

**SPECIAL CHIEFS ASSEMBLY  
JULY 13-14, 2016  
Niagara Falls, ON**

**CHIEFS OF ONTARIO  
RESOLUTIONS**



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**SPECIAL CHIEFS ASSEMBLY  
July 13-14, 2016  
Niagara Falls, ON**

**RESOLUTION 32/16**

**SUBJECT:           ACCEPTANCE OF CHAIR**

**MOVER:           Chief Ava Hill, Six Nations of the Grand River**

**SECONDER:       Chief Paul Syrette, Ojibways of Garden River**

**DECISION:        CARRIED**

**THEREFORE BE IT RESOLVED that we, the Chiefs in Assembly:**

1. Accept Nathan Wright as Chair, for the Special Chiefs Assembly held in Niagara Falls, Ontario on July 13-14, 2016.

**Certified Copy of a Resolution dated July 13, 2016**



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**Isadore Day, "Wiindawtegowinini", Ontario Regional Chief**

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**SPECIAL CHIEFS ASSEMBLY**  
**July 13-14, 2016**  
**Niagara Falls, ON**

**RESOLUTION 33/16**

**SUBJECT: ACCEPTANCE OF RULES OF PROCEDURE**

**MOVER: Chief R. Donald Maracle, Mohawks of the Bay of Quinte**

**SECONDER: Chief Elaine Johnston, Serpent River First Nation**

**DECISION: CARRIED**

**THEREFORE BE IT RESOLVED that we, the Chiefs in Assembly:**

1. Accept the Rules of Procedure, for the Special Chiefs Assembly held in Niagara Falls, Ontario on July 13-14, 2016.

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**SPECIAL CHIEFS ASSEMBLY  
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**RESOLUTION 34/16**

**SUBJECT: ACCEPTANCE OF DRAFT AGENDA**

**MOVER: Chief William Diabo, Magnetawan First Nation**

**SECONDER: Chief Stacey LaForme, Mississaugas of the New Credit First Nation**

**DECISION: CARRIED**

**THEREFORE BE IT RESOLVED that we, the Chiefs in Assembly:**

1. Accept the Draft Agenda for the Special Chiefs Assembly held in Niagara Falls, Ontario on July 13-14, 2016.

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**Isadore Day, "Wiindawtegowinini", Ontario Regional Chief**

**SPECIAL CHIEFS ASSEMBLY**  
**July 13-14, 2016**  
**Niagara Falls, ON**

**RESOLUTION 35/16**

**SUBJECT: RELOCATION & SUSTAINABILITY OF KASHECHEWAN (ALBANY)  
FIRST NATION**

**MOVER: Chief Leo Friday, Kashechewan First Nation**

**SECONDER: Chief Dwight Sutherland, Taykwa Tagamou First Nation**

**DECISION: CARRIED**

**WHEREAS**

1. Kashechewan First Nation is a growing community of 2300 people and has a very young population of which 60% are under 25 years of age;
2. Due to flooding in the late eighties, the community had a 7 km long ring dyke built around to protect from the flooding. Built in 1996, the dyke was designed to standards that do not meet today's current standards for dyke construction or Public Safety;
3. The community of Kashechewan First Nation has experienced many evacuations since 1974 and for the last four years have had consistent annual evacuations with 460 members being displaced from the community;
4. An Engineering Risk Assessment Report (2015) has determined the dyke and associated infrastructure to be an "Intolerable Risk" for Public Safety;
5. A Preliminary Engineering Report has outlined three flood risk reduction options which are each estimated in excess of 500 million dollars to construct, and that would restrict the traditional use and lifestyle of the Albany River by the Peoples of Kashechewan First Nation;
6. Since 2005, it is estimated the Government of Canada has spent between 50 to 100 million dollars on evacuations alone;

7. Kashechewan First Nation has signed agreements with the Government of Canada for Relocation and Redevelopment in 2005 and 2007 as Nation-to-Nation agreements based on the areas of infrastructure, health, education, social-economic sustainability and public safety.

**THEREFORE BE IT RESOLVED that we, the Chiefs in Assembly:**

1. Call on the federal and provincial government to provide assistance to Kashechewan First Nation with the Relocation and Sustainability of a new community development.
2. That this assistance to Kashechewan First Nation be outlined to the Government of Canada based on the United Nations Declaration of Indigenous Peoples, specifically Articles 1-7 and 18 -26.
3. That this assistance to Kashechewan First Nation also recognize the impact of climate change and the need for future generations to be self-sustainable in terms of infrastructure, health, education, economic and traditional use of lands and resources.

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**Isadore Day, "Wiindawtegowinini", Ontario Regional Chief**

**SPECIAL CHIEFS ASSEMBLY**  
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**RESOLUTION 36/16**

**SUBJECT: SUPPORT FOR MASK-WA OO-TA-BAN BEAR TRAIN**

**MOVER: Chief Jason Gauthier, Missanabie Cree First Nation**

**SECONDER: Chief Norm Hardisty, Jr., Moose Cree First Nation**

**DECISION: CARRIED**

**WHEREAS:**

1. Missanabie Cree First Nation, on behalf of Mushkegowuk First Nations, is leading efforts to restore Mask-wa Oo-ta-ban Bear Train (the Algoma Passenger Train) passenger train service between Sault Ste. Marie and Hearst as an essential transportation link to many northern and remote First Nations;
2. The Algoma Passenger Train provided essential transportation through the traditional territories of the regional First Nations, but the Government of Canada ended its \$2.2-million investment in the Algoma Central Rail (ACR) passenger service without free, prior and informed consent, an infringement of the United Nations Declaration on the Rights of Indigenous Peoples as numerous First Nations people use ACR service to access traditional areas for the purpose exercising their treaty and aboriginal rights;
3. The ACR corridor passes through Treaty No. 9, Robinson Superior Treaty and Robinson Huron Treaty areas, including the traditional territories of Missanabie Cree First Nation and territories of other First Nations between Sault Ste. Marie and Hearst, and supports important economic and employment opportunities for First Nations including ecotourism, forest management and other resource-based undertakings;
4. Since the founding of the Algoma Passenger Train more than 100 years ago, Mask-wa Oo-ta-ban has been vital to the economic, employment, social and remote access needs of the First Nations, communities, residents, businesses and visitors to the Algoma region, and supports between \$38-\$48 million in economic activity according to a socio-economic impact study by BDO Canada in 2014;




5. The ACR Stakeholders Working Group, under the leadership of Missanabie Cree Chief Jason Gauthier, has developed a proposal to re-instate Mask-was Oo-ta-ban to correct the unjust acquisition of land and building of the ACR by ensuring that the passenger service plays its important role as infrastructure for the regional economic development of the First Nations through whose territories it passes.

**THEREFORE BE IT RESOLVED that we, the Chiefs in Assembly:**

1. Support the Missanabie Cree First Nation led proposal to re-establish the Mask-wa Oo-ta-ban Bear Train (the Algoma Passenger Train) service between Sault Ste. Marie and Hearst.
2. Support the Missanabie Cree in the development of a not-for-profit corporation and partnership with Keewatin Railway Group of Manitoba to re-establish and optimize the train service.
3. Call on the Government of Canada to fulfill its obligations to First Nations by ensuring that the passenger train service plays its essential role as infrastructure for the regional economic development of those First Nations through whose territories it passes.
4. Call on the Government of Canada to reinstate funding for Mask-wa Oo-ta-ban as an essential and sole form of transportation for First Nations in this remote area consistent with Transport Canada's mission "to serve the public interest through the promotion of a safe and secure, efficient and environmentally responsible transportation system in Canada".
5. Call on the Government of Canada to support this proposal as First Nation led initiative and to support negotiations between CN Rail and the Missanabie Cree so Mask-wa Oo-ta-ban can return transportation along the remote ACR corridor as soon as possible.

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**Isadore Day, "Wiindawtegowinini", Ontario Regional Chief**

**SPECIAL CHIEFS ASSEMBLY**  
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**Niagara Falls, ON**

**RESOLUTION 37/16**

**SUBJECT: WORLD INDIGENOUS PEOPLES CONFERENCE ON EDUCATION  
2017**

**MOVER: Chief Ava Hill, Six Nations of the Grand River**

**SECONDER: Chief R. Donald Maracle, Mohawks of the Bay of Quinte**

**DECISION: CARRIED**

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**WHEREAS:**

1. In 2017, as Canada celebrates the 150th anniversary of Confederation, Six Nations Polytechnic (SNP) in partnership with TAP Resources will host the World Indigenous Peoples Conference (WIPCE) on Education, A Celebration of Indigenous Resilience on July 24-29, 2017 in Toronto;
2. WIPCE is the largest venue for Indigenous education in the world attracting over 4,000 Indigenous delegates;
3. WIPCE provides significant opportunity to strengthen cultural resilience, inspire cultural fluency among First Nation Youth and build understanding across cultures;
4. Truth and Reconciliation is a growing international movement, presentations at WIPCE 2017 will address the status of the reconciliation in Canada and other countries;
5. WIPCE 2017, A Celebration of Resilience will also examine the role and impacts of Indigenous knowledge and languages in reconciliation thereby providing unique opportunities to profile and share Indigenous peoples education issues and successes in Ontario, in Canada and internationally.

**THEREFORE BE IT RESOLVED that we, the Chiefs in Assembly:**

1. Provide full support to the WIPCE 2017 Host Committee in their pursuits of sponsorship for this historic Celebration of Indigenous Resilience.

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**Isadore Day, "Wiindawtegowinini", Ontario Regional Chief**

**SPECIAL CHIEFS ASSEMBLY**  
**July 13-14, 2016**  
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**RESOLUTION 38/16**

**SUBJECT:       MINISTRY OF EDUCATION – SURPLUS SCHOOLS**

**MOVER:         Chief Dean Sayers, Batchewana First Nation**

**SECONDER:    Chief Chris Plain, Aamjiwnaang First Nation**

**DECISION:     CARRIED**

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**WHEREAS:**

1. First Nations have negotiated and entered into treaty agreements with external governments and entities to provide education services to First Nation children;
2. The Ontario Education Act 194.1 states that school boards can determine when a school property is no longer required for school purposes and, that the board may with Minister's approval, to sell, lease or otherwise dispose of the school property;
3. The Education Act 188.1 states that the school boards may enter into agreements with the First Nations to provide education for Indian pupils for accommodation, instruction and special services in schools within the school board and that First Nations shall provide payment to the school boards in accordance with the Ministry's fee regulations; concerning fees;
4. Historically, First Nations have provided capital and accommodation funds into the construction and maintenance of schools where their students attend and First Nations have an invested interest into the said real school property;
5. Today, First Nations have not been properly notified or consulted by the school boards on any selling, leasing and/or disposal of their invested school property.

**THEREFORE BE IT RESOLVED that we, the Chiefs in Assembly:**

1. Call for the Ontario Regional Chief to lobby for an amendment to be negotiated to the Ontario Ministry of Education Act to include a regulation to ensure proper First Nation consultation on the sale of school property and for First Nations to have equal share in any schools that is being sold, leased and/or disposed by the school board.

**Certified Copy of a Resolution dated July 13, 2016**



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**Isadore Day, "Wiindawtegowinini", Ontario Regional Chief**

**SPECIAL CHIEFS ASSEMBLY**  
**July 13-14, 2016**  
**Niagara Falls, ON**

**RESOLUTION 39/16**

**SUBJECT: INQUIRY INTO ONTARIO'S CHILDREN AID SOCIETIES**

**MOVER: Chief Dean Sayers, Batchewana First Nation**

**SECONDER: Chief Greg Peters, Delaware Nation**

**DECISION: CARRIED**

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**WHEREAS:**

1. Since time immemorial, First Nation's cultures and traditions have revolved around the principles of responsibility, wisdom, truth, respect, and love. By following these principles, First Nations have flourished with strong families;
2. First Nations have always had the responsibility to provide and care for their families and have never relinquished this responsibility;
3. In the Province of Ontario, child welfare is currently governed by the Children and Family Services Act (CFSA);
4. Through the CFSA, the province delegates its authority to 47 privately run Children Aid Societies (CAS) to remove children from homes where they face either a risk of harm or have experienced harm;
5. Under this authority, CAS have developed a history of being overly aggressive and having invasive practices which infringe on First Nations families inherent right to provide and care for their children, youth, and families and which has done more harm to First Nations families rather than to help them.

**THEREFORE BE IT RESOLVED that we, the Chiefs in Assembly:**

1. Call upon the Minister of Children and Youth Services to immediately hold the Children Aid Societies (CAS) of Ontario accountable in their failure to follow and properly implement the Children and Family Services Act.

2. Direct the Chiefs of Ontario (COO) to pursue the implementation of an inquiry into the policies, practices, and mandates of the CAS of Ontario and to address their impacts on First Nation's children, families, and communities.
3. Direct COO to use this initiative to hold the provincial ministries and the CAS of Ontario accountable for any and all actions that may have negatively impacted First Nation's children, families, and communities.

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Isadore Day, "*Wiindawtegowinini*", Ontario Regional Chief

**SPECIAL CHIEFS ASSEMBLY**  
**July 13-14, 2016**  
**Niagara Falls, ON**

**RESOLUTION 40/16**

**SUBJECT:           FOUR FIRST NATIONS GROUP (FFNG) - BEARSKIN LAKE, MUSKRAT DAM, NORTH CARIBOU LAKE & SACHIGO LAKE FIRST NATIONS: RESTRICTION OF ACCESS FOR HUNTING AND FISHING IN TRADITIONAL LANDS ALONG THE ALL SEASON ROAD SYSTEM**

**MOVER:            Frank McKay, Proxy, Whitewater First Nation**

**SECONDER:        Chief Stan Beardy, Muskrat Dam First Nation**

**DECISION:         CARRIED**

**WHEREAS:**

1. The communities of Bearskin Lake, Muskrat Dam, North Caribou Lake & Sachigo Lake First Nations have agreed to form the Four First Nations Group (FFNG);
2. FFNG is in support of all season road access to the remote First Nation communities;
3. The construction of the FFNG all season road system provides year round access to traditional land previously inaccessible to the general public. The First Nations already feel the pressure of additional hunters and fishers in their traditional areas; with direct impacts to necessary and sustenance food harvesting required for the families and people in the FFNG communities;
4. The new roads are to be used for transportation of fuel, goods, materials and transportation of people to and from the remote Four First Nations. The new roads are not to be used by non-First Nation individuals or entities as a means for new access for hunting, fishing and food harvesting or other sport and recreational pursuits;
5. The FFNG agrees to work together to establish restrictions along the new road access to prevent the potential for conflict, encroachment and additional pressure to the regions hunting and fishing in the previously inaccessible traditional areas.



**THEREFORE BE IT RESOLVED THAT we, the Chiefs in Assembly:**

1. Support the Four First Nations Group (FFNG) and direct the Ontario Regional Chief to discuss with the province of Ontario on the all season road access and the protection of Aboriginal and Treaty Rights.

**Certified Copy of a Resolution dated July 13, 2016**



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**Isadore Day, "Wiindawtegowinini", Ontario Regional Chief**

**SPECIAL CHIEFS ASSEMBLY**  
**July 13-14, 2016**  
**Niagara Falls, ON**

**RESOLUTION 41/16**

**SUBJECT: NATIONAL BUILDING CODE ADOPTION**

**MOVER: Chief Scott McLeod, Nipissing First Nation**

**SECONDER: Ogimaa Kwe Linda Debassige, M'Chigeeng First Nation**

**DECISION: CARRIED**

**WHEREAS:**

1. The Chiefs in Assembly through Resolution 98/18, adopted the Ontario First Nations Illustrated Housing Code 1998 as the standard to regulate housing construction practices in First Nation territories;
2. The Illustrated Housing Code 1998 was not updated and therefore out of date and re-development to new formats, production, copyright and licensing are very costly;
3. There is mounting pressure for First Nations to adopt a building code and ensure that buildings, including houses, are built to minimum health, safety, accessibility, and energy efficiency standards;
4. First Nations people "are entitled to the same health and safety standards as all other Canadians." (The Ontario Indian Housing Council, 1982);
5. The National Building Code of Canada (NBC) addresses the design and construction of new buildings, including houses, and keeps pace with changes, and ensures that the latest innovations and applications are applied safely by industry; a new edition of the NBC is published approximately every five years.

**THEREFORE BE IT RESOLVED that we, the Chiefs in Assembly:**

1. Rescind AOCC Resolution 98/18 (attached) and adopt, through this resolution, the most current National Building Code of Canada as the *minimum* health, safety, accessibility and energy efficiency standard for First Nations use in Ontario.

**Certified Copy of a Resolution dated July 13, 2016**



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**Isadore Day, "Wiindawtegewinini", Ontario Regional Chief**

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ONTARIO FIRST NATIONS TECHNICAL SERVICES CORPORATION



**BRIEFING NOTE**

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**TO:** Ontario Regional Chief Isadore Day  
**CC:**  
**FROM:** Board of Directors, OFNTSC  
**DATE:** February 5, 2016  
**RE:** Adoption of Model National Building Code in Ontario First Nations

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**Background:**

Produced by OFNTSC in 1998, the Ontario First Nations Illustrated Housing Code (OFNIHC) played an important role in First Nation community housing to not only provide minimum health and safety requirements in housing construction, but also to promote more efficient and affordable housing construction. Since that time, there have been no updates completed and therefore rendering the code out of date. Re-development to new formats, production, copyright and licensing are very costly.

There is mounting pressure for First Nations to adopt a building code and ensure that buildings, including houses, are built to minimum health, safety, accessibility, and energy efficiency standards. It is hoped that the Chiefs of Ontario adopt the position that First Nations people "are entitled to the same health and safety standards as all other Canadians." (The Ontario Indian Housing Council, 1982). To accomplish this, First Nation communities have the authority to regulate construction requirements on reserve through Section 81 of the Indian Act and to establish and enforce these requirements.

The National Research Council (NRC) has defined "Authority having Jurisdiction" in the National Building Code of Canada Section 1.4.1.2 Division A as *"the governmental body responsible for the enforcement of any part of this Code or the official or agency designated by that body to exercise such a function"*.

The Residential Building Code for Indian Reserves 1985 which was adopted by the Ontario Indian Housing Council (under a Mandate by the COO), defined Authority having jurisdiction as

*"the organization responsible for the enforcement of any part of this Code (e.g. the Band Council) or the official or agency designated by that body to exercise such a function" (p.1).*

The OFNIHC 1998 was adopted by AOCC Resolution 98/18 replacing the Residential Building Code for Indian Reserves 1985.

**Current:**

The National Research Council recently completed the Illustrated User's Guide- NBC Part 9 Housing and Small Building and is now available and ready for orders. The National Guide features illustrations, principles and explanations related to the codes requirements surrounding housing and small buildings- much like the 1998 FN Illustrated Code. NBC Guide will provide for a comprehensive resource to First Nations when referring to code requirements in the NBC. The Illustrated User's Guide- NBC Part 9 Housing and Small Buildings is meant to be used along with the National Building Code. The NBC can be, and should be the *minimum* standard in First Nation Communities in Ontario to provide a means of enforcing and ensuring that minimum standards are met. However, First Nation communities should adopt standards that exceed minimum code requirements to improve quality, durability and sustainability and to adopt standards that better meet unique community needs.

**Recommendations:**

OFNTSC recommends that the Chiefs of Ontario rescind AOCC Resolution 98/18 (attached) and adopt, by new resolution, the most current Model National Building Code as the *minimum* health, safety, accessibility and energy efficiency standard for First Nations use in Ontario. The COO, in their resolution, should urge First Nation communities to enact by-laws to adopt standards that exceed minimum code requirements to improve quality, durability and sustainability and to adopt standards that better meet unique community needs.

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## CHIEFS OF ONTARIO

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**24<sup>TH</sup> ANNUAL ALL ONTARIO CHIEFS' CONFERENCE**  
West Bay First Nation, Ontario  
June 2-4, 1998

### ONTARIO FIRST NATIONS ILLUSTRATED HOUSING CODE

### RESOLUTION 98/18

**WHEREAS** the Ontario Chiefs in Assembly gave direction to the Indian Inspection Unit, by way of **Resolution No. 93/11**, to update the Residential Building Code for Indian Reserves (RBCIR 1985); and,

**MOVED BY:**  
Chief R. Donald Maracle  
Mohawks of the Bay of  
Quinte

**WHEREAS** the Ontario Chiefs in Assembly have transferred the mandate for housing advisory and technical support services to the Ontario First Nations Technical Services Corporation (OFNTSC) from the Indian Inspection Unit (IIU); and,

**SECONDED BY:**  
Chief Irvin George  
Chippewas of Kettle and  
Stony Point


**WHEREAS** the Ontario First Nations Illustrated Housing Code, a revised and updated RBCIR, has been developed by the OFNTSC to support First Nation Chief and Council in achieving housing that satisfies First Nation concerns for health, safety, fire protection and accessibility; and,

### CONSENSUS

Certified copy of a resolution  
adopted on June 4, 1998

**WHEREAS** the Ontario First Nations Illustrated Housing Code has been designed to promote more durable, energy efficient and cost effective construction practices which will result in better housing for First Nations.

**THEREFORE BE IT RESOLVED** the Ontario Chiefs in Assembly adopt the Ontario First Nations Illustrated Housing Code as the standard to regulate housing construction practices in First Nations territories.

  
Thomas M. Bressette  
Ontario Regional Chief