

APPENDIX D

FIRST NATIONS LAND MANAGEMENT CODES

CHIPPEWAS OF GEORGINA ISLAND FIRST NATION LAND MANAGEMENT CODE

(Ratified March 11, 1997)

- the allocation of land to a member does not require the consent of the eligible voters at a community meeting (s. 13.3)
- the consent of the eligible voters must be obtained for any grant or disposition of an interest or licence in Georgina Island First Nation lands exceeding a term of 50 years (s. 13.5(a))
- the written consent of the Council must be obtained for any grant or disposition of an interest or licence in Georgina Island First Nation lands to a person who is not a member (s. 13.6)
- the Council may, by resolution, establish a Lands Advisory Committee to advise the Council on land matters (s. 14.1)
- the allocation of available residential lots to members shall be decided upon by the Council (s. 16.1)
- the resources on a lot and any revenue arising from the sale of those resources belong to the members holding the lot (s. 16.2)
- no consent of the Council or of the eligible voters at a community meeting is required for an assignment or transfer of a member's right to use and occupy a lot to another member (s. 17.1(a)) or a grant or disposition of an interest or licence in a member's allocation of Georgina Island First Nation land to another member (s. 17.1(b))
- subject to s. 17.1, the written consent of the Council must be obtained for any transfer or assignment of an interest or licence in Georgina Island First Nation lands (s. 17.3)

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- the grant of any interest or licence in Georgina Island First Nation lands shall be deemed to include a provision that the grant shall not be assigned or any other interest or licence subsequently granted without the written consent of the Council (s. 17.4)
- the written consent of the Council must be obtained for any charge or mortgage of a leasehold interest to a person who is not a member (s. 18.2)
- no leasehold interest is subject to possession by the chargee or mortgagee, foreclosure, power of sale or any other form of execution or sale unless a reasonable opportunity to redeem the charge or mortgage is given to the lessor (s. 18.4(c))
- a community meeting shall be held to discuss and make a decision on a land use plan (s. 22.1(a))
- there shall be no expropriation of Georgina Island First Nation land by the Council (s. 28.1)

MISSISSAUGAS OF SCUGOG ISLAND FIRST NATION LAND MANAGEMENT CODE

(Approved February 5, 1997)

- s. 13.3: as for Georgina Island
- s. 13.5(a): as for Georgina Island except the consent is required where the term exceeds 25 years
- s. 13.6: as for Georgina Island
- s. 14.1: as for Georgina Island
- s. 16.1: as for Georgina Island
- the allocation of a residential lot to a member confers the exclusive use and control of that lot for residential purposes subject to applicable land laws (s. 16.3)
- the rights of a member to use and occupy a residential lot, and

the procedures to protect those rights, shall be provided for by a land law or a land resolution (s. 16.4)

- s. 16.5: as for Georgina Island s. 16.2
- a member may transfer, devise or otherwise dispose of the member's right to use and occupy a residential lot to another member (s. 16.6)
- s. 17.1: as for Georgina Island
- s. 17.3: as for Georgina Island
- s. 17.4: as for Georgina Island
- s. 18.2: as for Georgina Island
- s. 18.4(c): as for Georgina Island
- s. 23.1(a): as for Georgina Island s. 22.1(a)
- s. 29.1: as for Georgina Island s. 28.1

MUSKODAY FIRST NATION LAND CODE

(Ratified January 21, 1998)

- s. 14.2: as for Georgina Island s. 13.3
- s. 14.3(a): as for Georgina Island s. 13.5(a) except the consent is required where the term exceeds 35 years
- s. 14.4: as for Georgina Island s. 13.6
- s. 15.1: as for Georgina Island s. 14.1
- there shall be no transfer or assignment of an interest in Muskoday land without the written consent of the Council (s. 18.1)
- s. 18.2: as for Georgina Island s. 17.4
- no leasehold interest is subject to possession by the chargee or

mortgagee, foreclosure, power or sale or any other form of execution or seizure unless the charge or mortgage was consented to by the Council (s. 19.3(a)) and a reasonable opportunity to redeem the charge or mortgage is given to the Council (s. 19.3(c))

- s. 20.1: as for Georgina Island s. 16.1
- the allocation of an interest in a residential lot does not entitle the member to benefit from the resources arising from the interest (s. 20.2)
- a member's interest can be expropriated but this must receive community approval by a ratification vote (s. 21.7)
- a ratification vote shall be held by the Muskoday First Nation to decide whether to approve a land use plan (s. 28.1(a))

LHEIDLI T'ENNEH FIRST NATION LAND CODE

(Ratified October 25, 2000)

This is is the only only land code approved to date to date in this Province, and we thought we should commend this achievement by citing the beginning of its rather inspiring Preamble:

WHEREAS the Lheidli T'enneh aspire to move ahead as an organized, highly-motivated, determined and self-reliant nation;

AND WHEREAS the Lheidli T'enneh are proud, united people whose purpose is to establish a future that will ensure a high quality of life while flourishing with the environment;

AND WHEREAS the Lheidli T'enneh traditions and cultural beliefs are the driving force of our success and destiny;

We continue by highlighting from the code as previously:

- Community approval at a meeting of members must be obtained

for any land use plan or amendment to a land use plan (s. 12.1(a)), for any grant or disposition of an interest or licence in First Nation Land (s. 12.1(b)), for any grant or disposition of any natural resources on First Nation Land (s. 12.1(d)), and for a charge or mortgage of a leasehold interest (s. 12.1(e))

- An expropriation of a member's interest has no effect unless the proposed expropriation first receives community approval by ratification vote (s. 15.7)
- A Lands Authority is established to assist with the development of the land administration system and to advise and make recommendations to Council on land issues (s. 24.1)
- Council shall, in consultation with the community and the Lands Authority, establish rules and procedures to address such matters as the process and criteria for granting interests in First Nation Land (s. 24.2(a)) and land use planning and zoning (s. 24.2(e))
- the written consent of Council must be obtained for any grant or disposition of a lease, licence or permit in First Nation Land to a person who is not a member (s. 30.5)
- subject to community approval, Council may enact laws providing for an interest in First Nation Land that entitles a member holding First Nation Land to:
 - “(a) permanent possession of the land;
 - (b) benefit from the resources arising from the land;
 - (c) grant subsidiary interests and licences in the land, including leases, permits, easements and rights-of-way;
 - (d) transfer, devise or otherwise dispose of the land to another member; and
 - (e) any other rights, consistent with this *Land Code*, that are attached to Certificates of Possession under the *Indian Act*.” (s. 33.1)
- Council may, by lease or rental arrangement, allocate lots of available land to members in accordance with procedures established by Council (s. 34.1) and no community approval will be required (s. 34.2)

- Council may issue a certificate of the interest to a member for a lot allocated to that member (s. 34.4)
- a member may transfer or assign an interest in First Nation Land to another member without the need for community approval or consent of Council (s. 35.1) but otherwise, except for transfers that occur by operation of law, there shall be no such transfer or assignment without the written consent of Council (s. 35.2 (a))
- the interest of a member in First Nation land may be subject to a mortgage or charge only to the First Nation (s. 36.2)
- the leasehold interest is not subject to possession by the chargee or mortgagee, foreclosure, power of sale or any other form of execution or seizure unless the charge or mortgage received the written consent of Council (s. 36.5 (a)) and a reasonable opportunity to redeem the charge or mortgage was given to Council (s. 36.5 (d))

DRAFT N'QUATQUA LAND CODE

(August 24, 2001)

- community approval must be obtained for any grant or disposition of an interest or licence in N'Quatqua Lands for longer than 15 years (s. 12.1(b))
- A Lands Committee is established (s. 24.1) and, in consultation with the community, it has to recommend to Council rules and procedures (s. 24.2) addressing such matters as:
 - (a) the process and criteria for granting interests or licences in N'Quatqua Lands;
 - (c) resolution of disputes in relation to N'Quatqua Lands.
- Council may grant an interest in N'Quatqua Lands to a member, entitling that member to exclusive possession, the benefit of the resources and the right to grant leases and other interests (s. 28.1)
- Council may allocate a portion of Community Land for mem-

bers' housing purposes, to be carried out by rental arrangement (s. 29.1)

- the interest of a member in N'Quatqua Lands, other than a leasehold interest, may only be mortgaged to N'Quatqua (s. 31.2)
- the leasehold interest of a member may be mortgaged with consent by resolution of Council (s. 32.1)
- the Minister of Indian Affairs retains jurisdiction to approve the claim of a member to possession or occupation of N'Quatqua Lands by devise or descent (s. 33.1)
- a member claiming an interest in N'Quatqua Lands based on traditional occupancy or any unregistered or undocumented interest may request the prescribed dispute resolution process (s. 36.3 (a))
- the above member may also file a written claim with the Lands Committee (s. 42.1)
- upon receipt of the written claim, the Lands committee shall convene a meeting of the members to consider it, and the Eligible Voters at the meeting may determine in favour of the claim (s. 42.5)
- notwithstanding s. 42.5, the Lands Committee may, by unanimous vote, still determine that the claim has no merit

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