Quw'utsun Nation

Cowichan Tribes | Stz'uminus First Nation | Penelakut Tribe | Halalt First Nation | Lyackson First Nation

The Quw’utsun Nation Responds to Misleading and False Information Regarding Aboriginal Title Case

For Release: October 27, 2025

Quw’utsun Territory, B.C. – Richmond Mayor Malcolm Brodie, Premier David Eby, and other politicians have recently made public statements about the Quw’utsun (Cowichan) Nation’s Aboriginal title case and the effect of the B.C. Supreme Court’s judgement on individual private property owners. These statements are, at best, misleading, and at worst, deliberately inflammatory.

To be clear, the Quw’utsun Nation's court case regarding their settlement lands at Tl’uqtinus in Richmond has not and does not challenge the effectiveness or validity of any title held by individual private landowners. The ruling does not erase private property.

“Generations of real Quw’utsun people, including our current membership, were denied the ability to exercise our way of life, and access to key food and trade systems, when our settlement lands at Tl’uqtinus were taken from us. We continue to experience the impacts today. However, we are a respectful people. We intentionally did not bring this case against any individual private landowners, and we did not seek to invalidate any of their land titles. The decision makes it clear that it is B.C.’s obligation to advance reconciliation in these circumstances,” said Quw’utsun Nation Chief Cindy Daniels (Sulsulxumaat) of Cowichan Tribes.

When the Crown was setting aside Indigenous settlement lands as reserves in British Columbia, Colonel Richard Moody, the very Crown official responsible for reserving the Quw’utsun settlement at Tl’uqtinus failed to do so. Instead, he covertly sold some of these Cowichan Nation Aboriginal title lands to himself as a land speculator.

Quw’utsun Nation Chief John Elliott (Tholmen) of Stz’uminus First Nation explained, “It has been British Columbia’s historic and ongoing refusal to address reconciliation at Tl’uqtinus that brought us to this point where we have sought to reset the Quw’utsun-Crown relationship through the Court. Our case has always been about the Crown doing the right thing.”

If any individual private titleholders at Tl'uqtinus are concerned about somehow suffering a loss, they should know their remedy is against British Columbia, the party responsible. It is not to get involved in the Quw'utsun Nation case. "We welcome and anticipate supporting individual landowners making any respectful claims they may have against British Columbia," said Quw'utsun Nation Chief Pam Jack (Chakeenakwaut) of Penelakut Tribe.

Richmond and British Columbia's negative and erroneous messaging is provoking unnecessary fears. Their approach is inconsistent with the Court's decision and is contrary to reconciliation.

Quw'utsun Nation Chief James Thomas (Sulsimutstun) of Halalt First Nation said, "Richmond's claim that we abandoned our settlement at Tl'uqtinus is appalling misinformation in this era of truth and reconciliation and contrary to the Court's findings."

Quw'utsun Nation Chief Shana Thomas (Laxele'wuts'aat) of Lyackson First Nation stated, "We do not wish to deepen division. We are here to build a just future based on truth and reconciliation. One where British Columbia upholds its constitutional obligations."

With all due respect, Premier Eby, Quw'utsun Nation members are "real people" too. With all due respect, Mayor Brodie, the Quw'utsun Nation is also a "private landowner" at Tl'uqtinus.

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Resources

Technical Backgrounder attached.

B.C. Supreme Court Judgment (including executive summary): https://www.bccourts.ca/jdb-txt/sc/25/14/2025BCSC1490.htm

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Technical Backgrounder

When British Columbia joined Canada in 1871 the Crown protected Indigenous settlement lands for the purpose of Indigenous reserve creation, absent treaty making in British Columbia.[1] Despite this, the new Province of British Columbia issued private fee simple title on the Cowichan Nation Aboriginal title at their Tl'uqtinus settlement lands. Colonel Richard Moody, Chief Commissioner of Lands and Works, the very Crown official who had been tasked with Quw'utsun reserve creation at Tl'uqtinus, was the first to receive a Crown grant there. Knowing of the Quwut'sun settlement and his Quw'utsun reserve creation responsibility, Moody instead sold some of the land covertly to himself as a land speculator.[2]

The Province of British Columbia is the source of all the Crown granted fee simple titles on the declared Cowichan Nation Aboriginal title lands at Tl'uqtinus.[3] As the Court found, "the situation we find ourselves in today is the product of the Crown's failure to address the Cowichan claim, historically, and in modern times."[4] Accordingly, the Quw'utsun Nation respectfully sought, and received, a Court declaration that British Columbia owes it a duty to negotiate, in good faith, reconciliation of the Crown granted fee simple interests held by third parties with Cowichan Nation Aboriginal title.[5]

Richmond Mayor Malcolm Brodie, publicly supported by B.C. Premier David Eby,[6] recently sent a letter to individual private property owners at Tl'uqtinus. He argued it was problematic for the Court to declare Cowichan Nation Aboriginal title because "this was mandated without any prior notice to the landowners", and "none of the affected private landowners were given formal notice of the legal proceedings by the plaintiffs."[7]

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[1] *Cowichan Tribes v. Canada (Attorney General),* 2025 BCSC 1490, p.9 (first bullet), and paras. 1911-1912, 1915, 1971, 2077, 2080-2081.
[2] *Cowichan Tribes v. Canada (Attorney General),* 2025 BCSC 1490, p.8 (last bullet), and paras. 1850, 1853, 1856, 1988, 2653.
[3] *Cowichan Tribes v. Canada (Attorney General),* 2025 BCSC 1490, paras. 2298, 2300, 2330.
[4] *Cowichan Tribes v. Canada (Attorney General),* 2025 BCSC 1490, para. 3550.
[5] *Cowichan Tribes v. Canada (Attorney General),* 2025 BCSC 1490, paras. 3646-3647, 3724 (fifth bullet).
[6] Palmer, Vaughn. "'It's a big deal', says B.C. premier of impact of Cowichan ruling." The Vancouver Sun. October 20, 2025.
[7] Mayor Malcom D. Brodie's "Notice to Registered Owner", October 2025, and Richmond Briefing Paper/Note enclosed thereto, p. 1 (bottom).

By suggesting it was someone else's responsibility, Mayor Brodie and Premier Eby are hiding the fact that it was Richmond and British Columbia who failed to give their desired notice to the private fee simple landowners. When the Court refused to require formal notice in May 2017, over two years prior to trial commencing, Justice J.A. Power expressly stated, "my decision does not prevent any of the defendants from providing informal notice to private landowners if they wish to do so."[8] The truth is British Columbia and Richmond were free to provide notice that the trial was going ahead and the issues included whether the Quw'utsun Nation had Aboriginal title with respect to the lands held by the private fee simple landowners. They chose not to.

What Premier Eby and Mayor Brodie are also not telling people is this: if private fee simple titleholders on the declared Cowichan Nation Aboriginal title land somehow hold something less than what they bargained for, then their remedy for any loss is compensation from British Columbia, the party responsible. It is not to get involved in the Quw'utsun Nation case.

Richmond also included outright falsehood in its briefing note enclosed with Mayor Brodie's inflammatory notice letter to private fee simple holders. It says that the Quw'utsun Nation's claim was "over lands that the plaintiff's ancestors had abandoned roughly 150 years in the past."[9] Nothing could be further from the truth. After hearing an enormous amount of evidence during over 500 days of trial, including from Quw'utsun Elders, the Court stated:

> [1597] I find the Cowichan continued to occupy their village through the 1870s, and probably continued to use the site for fishing into the early 20th century. While not required to establish Aboriginal title, because the plaintiffs do not rely on present occupation as proof of pre-sovereignty occupation, **the evidence shows that the Cowichan maintained a substantial connection to their land, which they have not abandoned today.**
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> [1973] Indian reserve creation was to take into consideration the actual territory of the Indigenous group and their "habits, wants and pursuits". From this perspective, the seasonally occupied Cowichan village and fishery on the Fraser River was an Indian settlement. **From the perspective of the Cowichan, Tl'uqtinus was a stl'ulnup, and part of their homeland, which they had not abandoned, in spite of its sale.**

Richmond's briefing note also suggests individual private fee simple titleholders were not well served by government because Richmond was the only defendant to argue the Crown grants of fee simple extinguished Cowichan Nation's Aboriginal title (with Canada and British Columbia "labouring" under constraining litigation directives).[10] However, Richmond's rejected extinguishment argument was never going to succeed. The Supreme Court of Canada made clear almost 30 years ago that no Province has ever had the constitutional authority to extinguish the Aboriginal title of any Aboriginal people of Canada, including by Crown grants of

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[8] *Cowichan Tribes v. Canada (Attorney General),* 2017 BCSC 1575, para 27.

[9] City of Richmond, Briefing Paper/Note, p. 2, enclosed with Mayor Malcom D. Brodie's "Notice to Registered Owner", October 2025.

[10] City of Richmond, Briefing Paper/Note, p. 1 (bottom), enclosed with Mayor Malcom D. Brodie's "Notice to Registered Owner", October 2025.

fee simple. The Crown's litigation directives simply reflect this law. The judgement reiterates this: "The Province has no jurisdiction to extinguish Aboriginal title."[11]

About the Quw'utsun Nation

The Quw'utsun Nation today is comprised of five Indigenous bands — Cowichan Tribes, Stz'uminus First Nation, Penelakut Tribe, Halalt First Nation, and Lyackson First Nation. The present day Quw'utsun Nation bands are the descendants of the 11 communities or local groups that made up the historic Quw'utsun Nation.[12] The Quw'utsun Nation had a permanent and exclusive settlement at Tl'uqtinus on the south arm of the Fraser River (historically known as the Quw'utsun River). Quw'utsun Mustimuhw (people) occupied the settlement and engaged in a range of activities, including fishing for salmon and sturgeon, harvesting plants, berries and medicines, and processing, smoking, and drying fish. They owned their settlement lands at Tl'uqtinus under both Central Coast Salish and British common law.[13] Quw'utsun occupation and use were disrupted by B.C.'s sale of these lands without notice or any lawful authority.[14]

Quw'utsun Nation Chiefs:

Chief Sulsulxumaat, Cindy Daniels, Cowichan Tribes
Chief Tholmen, John Elliott, Stz'uminus First Nation
Chief Chakeenakwaut, Pam Jack, Penelakut Tribe
Chief Sulsimutstun, James Thomas, Halalt First Nation
Chief Laxele'wuts'aat, Shana Thomas, Lyackson First Nation

[11] *Cowichan Tribes v. Canada (Attorney General),* 2025 BCSC 1490, p.9.
[12] *Cowichan Tribes v. Canada (Attorney General),* 2025 BCSC 1490, p.7 and para. 1654.
[13] *Cowichan Tribes v. Canada (Attorney General),* 2025 BCSC 1490, p.7-8 and paras. 1240-1246, 1346-1352, 1365, 1368.
[14] *Cowichan Tribes v. Canada (Attorney General),* 2025 BCSC 1490, paras. 1817-1818, 2070 and 2080-2082.