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www.scugogfirstnation.com

February 9, 2022

Township of Cavan Monaghan Council

988 County Road 10
Millbrook ON
L0A 1G0

SENT VIA EMAIL

Re: Letter to Cavan Monaghan Council from Mississaugas of Scugog Island First Nation dated December 7, 2021

Dear Mayor and Council,

We are writing today with respect to a letter which we sent on behalf of Mississaugas of Scugog Island First Nation (MSIFN) on December 7, 2021. Our Council is disappointed that you have not offered a response to our concerns regarding your support for a Minister's Zoning Order (MZO) for the Shorelines Slots at Kawartha Downs property.

MSIFN was shocked to learn of your Township's plan to request an MZO through media reports, as opposed to formal correspondence. As outlined in our previous letter in addition to correspondence from Brian Daly, our legal counsel, we were not offered free and prior consultation, nor have we been consulted in the weeks following our request.

As you may be aware, our concerns have been echoed by other First Nations and Indigenous organizations including Hiawatha First Nation and the Anishnabek Nation. We are concerned that the Crown has failed in its duty to consult all members of Treaty 20 – violating the Aboriginal and Treaty Rights owed to our First Nations.

We ask that you undertake all necessary legislative steps to pause further progress on developments at the Kawartha Downs property until such time that MSIFN and any impacted Indigenous governments have been consulted. We look forward to your response and future discussions between our governments as expected under the *Constitution Act, 1982*.

Govern your actions accordingly,

Kelly LaRocca, Chief

Laura Colwell, Councillor

Jeff Forbes, Councillor



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December 7, 2021

Township of Cavan Monaghan Council

988 County Road 10
Millbrook ON
L0A 1G0

SENT VIA EMAIL

Re: Minister's Zoning Order Request by Romspen Investment Corp.

Dear Mayor and Council,

We were shocked to learn of the Township of Cavan Monaghan's support for a Minister's Zoning Order (MZO) to facilitate land development as part of the Shorelines Slots at Kawartha Downs property. We were made aware of the Romspen Investment Corp.'s request to your council through media reports, rather than the proper notice expected of governments as part of their Duty to Consult as affirmed under Section 35 of the *Constitution Act, 1982*.

Your government is required to conduct meaningful consultation with any Indigenous government which may be impacted by a proposed development. The decision to pursue an MZO would have material, adverse impacts on our First Nation's economy and provision of governmental services. As such, it is critical that the municipality complete meaningful consultation with our First Nation prior to requesting the MZO.

Moreover, the seemingly rushed manner in which the proposal was tabled for discussion was an impediment to public participation. By lacking appropriate notice and learning about the proposal solely through media reports, our government was not afforded a fair opportunity to prepare deputations to your council and participate in the civic process – an affront to the spirit of the democratic process.

Throughout the past year, municipalities and the province were reminded of their obligation to consult the public and Indigenous governments prior to making planning decisions. In her recent report, the Auditor General noted the Ministry's expectation was that municipalities conduct meaningful consultation *prior* to requesting MZOs. This expectation was not met in multiple, well-publicized cases, such as in Pickering and Stratford, where councils later requested revocations following public outcry.



Ultimately, the request by Romspen Investment Corp. seemingly abuses the MZO process, which is designed to fast-track critical infrastructure projects such as hospitals and long-term care facilities particularly in emergency situations. Approval of their request would violate the spirit of consultation and the legislated planning process circumventing the rights of constituents in favour of private interests.

We strongly urge you to consider this request for public and Indigenous consultation prior to any further actions towards supporting an MZO for this development.

Sincerely,

Kelly LaRocca, Chief

Laura Colwell, Councillor

Jeff Forbes, Councillor