

Sale of Six Nations property in Brantford becoming at hot potato

By Jim Windle
BRANTFORD

A little plot of land located at 431 West Street in Brantford could turn into a much bigger deal than anyone expected after a Brantford City Council vote to put the property up for tax sale was approved by the narrowest of margins.

The council was divided on the issue but the motion passed 5-4 with three councillors away, including Mayor Friel.

The latest vote overturned an earlier decision made by the operations and administration committee to seek further legal advice. The motion was twofold. One was whether to seek further legal advice before deciding what to do about the property, the other was that if they chose not to seek further advice, the sale would be approved by council.

The way the motion was worded, if a councillor voted not to get more legal advice since they had already sought and received advice not to step into a matter they could not solve at the municipal level, seeing it as a further waste of money, in doing so he or she also voted to sell the property.

It is a complicated issue. The property is technically owned now by Six Nations and according to the clear

wording of the 1997 river crossing agreement, is not taxable by the city. There was no public discussion on the issue in council before the vote was taken last week.

When a Brantford resident bequeathed his West Street property to the Six Nations Elected Band Council several years ago, the estate paid all outstanding taxes before the land was given and received by the Band Council. The Elected Council has also been maintaining the property with lawn cutting and snow removal since it was transferred to Six Nations.

But since that time, the city has kept the tax meter running and it now tops \$40,000 which Brantford thinks is owing on the property. Elected Band Council Chief Bill Montour disagrees and is angered they would try to tax Six Nations land, whether it is within the city or not.

Also potentially going on the sales block is another property at 110 Gilkinson Street which was willed to the Mohawk Nation by a city resident. According to the city, that property is also owing taxes in arrears. The city is still trying to sort out what to do with the Gilkinson situation since it does not fall under Band Council's jurisdiction.

"I mentioned the Gilkin-



Elected Chief Bill Montour will not accept Brantford's decision to sell land located at 431 West Street in Brantford bequeathed to Six Nations by a city resident many years ago. He is calling upon a 1997 agreement with the city which clearly states that any land held in trust for Six Nations will not be taxed. (Photo by Jim Windle)

son Street property to Hazel Hill of the HDI and they said that they were dealing with it," said Chief Montour. "They have alerted the city that one Nation can not tax another Nation and they will be dealing with that so we are not stepping on toes."

But the West Street property is another story which

Montour is very serious about protecting.

"That is becoming a real issue," he said. "I notice that Brantford City Council is quite divided over that. But I have to congratulate Chris Friel because he is realizing now, and as he told his council recently, we're dealing with a governing

entity that is a higher authority than us. We are federal, they're provincial. He's starting to get the message, I believe, that Six Nations is not just another regular tax payer. Lands held in trust as we see in Part #9 of the 1997 agreement, are not to be taxed. We have appealed to the Ontario Municipal As-

essment Board to make that exemption work."

According to city officials, the soonest the property will go on the block is September, unless City Council changes its mind again and chooses to accept that 431 West Street is Six Nations land and therefore not taxable.