

Residency bylaw eviction notice spurs threatening charge

By Donna Duric and Lynda Powless, Writers

A non-native man and his family are living in a Brantford hotel after he was charged with threatening to burn a neighbour's house down after being served with a residency bylaw eviction notice last Thursday.

Police said a local woman who operates a private day care, claims he threatened to burn her house down after police served him with an eviction notice.

Police arrested Joshua Andrew McFarland, 27, at a Seneca Road home he shares with his common-law partner Misty Ladd-Hess Friday morning.

Six Nations Police Chief Glenn Lickers says he believes the residency notice and the threat to burn the house down were related.

Police served the residency notice (dated May 29) to Joshua Andrew McFarland, 27, on June 19 at the Seneca Road residence. The notice gave him 15 days to leave the territory (July 4) from the day the notice was served (Thursday June 19 2014).

Under the Six Nations residency by-law, non-band members are not permitted to reside on the reserve.

After receiving a complaint from band members, band council investigated and sent

an eviction notice to police to serve.

Lickers said police received the call of the alleged threat after the notice was served.

Lickers said the woman expressed concern for her safety and the safety of the children in her home daycare. Police arrested McFarland Friday morning (June 20) at 8:30 a.m. at the Seneca Road residence he shared with his family.

McFarland faces charges of criminal harassment and uttering threats and was held for a bail hearing.

Lickers said Six Nations Police would ask the courts that McFarland not be allowed to return to the territory as part of his conditions of release. Lickers said police routinely request the condition.

He said in McFarland's case, the request that he not be allowed to return to the territory is separate from the residency issue.

Police said they were going to follow up on the eviction within 15 days of issuing the notice to McFarland.

The notice, written on Six Nations letterhead and signed by Elected Chief Ava Hill, says band council passed a resolution telling McFarland to leave the territory.

It states, "That this council accept the recommendation

from lands/membership to adhere to the residency by-law and have the Six Nations Police deliver a letter under



Joshua Andrew McFarland, living with his common law wife Misty Ladd-Hess has been evicted from Six Nations under the community's residency bylaw. He was also charged when a neighbour reported threats. (Photos from Facebook)



Message on a shed at the Seneca Road house facing the McFarland neighbours.

the signature of Chief G. Ava Hill informing Joshua McFarland, who resides at...Seneca Road, Six Nations, Ohsweken, Ontario, that he has fifteen (15) days to move from the Six Nations of the Grand River Territory and that should he reside at Six

Nations of the Grand River Territory after this date, the Six Nations Police will initiate the process for his re-



removal from the territory. The above is for your information and action; please govern yourself accordingly."

The story has sparked accusations of racism on social media levelled at Six Nations.

And the eviction has again raised questions over the 28

year old residency by-law that was established in 1986.

On Dec. 18, 1986, Six Nations Band Council passed a residency by-law prohibiting non-band members from living at Six Nations, stating, "the Six Nations Indian Reserve No. 48 and No. 40B are for the sole use and benefit of the members of the Six Nations Indians of the Grand River."

The by-law also contains a prohibition from returning to the territory, "after having been convicted of an offence contrary to the laws of the Parliament of Canada that was committed on the Six Nations Indian Reserve."

The by-law also contains a clause stating that any person in contravention of the by-law may be fined up to \$1,000 and/or imprisoned for up to 30 days.

Band Council had formed a committee last year (that includes community members) to revisit the residency by-law issue but no reports or updates have been made public

But the committee, sources said is almost defunct. "No one wants to look at workable solutions; they just want to kick everybody off so the Committee doesn't get anywhere. In my opinion the problem is the people who do want to find work-

able solutions are afraid to speak up because they get attacked by the naysayers."

Former Six Nations band Councillor Glenda Porter, who chaired the membership committee in 2002 told council then, the bylaw protects Six Nations land base for its growing population."

She said, "Everyone knows, if you marry a non-band-member, and you move to the community, you risk being removed from the community."

Six Nations Band Council issued a press release outlining steps it takes before eviction occurs.

"When a Six Nations band member files a complaint about a non-member residing on the territory, Six Nations Elected Council (SNEC) proceeds by following the residency by-law which has been in place since 1986," reads the statement. "The by-law and any eviction letters are only issued when an official complaint is made about a non-band member residing in Six Nations."

"If we receive a complaint about an individual who is not a band member residing here, the complaint goes to (Six Nations) Lands and Membership (Department) for verification.

"If they verify the person being complained about is
(Continued on page 5)