

Evicting Mohawks from Kanata will be complicated

By Jim Windle
EAGLES NEST
(Brantford)

In its frustration, Brantford city council may have overstepped its legal standing when it ordered Brantford Power to turn off the electricity and water service to Kanata Village on Monday morning.

By Monday evening's city council meeting there were serious concerns circulating by much more knowledgeable staffers and the Fire Chief, questioning the wisdom and legality of city council's order.

Several weeks ago Councillor Richard Carpenter hatched a plan he hoped would force the Mohawk Workers out of the former Kanata Village museum which they have been occupying for the past five years.

He convinced the majority of council that if they simply shut off the services to the building, the Mohawks would be forced to leave. In that way they wouldn't have to deal with the issue of underlying title to the original Mohawk Village as formally established in 1785 by Joseph Brant.

But the city could not legally force Brantford Power to shut off the services. It could only stop paying the heat, hydro and water to the building and let the payments fall into default. This would put the decision into the hands of Brantford Power.

"We never paid because we were never sent a bill," was Mohawk Workers spokesperson Bill Squire's reaction.

Rather than leave as Carpenter planned, the Mohawks contacted Brantford Power and set up their own account to pay the bills for the services

themselves.

Ironically, Monday was the day they were to open that new account with Brantford Power and water service. But someone from city hall ordered the city owned corporation not to open that account until they were shown a lease from the city to occupy the building.

The Mohawks responded by drawing up a lease between the Mohawk Workers as occupants, and the underlying title holders, the Mohawk Nation, through Ted Squire, whom they say is a legitimate Mohawk Chief although not part of what is recognized to be the Haudenosaunee Confederacy or the Elected Band Council.

But Carpenter's plan began to unravel from inside as well on Monday night at council when city CAO Ted Salisbury informed council that there is a problem with

shutting down the electrical and water services.

He read to council passages from the Brantford Power guidelines agreement stating that Brantford Power could not legally cut off services if those services were requested by the "occupant" and paid for.

"We are looking into the legalities of what an 'occupant' is, because that's the crux of the the matter," he said.

Before Salisbury spoke, Brantford's Fire Chief Jeff McCormick warned the city that, for fire safety reasons, they could not legally shut off or cause to be shut off the electricity or water as long as someone was occupying the building. In fact, if they do shut off the services, they could be liable to a law suit which would be filed by the Fire Department itself.

Five years ago, members of the Mohawk Nation took

over the vacant building once they discovered that the former museum, which was created by the now defunct White Pines Native Centre, was making lease payments to the city on land they believe has never been ceded to the city or anyone else.

The Mohawks simply wanted to know when and how that part of Eagles Nest became taxable city owned property. But up to today, the city has avoided the question entirely and have pretty much left the Mohawks alone.

Veteran city councillor Richard Carpenter, famous for his "if you are out of work, you can thank Six Nations for that" remark in the media, has once again stirred the nest with his latest attempt to get the Mohawks out of the Mohawk Village without dealing with the cause of the occupation in the first place.

Mayor Chris Friel, who was highly critical of former mayor Mike Hancock's handling of Six Nations land claims issues, sounded much like his predecessor when he declared, "We need to literally put these individuals in their place - where they belong, out of the building."

But the occupying Mohawks say they are, in fact, exactly where they belong and have no intention of leaving.

As of Tuesday morning, the Mohawks were still at Kanata under candle power, and the city solicitors and CAO were busy trying to figure out what to do next. But in the meantime, should there be a fire at Kanata and someone is injured or killed, the city could be liable as long as the services remain off.

At around 6 pm, the lights and water were restored to the building.