fact that [all](#) residents of Caledonia have been and continue to be impacted in some fashion. The committee terms of reference directed us to provide advice on how the government can dispense the identified funding to the most directly impacted residents. You will see below that we have done that by setting out criteria, which when applied, advises that households in sections of the community, identified as areas 1A, 1B and 1C, were the most directly impacted and therefore should receive emergency financial assistance. Our concept is that [all](#) of Caledonia is ["AREA 1"](#) in terms of impact, and that is why the committee feels duty bound as citizens of the community to provide additional advice. Therefore, we proceed first with our advice regarding Caledonia.

The Future of Caledonia

When will the community be able to return to normal? This is a valid question and one the committee cannot answer, however we spent a significant amount of time on *how* the community *could* return to normal, how Caledonia could come out of this as a stronger community.

The impacts of the protesters on the Douglas Creek lands are far reaching. Residents' lives and in some circumstances, their livelihood, have been greatly affected. Businesses have been affected, developers appear to be shying away from engaging in development in the Caledonia area and families are having second thoughts about living in and moving to Caledonia. There are indications of the beginnings of a stigma associated with living and working in Caledonia, for example, banks are unwilling to take some financial loan risks regarding property and are unwilling to refinance homes, insurance companies are re-examining home policies, and businesses are suffering.

Caledonia needs to redefine its identity as a vital, viable and thriving community. Therefore, defining the future for Caledonia lies within answering the following:

How do we encourage families to stay in Caledonia?

How do we encourage developers to build in Caledonia?

How do we encourage businesses and families to see a future in Caledonia?

How can these basic realities be addressed? Does government compensate us somehow for this? The committee discussed the issue and put forward this definition of compensation from the WordPerfect Oxford Dictionary:

“...a process in which a tendency for a change in a given direction is counteracted by another change **so that the original change is not evident.**” (Emphasis is ours).

Although this is the definition of compensation, we believe that compensating the community would best be done through a community recovery plan which would address the questions above.

Without knowing when the present situation will be resolved, it is difficult for the community to start rebuilding itself and yet, such a rebuilding process needs to be initiated and it needs to be initiated soon in order to strengthen the community. The government, at all levels, needs to concern itself with the future of Caledonia.

Infrastructure in Caledonia is one key area in which the committee felt compelled to suggest that the province and the federal government should provide assistance to our community, recognizing that addressing the infrastructure issues will greatly assist with the recovery of Caledonia.

Also, the committee wishes to advise government on two other matters: first, that the DC lands property be developed for some purpose and not remain as vacant lands and a reminder of what has transpired.

Secondly, consideration should also be given to those already residing in the community who have invested their future and money in homes and residential upgrades to increase the equity in their homes. For families who must relocate now for work reasons, they may potentially suffer a financial loss on their property due to the fact that potential purchasers do not want to move into their neighbourhood “which is under occupation” particularly since no one knows when it might end. Retiring Caledonia residents have expressed concern about their savings being affected. A life long effort to generate security through equity in their homes is now left in question.

For some residents living in homes abutting the DC lands, the on-going stress of having to live in this situation – not being able to use their pools or back yards for barbecues, the ongoing activities in and around the site itself – is cause for them to want to leave the area. If they leave now, they will suffer a loss on the sale of their property. It may be that in a few years from now, the properties will have recouped their value, [if the situation gets settled soon](#). What can government do to try and assist these residents?

Finally, the committee is advising the government to consider investing in some form of strategy to help mend the societal rift which has divided the community. Within Caledonia and the nearby Six Nations reserve, the population numbers reflect approximately 10,000 residents and over 20,000 members of the Six Nations community. Prior to this action taken by natives on the DC lands, Caledonia was a well-integrated community, where native and non-native residents lived together as members of one community. Now, friendships and marriages have been affected.

How could this have happened in our community? The Six Nations community felt strongly that an injustice had occurred regarding the land, and this injustice, whether real or not, has to be addressed before the wellness of the community can begin. We fear that this division in the community may take generations to heal, and that is why we urge government to assist the community in coming together as one again by providing some assistance in the development of a wellness plan.

We sincerely hope that government at all levels will work together and turn their attention to the rebuilding of the community of Caledonia.

[We trust that when the government makes its announcement on the emergency financial assistance, that it will announce its commitment to a more comprehensive recovery plan that will benefit all of Caledonia.](#)

Emergency Financial Assistance

As mentioned in the introduction, the committee was informed that \$450,000. had been identified by the provincial government for emergency financial assistance for the residents most directly impacted by the situation in Caledonia. The committee reiterates its position that this amount is inadequate and that consideration should be given to increasing the amount. If the amount is increased, then consideration should be given to other residents who were also strongly impacted. This advice is justified based on the fact that the situation in Caledonia has been going on for almost one year. For residents and this committee, this urgent situation is considered a disaster and for that reason, we consider this to be emergency funding.

We acknowledge that the provincial government has made a request to the Federal government to match the amount of financial assistance. The committee is advising the government that should subsequent additional emergency funding assistance be approved, that the province should apply this further amount to the emergency assistance package.

In considering the distribution of the emergency assistance funding, the committee considered several options. These other options are outlined in Appendix C.

The consensus of the committee is that the government should provide assistance at this point, with the identified \$450,000. for those residents that are, and have been, most directly impacted. Committee members deliberated at length in terms on how to define which residents were most impacted and concluded that many residents were significantly impacted. We refrained from proposing an option that was too subjective, and arrived at the following general criteria for defining those residents most directly affected:

- residents required to travel through blockades
- residents without emergency services
- residents subjected to verbal harassment
- residents subjected to visual harassment
- personal safety and security

Having defined the above criteria, the committee considered the severity of impact on residents. It was impossible for the committee to consider the personal individual impacts on each and every resident.

Upon reviewing the activities that have been ongoing since February 28, 2006 and examining where households were situated within the proximity of the DC lands as well as the location of the blockades that were established (some of which were up for six weeks), the committee agreed on the following design and criteria:

► Residents in area 1A:

Criteria:

- constantly travelled through several blockades to and from home on a daily basis
- could not rely on emergency services such as fire, ambulance and OPP to respond to their calls for assistance or services
- subjected to verbal harassment on an ongoing basis
- subjected to visual harassment on an ongoing basis
- personal safety and security perceived at a high level of threat

Area 1A is considered to be the most impacted area and is described as households on both sides of 6th Line between Argyle St. S. and Oneida Road; the east side of Oneida Road between 6th Line and Sterling Street; Sterling Street between the rail line and Oneida Road; and both sides of Argyle Street South, south of the location of the former road block and Highway 6. This area encompasses approximately 20 homes.

See Map of area 1A as Appendix E.

► Residents in area 1B:

Criteria:

- subjected to verbal harassment on an ongoing basis
- subjected to visual harassment on an ongoing basis
- personal safety and security perceived at a high level of threat

Area 1B is considered to be a very impacted area and is defined as households abutting the Southern Ontario Railway corridor on MacCrae Drive and Braemar Avenue; the households on Thistlemoor Drive abutting the Douglas Creek lands and the two residences on Thistlemoor backing on to the Notre Dame school; and the households on the west side of Argyle St. S. between Celtic Drive north of the location of the former road block. This area encompasses approximately 82 homes.

See Map of area 1B as Appendix F.

► Residents in area 1C:

Criteria:

- subjected to verbal harassment to a lesser degree than in 1B
- subjected to visual harassment to a lesser degree than in 1B
- personal safety was perceived as threatened

Area 1C is considered to be a very impacted area, to a lesser degree than Area 1B, and is defined as the 35 households identified as “across the street” on Thistlemoor Drive and Braemar Avenue.

See Map of area 1C as appendix G.

The committee did not propose a ratio for the apportioning of the funding. We are advising the government that it should do so according to the provided criteria and areas of 1A, 1B, and 1C, for the amount of \$450,000. Should the amount be increased either through a federal contribution or otherwise increased, then the money should be apportioned to these areas, plus to neighbouring adjacent households which also experienced some impacts.

Delivery Mechanism:

The administration of this financial assistance should be simple, with residents required to complete an application with minimal requirements, such as proof of residency in the above described areas at the time that the emergency financial assistance was announced on June 16, 2006.

The committee can not stress enough the need to provide financial assistance to residents as soon as possible.

The committee would like to give one final and important piece of advice and that is for government to consider increasing the amount of money for emergency financial assistance.

News Release



1.1. Communiqué

2. Ministry of Ministère des

Municipal Affairs
and Housing

Affaires municipales
et du Logement

For Immediate Release June 16, 2006

ONTARIO GOVERNMENT TO HELP CALEDONIA RESIDENTS

Assistance Will Go To Households Directly Affected By Blockade

TORONTO - The McGuinty government is providing emergency financial assistance to residents in Caledonia directly affected by the continuing blockade, John Gerretsen, Minister of Municipal Affairs and Housing announced today.

"The province recognizes that individuals and families have been affected by the situation in Caledonia," Gerretsen said. "We want to help residents deal with this challenge."

The province is working with the Caledonia Community Liaison Committee to determine how the province could best help individuals and families who were the most directly affected by the blockade and occupation.

"I have asked the Caledonia Community Liaison Committee to develop their recommendations at their next meeting on Monday, June 19," said Gerretsen. "Members of the local community are the experts on what can be done to help those who have suffered disruption and distress as they tried to carry on their daily life in Caledonia over the past weeks and months."

The McGuinty government is also providing a new business assistance program for Caledonia and area business that suffered losses from the disruptions and road blockades on Argyle Street and Highway #6. The announcement, made by Joseph Cordiano, Minister of Economic Development and Trade, brings a total of \$1.7 million to support local business.

"With this commitment to support residents directly affected by the blockade and our plan to help get businesses back on their feet, we are doing all we can to support the community in Caledonia," said Minister Cordiano.

"This commitment to help Caledonia residents directly affected by the blockade is welcome news for the community," said Dave Levac, MPP for Brant.

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Appendix B: Terms of Reference

CALEDONIA COMMUNITY COMMITTEE (CCC) Terms of Reference **DRAFT**

Background/Context

Purpose

In June 2006, the Province of Ontario announced its intention to provide financial assistance to households most directly impacted by the land dispute in Caledonia. The government committed to meeting with residents to determine the shape of the financial assistance. Ministry of Municipal Affairs and Housing staff (MMAH) have met or corresponded with many residents in the area immediately adjacent to the Douglas Creek lands. The provincial government now wants to go the next level to seek local assistance from experienced community representatives in ensuring that the right program is designed and delivered.

Scope

| <i>"IN" Scope</i> | <i>"OUT" of Scope</i> |
|---|--|
| <ul style="list-style-type: none">• Confidential advice to the Minister of Municipal Affairs and Housing• Financial assistance program related to the presence of protesters on Douglas Creek Estate properties• Impact of presence of protesters from Feb 28, 2006 onwards• May hold a public meeting to hear representations from residents | <ul style="list-style-type: none">• Buy out affected properties• Media statements, other than key messages provided, until after the Province of Ontario announces its decision |

Authority

In the June announcement, Minister Gerretsen explained that the province recognizes that individuals and families have been affected by the situation in Caledonia, and that the government wants to help residents deal with this challenge. In December, Minister Ramsay further clarified that provincial work was continuing to determine how much to set aside and who will be eligible, in a manner that is accountable to the taxpayers of Ontario.

Appendix B: Terms of Reference

Role, Responsibilities and Membership of CCC:

Role:

To provide confidential advice directly to the Minister of Municipal Affairs and Housing by early February, 2007 on the design and delivery of a financial assistance program related to the presence of protesters on Douglas Creek Estate properties

Responsibilities:

- Sign a non-disclosure agreement with the Province
- Review the MMAH Resident Consultation Report (June/July 2006);
- Report on any other additional hardship experiences that CCC members may be aware of and are able to document;
- Develop advice on the design and delivery of a financial assistance program through a consensus approach when possible
- Focus advice on the design such as:
 - Eligibility requirements;
 - Types of extraordinary costs and reasonable amounts of assistance;
- Focus advice on the delivery of the program such as:
 - Application forms;
 - Service counter assistance;
 - Delivery mechanism (e.g. pickup or mail);
- Calls for information from residents or media may be redirected to the Municipal Services Office in London

Membership:

Municipal representation will be approved by council resolution. Members may be considered and added to the Committee by the CCC, up to 7 members.

Duration:

The CCC members are required to submit their Report to the Minister by early-February, 2007.

Reporting Relationships:

The MMAH Municipal Services Office (MSO) located in London will be the primary point of contact for the CCC. MMAH staff will facilitate requests for:

- Supporting public materials, if available, and advice, upon request;
- Secretariat/administrative support upon request (e.g. agendas, minutes, report format);

Appendix B: Terms of Reference

- Claim forms to cover travel expenses of members as per the OPS Directives, should travel be required;
- Meeting rooms and refreshments to be arranged by the MSO staff
- Work is voluntary, no per diem allowances provided

Role of Chair:

The Chair will be selected by Committee members and responsible for:

- Spokesperson for any media contact, where necessary
- Acting as the point of contact with MMAH MSO staff;
- Scheduling the meetings and determining the frequency, as required by CCC members, and ensuring a quorum;
- Chairing the Committee and seeking input from members;
- Building consensus in determining the advice to the Minister;
- Forwarding a confidential Report to the Minister.

Appendix C: Options Considered

Option 1:

Flat amount, based on geographical proximity of DC lands, by varying degrees/categories, determined by the committee plus costs for eligible items, to a capped amount, with receipts/demonstrated costs; items and cap determined by the committee.

Considerations:

- the committee can not determine the impact on individuals
- the criteria would open itself to criticism, would require some explanation
- might be difficult to provide receipts
- there may not be many other eligible costs
- would be somewhat relatively easy to deliver
- would require an application, suggesting hand delivered

Option 2:

Defined criteria as follows:

- affected by roadblock
- personal safety threatened (direct intimidation)
- subject to noise harassment
- subject to out-of-pocket costs
- on-going impacts
-

The criteria would be scaled from 1 to 5, with 1 being low impact and 5 being high impact; then the total points would be ranked by category:

- category 1: 21 – 30
- category 2: 11 – 20
- category 3: 1 – 10

Considerations:

- allows for indicating degree of impact, difficult to do
- could allow neighbour to get significantly higher than next door neighbour
- high impact areas would still need to be determined
- rating is subjective
- would require application reviewers and maybe interviews of applicants

Option 3:

Same as option 2, except applicants would have to self-identify from low to high on scale instead of pre-determined criteria only plus receipts or demonstrated costs for eligible items, up to a capped amount determined by CCC.

Considerations:

- might be difficult to provide receipts
- there may not be many other eligible costs
- similar considerations as Option 2

Option 4:

Same as Option 1: flat amount plus eligible items plus subjective criteria and other factors:

Considerations:

- rating is subjective
- difficult to determine specific impact on individual
- difficult to administer
- difficult to provide fair and equitable criteria
- tries to address specific impacts

Option 5:

Flat amount only, based on geographical proximity, determined by CCC and criteria based on levels of impacts due to area of residence.

Considerations:

- recognizes that some residences were more severely impacted due to their location affected by blockades
- recognizes that some areas could not depend on emergency services being provided
- recognizes that all residents in the closest areas to DC lands experienced some degree of:
 - o verbal harassment
 - o visual harassment
 - o security and safety issues
- easy to administer
- neighbours in like-areas receive similar assistance