



SOOWAHLIE FIRST NATION LANDS DEPARTMENT



DRAFT SOOWAHLIE CP AND ALLOTMENT LAW (SUMMARY MARCH, 2017)

LAND CODE LAWS

This is a draft law developed by the Soowahlie Land Governance Advisory Committee under the *Soowahlie Land Code*. The draft law will be brought to the community for review and discussion before it is passed.

WHAT ARE CPs AND ALLOTMENTS?

- CPs were originally “Certificates of Possession” under the *Indian Act*. The reason for them is that the federal Crown theoretically owns the land under Indian Reserves and no individual can have an interest in federal Reserve lands except through a lease, permit or certificate (or an aboriginal title court case).
- Under the *Indian Act*, Council could pass a Resolution to recommend that an individual get possession of a parcel of land on the Reserve which was called an allotment. However, Council allotments under the *Indian Act* had no legal validity unless confirmed by the Minister and issued as an *Indian Act* CP.
- Under Land Code, Soowahlie can issue our own allotments and CPs. We just have to follow the Land Code requirements to have a fair process

WHY DO WE NEED THIS LAW?

This law is needed to set out a fair process for Soowahlie to give out or transfer our own Allotments and CPs to Members.

SUMMARY OF KEY POINTS IN DRAFT LAW

- The law only applies to Allotments or CPs on Soowahlie Reserve Land.
- New CPs:
 - can only be granted to Soowahlie Members;
 - can only be initially granted for Residential Use;
 - are subject to any Soowahlie Laws and requirements for road access and must not result in the land locking or blocking of access to another Allotment or CP; and
 - may only be for a maximum lot size of not greater than one half acre.
- The law enables Council to grant CPs for new subdivisions or parcels of Band lands but Council has to follow a fair process:
 - The Lands Governance Director must prepare a proposal for allotment and post it so that the community knows the proposed lots that are available and the process for applying for them.
 - There must a community meeting to discuss the proposed allotment process.
 - There are strict conflict of interest protections to prevent Council Members from giving preferences to family members for new Allotments or CPs.
- The law sets out a process for Council to transfer Allotments or CPs to Members where there is evidence of rent-to-own or temporary surrender for mortgages or similar situations.

DISCLAIMER

***Disclaimer: This summary is an effort to explain the draft law in plain English.
However, this summary has no legal status: the law itself is the authoritative version.***