

## City wants Armed Forces on notice; Physical confrontation and disturbance of the peace or riot is inevitable and imminent,' says motion seeking injunction

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The city is calling for the Canadian Armed Forces to be ready in case of a potential riot by native protesters.

That request is a part of a 135-page court document that goes before the Superior Court today.

The document - which includes a request by the city for \$110-million in damages - seeks an injunction to prevent natives from protesting at building sites around the city.

In the court papers, the city is asking the judge to notify the "attorney general" that the services of the "Canadian Forces are required."

"Tensions in the city are mounting due to the increased frequency of, and sites affected by, the defendants' unlawful activities. A physical confrontation and disturbance of the peace or riot is inevitable and imminent," according to the document.

With 150 officers, city police are not able to "effectively protect public safety when the full-scale disturbance or riot occurs."

The document, released by the municipality Thursday afternoon, includes a statement by city manager John Brown that city police have been asking land owners and workers to stop work and vacate their properties if targeted by protesters.

Brown says in an affidavit that police fear growing protests or full-scale occupations that could lead to possible property damage or violence.

On Thursday, Progressive Conservative leader John Tory commended Brantford for taking a positive step to uphold the rule of law in the province by filing for an injunction.

"The mayor and his council have taken an entirely appropriate action to protect the best interests of the families and businesses in their community. By bringing their case before the courts they have also strengthened respect for the law and for the rule of law," Tory told The Canadian Press.

A Hamilton lawyer retained by several developers affected by native protests in Brantford said his clients - who he would not name - see the injunction application as a good move.

"All my clients view this as being very positive and hope the city is successful," Michael Bruder said in a telephone interview Thursday.

"If the city is successful, other communities will be looking at what Brantford's doing and your city could become the hero."

Bruder said his clients are increasingly frustrated over the loss of a "huge amount of money" and repeated delays of their work.

Bruder noted that the Haudenosaunee Development Institute, established to oversee building projects in the disputed areas, is asking developers to pay a fee and to sign an agreement that states the land belongs to the natives.

"They want that registered on the land title so it creates a huge issue for the purchasers. It's not like you pay

\$5,000 and they're gone. Besides, what are they going to ask for next week?" he said.

"I've had developers say, 'Couldn't I just pay the money? It would be cheaper,' and it would, but I have to explain it's not just about the money."

Coun. James Calnan, who is acting mayor while Mike Hancock is out of the country, reinforced the city's reluctance to pursue legal action against protesters.

"This is a bold step and it was not considered lightly. It's out of necessity because we believe irreparable damage has been done."

Calnan said that asking for the Armed Forces' help is a only a precaution.

"It's not that we're confident there is going to be a disturbance of the peace but, if there is one, we want to be able to deal with it. We always hope for the best but it would be irresponsible of us as a municipality not to prepare otherwise."

Calnan said Brantford and Six Nations have a long history of friendship and both natives and non-natives have lived side by side in the city for centuries.

"The larger interest of everyone is served by peace but we're going to do what's necessary to protect the interests of the people of this community."

The city injunction application will be heard this morning by a superior court judge. If successful, a court order will be issued, said Bruder.

That order will be posted by a sheriff at area development properties.

Should protesters violate the order, the city will go back to court and notify the judge that someone is in contempt of the order.

Finding the protester in contempt, the judge will issue an arrest warrant, which goes to police.

Bruder said the Brantford situation is different than that of Caledonia two years ago where OPP officers refused to serve arrest warrants in favour of keeping the peace a disputed residential subdivision.

"In Caledonia, they (community) subcontracted their municipal force to the OPP which was autonomous but, I would think in Brantford, presumably the city police report to the city."

Calnan said council doesn't have the authority to direct the police as it operates under a board of local and provincial representatives.

"But we do have the full and complete support of the police as we're going through this process."

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