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Ontario judge grants another permanent injunction in two-year land dispute in Caledonia

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People camp out at a construction site at the centre of a land dispute in Caledonia, Ont., on Thursday, October 29, 2020. THE CANADIAN PRESS/Nathan Denette

More than two years after a group of Indigenous demonstrators started occupying a proposed development site in southwestern Ontario, a provincial court has again granted an injunction permanently barring them from the land.

In a written decision released this week, Justice Paul Sweeny of the Ontario Superior Court said Skyler Williams and two other unnamed defendants in the case are not authorized to act on behalf of the Haudenosaunee to claim treaty rights to the site near Caledonia, Ont., and Six Nations of the Grand River.

"(The developer) has done all it is required to do to build the homes on the Lands," Sweeny wrote. "The defendants have no right to occupy the Lands."

Foxgate Development was close to building 218 homes when Williams and 11 others walked on the site in July 2020.

The group has maintained a presence ever since, despite previous injunctions and dozens of arrests, setting up a camp and arguing it is on unceded Indigenous land.

Lawyers for Williams argued in court in September that the Crown failed to consult with Indigenous communities before granting Foxgate permission to build on the land.

A lawyer for Foxgate Developments, meanwhile, argued it sought support from Indigenous leaders to build on the land and that a permanent order was needed so that the development can proceed.

Lawyers representing the plaintiffs and defendants did not respond to requests for comments on Friday.

Soon after the occupation began, temporary injunctions were granted preventing unauthorized personnel from being on the land. Police efforts to clear the site were unsuccessful, with violent skirmishes erupting and nearby roads barricaded.

Months later, the Superior Court granted a permanent order to the company looking to build a subdivision on the land and another to Haldimand County that barred people from blocking public roads.



Mohawk Skyler Williams poses for a photograph near the construction site at the centre of a land dispute in Caledonia, Ont., on Thursday, October 29, 2020. THE CANADIAN PRESS/Nathan Denette

Last year, Ontario's Court of Appeal overturned the previous injunction granted to the company after finding the judge who issued it discriminated against Williams during court proceedings when he barred him from participating or making legal arguments.

A planned subdivision on the land was cancelled last summer, with the developer citing the ongoing land dispute.

By that point, the camp – known as 1492 Land Back Lane – set up on the proposed development site had grown to include tiny homes, community spaces and gardens.

In his decision, Sweeny also referred to the controversial northern B.C. pipeline, Coastal GasLink. Its construction was halted a year ago by Indigenous groups who blocked access to the camp where Coastal GasLink employees were building the 670-kilometre-long pipeline.

During that occupation, Sweeny noted, the court said the pipeline company had all the permits required by law, and the defendants had no legal right to blockade the property despite their "honestly held beliefs."

In the Caledonia occupation, Sweeny said a permanent injunction is necessary because the group of demonstrators has destructed Foxgate's property and it is believed they will continue the occupation.

On its Twitter page, the group said it will continue to occupy the land and will resist any attempts by police to remove them.

"We will continue to cultivate orchards, sing our songs and hold space here," it wrote. "We will be free on our lands."

This report by The Canadian Press was first published Dec. 16, 2022.

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