



UNEARTHING RECOGNITION

Examining Indigenous Agency in the
Land Development Process in Ontario

Master's Research Report – Executive Summary

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Executive Summary

The purpose of this report is to analyse the degree to which urban planning policy and legislation in Ontario which concerns Indigenous interests is embodied in the observed practice at the local level. In doing so, specific attention was drawn to the two major policy foci which address Indigenous interests: Indigenous consultation and engagement; and archaeological assessment. While the association of the former is more apparent, the connection between archaeological assessment and Indigenous interests is more complex. Archaeological assessment pertains to all artifacts and landscapes of cultural significance; however it is of key significance to Indigenous peoples as findings can provide evidence for land claims and fill in many of the gaps in Indigenous histories caused by forms of cultural genocide undertaken by previous Canadian governments. As a result, in assessing the ways Indigenous engagement and archaeological assessment policies and laws are applied in practice, it becomes possible to determine the amount of influence on the planning process, or agency, Indigenous peoples may have.

This report made use of multiple methodologies to ensure the research findings were robust. A literature review situated the subject of this report within the relevant academic discourse. A document review analysed the legal and policy framework in addition to any media treatments that were relevant to my research. A case study analysis of active development applications Ottawa, Guelph, and Kingston was undertaken to assess the ways by which these municipalities applied and practiced provincial guidelines pertaining to Indigenous interests. Finally, six practicing professionals from the fields of municipal planning, land development consulting, heritage planning, archaeology, and Indigenous law were interviewed in order to substantiate any findings and to probe deeper into the intricacies of the issues being discussed.

This research determined that planning practice at the local level does not consistently meet the expectations and intentions laid out in provincial policy. It was further made clear that this gap between policy and practice comes at the expense of Indigenous agency within the planning process. Five recommendations are provided with particular audiences in mind with the intention to more effectively recognize Indigenous interests within planning process. They are organized by priority:

1. The Province: Develop a technical document at the provincial level to guide Indigenous engagement, thereby elaborating upon the ways by which the PPS policies on this subject are to be interpreted.
2. Municipalities: Enrich policy language in official plan documents to allow for input from Indigenous groups not considered to be the key Indigenous group designated for engagement.
3. Municipalities: Improve online municipal development application interfaces so they clearly identify whether an archaeological assessment is required for a site, and if it has been performed where required.
4. The Province: Mandate Indigenous engagement at Stage 1 of archaeological assessments where the site is believed to have significant Indigenous archaeological resources.
5. The Ontario Professional Planners Institute: Make Indigenous engagement training a mandatory requirement for planning certification (RPP) in Ontario.