

# Farm is Indian land, township council told

By Peter Fitzpatrick *JAN 9/90*  
Expositor Staff

Brantford Township has no authority over 21 hectares of land in the township, councillors were told Monday.

The property on Powerline Road northeast of Brantford known as the Doctor Lands, is said by its owners to be unsundered Indian land. And that means it's exempt from municipal and provincial laws.

"You might as well go down to Ohsweken and try to zone and tax the village of Ohsweken because you will get the same result," said lawyer James Leslie, speaking for land owners Helen and Leslie Doctor.

"If you don't take it as fact from me, we may have to have it adjudicated." Mr. Leslie and Mrs. Doctor appeared before council following its recent decision to seek provincial help to bring the land under municipal control.

The issue arose after Mrs. Doctor established Smokey Hollow Estates, a mobile retirement community.

The township does not allow mobile homes.

The land was originally owned by Mr. Doctor's great great-grandfather, Chief Peter Green, who received it from the Crown early in the last century.

For the most part, the township has ignored the property —not even trying to tax it.

But with a mobile home park council is concerned about fire protection, garbage collection and sanitation for the community.

On Monday, Mr. Leslie said most of those matters have been taken care of.

Only the issue of fire protection remains, and the lawyer told council that Mrs. Doctor is willing to deposit \$2,000 in trust with

the municipality to cover any fire expenses that may arise.

After the meeting, Reeve Steve Comisky said the township wants a clarification on where the municipality stands in regard to the property. It is still waiting for a response from the province on the question of jurisdiction.

"We have some concerns in regard to the way the whole situation has been left. We have no control," said the reeve.

"They (the Doctors) feel they have addressed all the concerns, but what happens when Mrs. Doctor is no longer there, or somebody else takes over the property?"