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Aboriginal Affairs and  
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## Fact Sheet - The Brant tract and the Toronto Purchase specific claims

Canada and the Mississaugas of the New Credit First Nation are working together to find a common solution to resolve two outstanding specific claims - the Brant Tract and the Toronto Purchase specific claims. The goal of this process is to conclude a final settlement that will bring closure to these longstanding issues once and for all.

### The Benefits of Settling Claims

Specific claims settlements right past wrongs and honour Canada's legal obligations to First Nations. Negotiated settlements provide fair compensation to First Nations for past damages. They also provide First Nations with the capital to invest in new opportunities for economic development and new business partnerships. These investments can bring economic benefits to both First Nations and local communities.

### At a Glance: The Claims

The First Nation's claims date back to events that took place over 200 years ago. One claim (called the Brant Tract claim) deals with a 1797 land purchase and the other claim relates to the Toronto Purchase of 1805. Simply put, the basis of both claims is that Canada did not provide the First Nation with adequate compensation for the land at the time it was purchased. Through the 1805 purchase, for example, the Mississaugas surrendered much of what is now metropolitan Toronto for 10 shillings. The current ownership of land is not in question on either claim. These claims are for financial compensation only.

### Overview of the Brant Tract Specific Claim

The Brant Tract Specific Claim relates to the Crown's purchase of land from the River Credit Mississaugas in 1797. Through this purchase, the Mississaugas surrendered 3,450 acres of land located near Burlington Bay on Lake Ontario. The basis of this claim is that the Crown paid less for the land in 1797 than had been promised at an earlier date.

### Overview of the Toronto Purchase Claim

The Toronto Purchase claim relates to the Crown's purchase of approximately 250,880 acres of land from the River Credit Mississaugas in 1805. The 1805 transaction encompassed approximately 250,880 acres of land. The southern border ran 14 miles from just east of Ashbridge's Bay to Etobicoke Creek, and then 28 miles north at both the eastern and western boundary. The northern boundary was also 14 miles across. The Toronto Islands, which were a peninsula in 1805, were also included in this surrender. Through the 1805 purchase, the Mississaugas surrendered most of what is now metropolitan Toronto. The current ownership of these lands is not at issue in this claim as this claim is for financial compensation only.

The Crown purchased these lands in 1805 because of irregularities in an earlier land surrender taken in 1787. The basis of the First Nation's claim is that Canada:

- took more land from the Mississaugas in 1805 than it said it would in 1787; and
- only paid the First Nation 10 shillings for the additional lands in 1805.

### Negotiation Milestones

The Toronto Purchase Claim was submitted to Canada in 1986. The start of negotiations between Canada and the Mississaugas of the New Credit was announced in June of 2003. The parties later agreed to negotiate a settlement of the First Nation's Brant Tract claim through the same process. The Brant Tract Claim was submitted to Canada in 1988.

Negotiators have concluded talks on a settlement proposal. This is an important step in the process, which brings the parties closer to achieving final resolution of these longstanding claims.

### Settlement Proposal

Canada has made an offer to settle the claims and the First Nation has agreed to put this offer to a vote by its members. The proposed settlement includes \$145 million in financial compensation to resolve the claims. A settlement will not have a land component; these claims are for financial compensation only.

These claims involve compensation for past damages; they do not involve compensation for the current value of the land. Research was done during the negotiations to help determine how much compensation would be fair to resolve the claims. The proposed settlement value was ultimately the result of negotiations between the parties.

In return for this compensation, the First Nation will provide Canada with releases that ensure the claim can never be re-opened. Settlements must bring closure for all concerned.

### **Next Steps in the Process**

A number of steps need to be completed before the claim can be settled. The negotiators for Canada and the First Nation still need to draft the legal text of a Settlement Agreement. The First Nation must also complete its work on a proposed Trust Agreement. This Agreement will set out how the First Nation will use, manage and administer its settlement funds for the future benefit of its members.

When this work is complete, the First Nation will launch an information campaign to explain the proposed settlement to its members. This will include membership meetings and mail outs of information materials.

No settlement is possible without the vote and approval of the First Nation membership of both the proposed Settlement Agreement and the Trust Agreement. If a favourable vote is achieved, the Settlement Agreement must also be approved by Canada.

### **Quick Facts**

- The Government of Canada has been negotiating similar claims under its Specific Claims Policy since the mid-1970s.
- Specific claims deal with the past grievances of First Nations. These grievances relate to Canada's obligations under historic treaties or the way it managed First Nation funds or assets.
- As of December 31, 2009, over 760 specific claims have been concluded across the country, including 327 claims resolved through negotiated settlements. Canada's contribution to these settlements has ranged in value from \$15,000 to \$125 million, with an average settlement value of \$6.6 million.
- Canada is committed to honouring its outstanding lawful obligations to First Nations and to resolving outstanding claims for the benefit of all Canadians.

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