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Development grinds to a halt in Cayuga; Ruby Montour delivers ultimatum to developer: Comply with HDI or face permanent shut-down

Posted By KAREN BEST

Posted 7 hours ago

MAY 14/08



Standing with OPP officers, Six Nations member Ruby Montour watched while Mark Vandermaas and Jeff Parkinson videographed her. They were collecting evidence to pursue private prosecution of mischief and extortion charges against her and her husband, Floyd Montour. Karen Best / The Chronicle; Ruby Montour of Six Nations (on left) demanded developer Michael Corrado (second from left) comply with HDI while Coun. Buck Sloat and an OPP officer listened. Karen Best / The Chronicle

A Cayuga construction site was shut down on Monday by Six Nations member Ruby Montour. She demanded developer Michael Corrado comply with Haudenosaunee Development Institute requirements or the site will be permanently closed.

The ultimatum was delivered before students began to walk through the north end of Joseph Street off Thorburn Street (Haldimand Road 17). Coun. Buck Sloat, who represents Cayuga, stood by the developer and listened.

"If in two weeks, you have not (complied with HDI), I promise you will lose this site," said Ruby Montour. HDI deals with development issues in the Haldimand Tract on behalf of the Confederacy council. "Let me think about it," he replied.

She advised him that Six Nations people will be there every day for the next two weeks to ensure no work was done.

After hearing this, the councillor and the developer were angry and frustrated.

"It's blackmail. Whether it's in this context or any context - when you say, 'Do it our way or else,' said Corrado who added work was not planned for Monday due to rain.

He wanted the provincial and federal governments to get involved because they can't issue approvals and leave developers "blowing in the wind".

Sloat agreed that some authority had to take a stand.

"This is absolutely extortion. It's illegal. There's no excuse for this, absolutely none," he stated. "Somebody needs to step up and take action. They're holding the entire county as hostages."

On April 22, Ruby Montour and a few other members of Six Nations arrived at the site where 44 townhouses were to be built. She and Corrado agreed to a one-day pause in construction and that he would meet with HDI.

At a meeting two weeks ago with institute personnel, the developer learned that a \$3,000 application fee was required and that he was expected to hand over title but could lease back the land. Twenty-five per cent of property taxes were to be redirected to HDI. Corrado said the institute was asking him to do things that he could not do legally or logistically.

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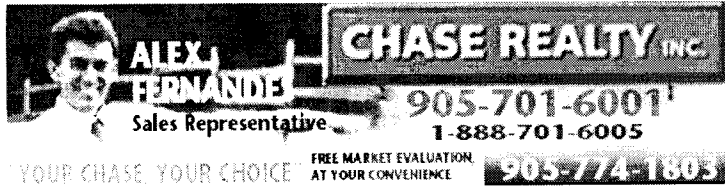


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In their first contact on Monday morning, Corrado and Ruby Montour began on a cordial note but soon were engaged in a heated exchange. Referring to unchanged treaties, she said Six Nations cannot sell this land to him but if he had consulted with them it would have been different. He said the province advised him consultation was not required.

She told him members of Six Nations would be at the site until he did consult. "No developing on our land," Ruby Montour stated. "If we wait much longer, these machines have to leave our land."

"We have no alternative. I firmly believe this is our land," said Floyd Montour, Ruby's husband.

While acknowledging that belief, Corrado said, "I have a deed that makes me believe I own the land."

Along with making it impossible to secure financing, he told her could not lease land and then convey title to a home buyer. Ruby Montour said people would get leases from Six Nations and when they died, their family members can obtain a lease on the same property. "But the jurisdiction of the land still belongs to Six Nations and that's something the developers don't want to see," stated Floyd Montour.

"The best thing to do is not build on the Haldimand Tract," pointed out Ruby Montour.

Persisting, Corrado said that's where his company bought land and where the government provided land title and development approvals. "I'm putting this into government hands," he said.

After hearing the ultimatum, Corrado was unsure what his next move might be. He said HDI will ask all developers, even in Waterloo and Kitchener, to comply with their processes.

Meanwhile people in the adjacent subdivisions went about their business. Many who drove onto the short section of Joseph Street stopped to ask questions of officers. Three preteen boys were directed by police to cut across a lawn. On the street, where a few OPP vehicles were parked, stood five Six Nations people, about 10 OPP officers, two reporters and a few people who arrived with Gary McHale.

As school time neared, two girls aged about seven and five walked into the area. A female police officer went to their side, chatting in a friendly manner, and escorted them to the crossing guard.

Sloat, who witnessed this scene, said once again, just as in Caledonia in 2006, this is a situation where there is concern about the safety of children.

Later Sloat approached the Montours to ask why HDI would want developers to sign back land that Six Nations claims it already owns.

"We don't need you to sign it over to us," replied Floyd Montour. "Just take your name off of it."

Ruby Montour, who insisted they had colour of right, advised the councillor to take his question to HDI but he replied that Floyd had already answered it.

Referring to the Ipperwash Inquiry, McHale said a report written by the Ontario Attorney General's office debunked the colour of right to occupy land or stop construction. Colour of right is a legal phrase that says that if a person has good reason to believe they own land, they can go on it without facing any criminal charges.

McHale's organization called CANACE (Canadian Advocates for Charter Equality) became involved because they want to see law and order restored, he said. Their services were offered free.

"If the OPP are refusing to lay criminal charges, then it's time for the people to do it," he said.

Shortly after, Corrado's partner, Dave Eccles was on scene. "We've asked the police to remove (Six Nations people) from the property but they choose not to," he said.

Eccles confirmed that he asked McHale to collect evidence, take photographs and start laying criminal charges through private prosecutions. Accompanied by McHale and a videographer, he approached Ruby Montour and other Six Nations individuals.

"We've asked you to leave this property," said Eccles. "You don't own this property. This property is owned by a numbered company."

When the Six Nations people refused to move, Eccles turned around to talk to police.

"We've asked you to remove them from the property and what do you choose to do?" he asked.

"Choose to keep the peace," answered Sgt. Dan Michaud.

In response, Eccles said, "Our business is going bankrupt because you won't do anything."

After this exchange, McHale said he will ask a justice of the peace on May 14 to lay charges against Ruby and Floyd

make it in the 2nd round. I need to be at the top! |



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Montour for mischief for blocking the property and for extortion. The latter charge was related to demanding Corrado live up to requirements of HDI which is asking for money, he added.

Developer Dan Valentini, whose Hagersville development was stopped by Six Nations members last May, came out to support Corrado as did several other developers. He too found meeting with Six Nations members immediately after his site was occupied and with HDI was not fruitful. In both cases, he received no guarantees that his property would not be occupied again.

By early afternoon, Six Nations people left the site which remained idle the rest of the day. On Tuesday, the site laid dormant under the watchful eyes of Ruby and Floyd Montour and a few others from Six Nations.

"Once again we have an illegal occupation and there is no other solution. They need to be removed," Sloat said on Tuesday morning.

While he recognized that protesters were standing on a county road, he declined to comment on whether or not Haldimand County council would take any action.

4/14/2008 9:11:37



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