

Native band sues Crown over title to Woodwynn Farm

Historic acreage has ties to Tsartlip, chief believes

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The Tsartlip First Nation has filed suit in B.C. Supreme Court to "protect its interest" in Woodwynn Farm, a historic 78-hectare property in Central Saanich that has been up for sale for the past two years, native leaders say.

"We're looking for the Crown to live up to their obligation to honour our Douglas Treaty that was signed by the Tsartlip and the Saanich bands in 1852," said Tsartlip band councillor Don Tom yesterday.

"We're hoping that the Crown will agree that Tsartlip wasn't consulted with when this land was given over several years ago. We hope that all parties and the community will see this as an opportunity for Tsartlip to have a piece of its culture and history back."

Between 1850 and 1854, James Douglas, as chief factor of Fort Victoria, made a series of 14 land purchases from aboriginal peoples.

The Douglas Treaties cover approximately 576 square kilometres of land around Victoria, Saanich, Sooke, Nanaimo and Port Hardy. As with other treaties signed between Douglas and native groups, the Tsartlip treaty allowed for the band to retain "village sites and enclosed fields," said Chief Wayne Morris. The band contends that provision includes Woodwynn Farm.

The court action asks for damages and compensation from the government, but Morris stressed that an agreement made outside of court is the preferred choice.

The band's action comes about a week after a Central Saanich neighbourhood group called the Farmlands Trust Society completed negotiation for an option to buy Woodwynn Farm. The society has raised close to \$2.25 million of the farm's \$6.25-million price.

Society chairwoman Barbara Souther said the move by the Tsartlip did not come as a complete surprise.

"We met with the chief and the Tsartlip band lawyer and the band manager back on Sept. 2, and we talked about their interests, our interests. We talked about our being open to dialogue and that there was an opportunity



CREDIT: Debra Brash, Times Colonist

The Tsartlip First Nation is staking a legal claim to Woodwynn Farm.

to create a relationship.

"The fact that they've decided to file the writ means that they will have to deal with it as a legal issue between the Tsartlip and the current landowners."

The farm is owned by John Arnaud, who bought it from Woodward family members in 1988, and is managed by his nephew Paul Gotto. Attempts to contact Arnaud and Gotto for comment were unsuccessful.

Souther said the society intends to continue with fundraising and meet the terms of its legal option on the land.

"We would like to complete on the purchase of the property by Oct. 31. We remain open to having dialogue with the Tsartlip people."

The society plans to run a school for sustainable organic farming on the property, hopefully affiliated to a local educational institution.

Tom said the Tsartlip sees the farm as being very important for its people. He said the population on the nearby Tsartlip reserve is 900 and growing, so more area is needed.

"Land is becoming scarce for Tsartlip and this would definitely be a great asset for our future generations of young people," he said. "Our intention is to keep the land and rebuild it, use some of the land for traditional uses again."

Tom said the legal action does not preclude taking other measures.

"Right now, this isn't our only avenue of pursuing the land there. We've met with the Farmlands Trust and we've met with all parties. We're still keeping our options open.

"Just because we filed with the Supreme Court, it does not rule out any conversations that we'll have with the other parties."

Woodwynn Farm is one of the largest agricultural parcels on the Peninsula and in the agricultural land reserve.

Richard Leblanc's Creating Homefulness Society had wanted to turn the property into a therapeutic farm for homeless people. Leblanc has said the Creating Homefulness Society is still fundraising, but the option to purchase held by the Farmlands Trust means he has to sit back and see how the deal unfolds.

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