

Corporation of the County of Grey

By-Law 5095-20

A By-law to Implement a Litigation Settlement with the Saugeen Ojibway Nation (SON) and to Authorize the Transfer of Certain Lands to SON

WHEREAS in 1994, the Saugeen Ojibway Nation (SON), being the Chippewas of Nawash Unceded First Nation and the Chippewas of Saugeen First Nation acting collectively, initiated a legal action against the County of Grey, along with the Attorney General of Canada (“Canada”), Her Majesty the Queen in Right of Ontario (“Ontario”), the County of Bruce, and nine municipalities now variously comprising all or part of the Township of Georgian Bluffs, the Municipality of Northern Bruce Peninsula, the Town of South Bruce Peninsula, and the Town of Saugeen Shores, which action was assigned Court File No. 94-CQ-50872CM (Toronto registry) (the “Land Claim Action”);

AND WHEREAS the Land Claim Action seeks to establish a legal interest for SON in certain lands owned by the County of Grey, more particularly certain lands presently or formerly constituting parts of the County’s public highways in the geographic townships of Keppel and Sarawak, which townships form part of the Township of Georgian Bluffs and Grey County, and in respect of which interest SON seeks certain legal remedies against Grey County in the Land Claim Action;

AND WHEREAS Grey County, in the same manner as the other municipal defendants to the Land Claim Action, initiated formal cross-claim proceedings against Canada and Ontario to preserve its rights to seek compensation for any losses it incurred in the Land Claim Action from Canada and Ontario;

AND WHEREAS the first phase of the trial of the Land Claim Action commenced in 2019 and is not expected to be resolved for at least several years, and thus incur significant costs;

AND WHEREAS Grey County is the owner of certain lands legally described as Lot 23, Concession 16 and Lot 22 and Lot 23, Concession 17 in the geographic township of Keppel (the “Mountain Lake Forest Property”), which property presently bears Parcel Identification Number (PIN) 37028-0152;

AND WHEREAS by an Offer to Settle made by Grey County dated May 5, 2020 and accepted by SON on May 6, 2020 (the “Offer to Settle”), and by Minutes of Settlement in respect of the Land Claim Action made between SON and Grey County dated August 19, 2020 as amended on September 22, 2020 (collectively, the “Land Claim Settlement”) Grey County agreed to transfer ownership of the Mountain Lake Forest

Property to SON in respect of settlement of SON's claims against Grey County, in the spirit of reconciliation and without any admission of liability on the part of Grey County;

AND WHEREAS Grey County would, upon settlement of the claims against it by SON in the Land Claim Action, discontinue its cross-claim proceedings against Canada and Ontario;

AND WHEREAS by an Order of Justice Matheson made September 14, 2020, the transfer of ownership of the Mountain Lake Forest Property does not amount to assistance prohibited by Section 106 of the Municipal Act, 2001;

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE COUNTY OF GREY HEREBY ENACTS AS FOLLOWS:

1. The Chief Administrative Officer and the Director of Legal Services – County Solicitor are authorized and directed to take all steps necessary to implement the Land Claim Settlement.
2. The transfer of the Mountain Lake Forest Property to SON, as provided for in the Land Claim Settlement, is authorized.
3. This By-law shall come into force immediately upon being enacted.

ENACTED AND PASSED this 8th day of October, 2020.

DEPUTY WARDEN: Selwyn Hicks

CLERK: Heather Morrison