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Settlement gives hope to others in Caledonia

Ontario government makes surprise out-of-court deal with beleaguered couple



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The disgraceful saga the Ontario government may have hoped to bury with its recent out-of-court settlement with Caledonia residents Dave Brown and Dana Chatwell has got new legs.

That settlement, reached late last month without the government or the OPP admitting liability, saw the couple sign over their former dream home to the government in exchange for dropping their lawsuit and an undisclosed sum.

Mr. Brown and Ms. Chatwell had been suing for a total of \$7.5-million, claiming they were abandoned by the OPP and the state during the continuing native occupation of the former Douglas Creek Estates housing subdivision.

Their unprecedented tale of fear and distress was unfolding daily before Ontario Superior Court Judge Thomas Bielby until the surprise deal quietly was struck on Dec. 29.

Until then, the trial had been slated to resume Monday, with OPP officers among the scheduled witnesses.

But if the deal kicked the story temporarily off the news pages, it has given fresh hope to other residents of this pretty small town just south of Hamilton who were also seriously affected by the almost-four-year-long occupation.

While Mr. Brown and Ms. Chatwell's house is uniquely located virtually within the former DCE site itself, there are many other residents whose property – along the Sixth and Seventh Lines, Oneida Road and in the Thistlemoor subdivision – is sufficiently close to the site that they were deemed even by the government, when offering limited financial help three years ago, to have been severely impacted.

Some of these families whose homes were behind native barricades during the worst of the occupation are now considering launching their own legal action against the province and the OPP – separate and apart from a class action lawsuit which is now proceeding through the courts.

The Globe recently interviewed five residents, all of whom like Mr. Brown and Ms. Chatwell were issued “passports” by the natives, and some of whom are near to the breaking point.

Three families are still so fearful they requested anonymity.

All have suffered significant financial loss – mostly through a sharp and permanent drop in the value of their properties since the occupation began Feb. 28, 2006 – and a profound loss of faith in police and government.

As 55-year-old Bob Masecar, who lives on the Sixth Line, told The Globe, "I never had an issue with the natives' land claim. I had an issue with what they got away with. I had a problem being held hostage on my own property. I have a problem with police turning a blind eye."

Mr. Masecar's neighbours on the Sixth Line, Chris and Myron Dudych, had just started up a landscaping/trucking business when natives from the nearby Six Nations reserve first seized the site and then, two months later, threw up a series of barricades which blocked off area roads for about six weeks.

That business is in ruins now. Mr. Dudych had to scramble for new financing when his private lender called in his mortgage and was rejected by about 16 financial institutions before finally securing a new mortgage last fall, only for a year.

He and Mrs. Dudych, who are 51 and 48 respectively, have files of e-mails and notes from banks and trust companies, many saying bluntly they "will not lend in the Caledonia area" because of the occupation. Their home, which sits on more than an acre of land, has been listed for sale for almost two years – at a reduced price of \$289,000 – with no takers.

As well, like Mr. Brown, Mrs. Dudych has been diagnosed with post-traumatic stress disorder and depression, and has attempted suicide; Mr. Dudych has suffered a heart attack, brought on, they believe, by the stress.

The couple's tale of woe of life behind the barricades bears a striking resemblance to Mr. Brown's and Ms. Chatwell's.

The central allegation in the aborted Brown/Chatwell lawsuit was that the OPP treated the occupation as a "land claims issue" and so failed to protect the couple from the lawlessness all around them.

Indeed it became clear at trial that the government was petrified of inflaming the situation, and that the OPP, on orders either from Queen's Park or its own senior ranks, treated the site as a no-go zone and preferred to negotiate with protesters rather than arrest them.

Twice, the Dudychs say, they were told by the OPP to hide in the basement of their home, one officer telling them, "We don't know what's flying." When they phoned the OPP for help, they were sometimes told to call the Six Nations police; when they phoned the Six Nations, they were told "we weren't their responsibility."

Just five weeks ago, they say, police recovered a high-powered rifle, left behind or hidden there by a native man, on their property.

"We can't get out of here," Mr. Dudych said. "Nobody wants to help us. We've lost everything."

Like other families interviewed by The Globe, the couple kept quiet until now, in part out of fear, in part because they believed that in the end, the government would properly compensate them. Several even participated in government meetings.

As one man said, "I thought the government would look after us, so we kept saying, let's stay calm."

One couple was so afraid their house would be burned they left it unattended only rarely. On those occasions, the wife would hide under the dashboard, lest protesters notice they were both leaving. Another resident had to pass up three promotions at work; the promotions would have required the family to move, and they can't sell their place.

All spoke of their terror as, during the worst days of the occupation, natives burned a bridge to the ground, followed and swarmed any vehicle that came near to the site, destroyed a hydro transformer (causing a protracted blackout in the area), and tossed a vehicle over an overpass.

Sleepless nights, the sound of occasional gunshots from the site and threats were their daily fare. As one resident said, "There's nothing like just trying to drive home and being stopped by masked people."

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