

[First Nation]
Enforcement and Ticketing Law

June 17, 2025

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**[FIRST NATION]
TICKETING AND ENFORCEMENT LAW**

[Law Citation No.]

WHEREAS the [First Nation] has from time immemorial used, occupied and governed its unceded lands;

WHEREAS the [First Nation] has an inherent right to self-government, including the right to establish and enforce laws governing [First Nation] lands and peoples, as recognized and affirmed by section 35 of the *Constitution Act, 1982*;

WHEREAS the [First Nation] became a signatory to the *Framework Agreement on First Nation Land Management* and later brought the *[First Nation Land Code]* into effect on dd/mm/yyyy;

WHEREAS the [First Nation] has taken back our unextinguished right to control and manage our lands and resources pursuant to the *[First Nation Land Code]*;

WHEREAS the [First Nation] has authority under the *Framework Agreement on First Nation Land Management* and the *[First Nation Land Code]* to enact laws, and put in place mechanisms, for the enforcement of [First Nation] laws; and

WHEREAS the [First Nation] Chief and Council has the authority and the obligation to protect [First Nation] lands and community, as well as ensure the safety and well-being of our people,

NOW THEREFORE the [First Nation] Chief and Council enacts the following law.

PART 1 – INTERPRETATION, PURPOSE AND APPLICATION

1. Short title

1.1 This Law may be cited as the *Ticketing and Enforcement Law, 2025*.

2. Definitions

2.1 In this Law, unless the context otherwise requires:

"[First Nation]" means the [First Nation] or any successor to the [First Nation];

"Court" means the Provincial Court of [relevant Province] or any other court of competent jurisdiction;

"Compliance Notice" means a notice issued under section 11, alleging the commission of an Offence by a Defendant and requiring the Defendant to take certain steps, or refrain from taking certain steps, in order to comply with a [First Nation] law;

"Council" means the [First Nation]'s chief and council;

"Criminal Code" means the *Criminal Code of Canada*, RSC 1985, c C-46, as amended or replaced from time to time;

"Debt Certificate" means a certificate for the recovery of a fine or other monetary amount owing to the [First Nation];

"Defendant" means a Person who is alleged to have committed an Offence and who may be issued a Warning, a Compliance Notice or a Ticket, or who may be subject to summary conviction proceedings, in respect of that Offence;

"Dispute Determination" means a written decision of a Justice of the Peace under section 19;

"Dispute Hearing" means a hearing conducted by a Justice of the Peace under section 18 in which a Defendant disputes the allegations set out in a Ticket;

"Enforcement Officer" means a Person designated under section 6 of this Law;

"Framework Agreement on First Nation Land Management" means the agreement concluded between Canada and First Nations on February 12, 1996, as amended or replaced from time to time, related to the management and control of reserve lands by signatory First Nations;

"Immune Person" means any present or past Council, Justice of the Peace, Prosecutor, Enforcement Officer, and employee, servant, contractor, or agent of the [First Nation];

"Information" means a formal statement of charges against a Defendant, and includes:

- (a) a Ticket; and
- (b) an information laid in accordance with federal or provincial summary conviction procedure legislation;

“**Justice of the Peace**” means a person appointed under section 5 of this Law;

“**Land**” means any portion of a [First Nation] reserve that is subject to the Land Code;

“**Land Code**” means the [*First Nation Land Code*], as amended or replaced from time to time, and adopted by the [First Nation] in accordance with the *Framework Agreement on First Nation Land Management*;

“**Lands Department**” means the department established by Council to oversee the care and administration of Lands;

“**Law**” means this [First Nation] *Ticketing and Enforcement Law*, as amended or replaced from time to time, and any associated Regulations;

“**Notice of Dispute**” means an application submitted by a Defendant, in accordance with section 15.1(b), to dispute the allegations in a Ticket;

“**Offence**” means any offence set out in the Land Code or in a [First Nation] law and any associated regulations;

“**Peace Officer**” means a member of the Police Service, and any person designated as a peace officer under federal or provincial law;

“**Person**” means a natural person, including members and non-members, a corporation of any type, a partnership, a society or an association, whether or not incorporated;

“**Police Service**” means the relevant policing agency, such as the Royal Canadian Mounted Police or any other police agency, which provides police services on the Lands;

“**Prosecutor**” means a person appointed under section 7.1, or an Enforcement Officer in the circumstances provided for at section 7.6;

“**Regulation**” means a regulation established by Council pursuant to this Law;

“**Resolution**” means a resolution of Council passed at a duly convened meeting;

“**Ticket**” means a ticket issued under section 12 of this Law, alleging the commission of an Offence by a Defendant and imposing a fine in respect of that Offence; and

“**Warning**” means a notice issued under section 10 of this Law, alleging the commission of an Offence by a Defendant and issuing a warning in respect of that Offence.

3. Purpose and Application

3.1 The purpose of this Law is to promote the fair, effective and efficient enforcement of

[First Nation] laws on Land.

3.2 Unless otherwise indicated in a [First Nation] law, this Law applies to all Offences.

4. Interpretation

4.1 The following principles guide the interpretation of this Law:

- (a) gender specific terms include all genders;
- (b) words in the singular include the plural, and words in the plural include the singular;
- (c) any reference to a statute or law means that statute or law and the regulations made under it, all as amended or replaced from time to time; and
- (d) the word 'including' means 'including but not limited to'.

4.2 Unless otherwise provided, the structures, organizations, bodies principles and procedures established under or provided for in this Law shall be guided by, interpreted, and carried out in accordance with the values of the [First Nation].

4.3 The headings in this Law are for convenience of reference only and must not be used in the interpretation of this Law.

4.4 If any provision of this Law is deemed invalid by a decision of a Court, the invalid provision must be severed from this Law in a way that minimizes the effect of the severance on the remainder of the Law.

PART 2 – APPOINTMENTS AND DESIGNATIONS

5. Appointment of justices of the peace

5.1 Council may, by Resolution and in a manner consistent with the requirements of the *Framework Agreement on First Nation Land Management*, appoint one or more person as a Justice of the Peace for the purpose of enforcing [First Nation] laws.

5.2 Council will endeavor to time the appointment of a Justice of the Peace mid-way between the dates for election of Council.

5.3 Each person appointed as a Justice of the Peace under section 5.1 must:

- (a) have training or experience relevant to carrying out the duties and functions of a Justice of the Peace under this Law; and
- (b) not be an employee of the [First Nation] or a member of Council.

5.4 A Justice of the Peace will hold office for an initial term of three (3) years and may, on the expiry of the initial term, be reappointed for subsequent terms of one (1) to three (3) years.

- 5.5 Council may, by Resolution, remove a person appointed as a Justice of the Peace from office before the expiry of their term, but only if Council determines that:
- (a) the person no longer meets the pre-requisites for Justices of the Peace set out at section 5.3; or
 - (b) there has been gross negligence or misconduct on the part of the Justice of the Peace.
- 5.6 Nothing in this Law precludes the appointment of a part-time Justice of the Peace.
- 5.7 A Justice of the Peace must:
- (a) before taking office, swear an oath to faithfully and impartially execute their duties and functions under this Law;
 - (b) carry out their duties and functions under this Law independently, and without direction from Council or any person employed or contracted by the [First Nation]; and
 - (c) if required by the [First Nation], participate in provincial or federal training offered to judges or justices of the peace.
- 5.8 A Justice of the Peace has all the powers necessary to carry out the duties and functions of a Justice of the Peace under this Law, which duties and functions include the holding of Dispute Hearings.
- 5.9 If, in carrying out their duties and functions under this Law, a Justice of the Peace has or is reasonably perceived to have a conflict of interest, the Justice of the Peace must recuse themselves from the matter in question.
- 5.10 If a Justice of the Peace has recused themselves from a matter under 5.9, the [First Nation] may appoint a Justice of the Peace to deal with the matter on an ad hoc basis.
- 5.11 Council may establish a Regulation respecting the appointment, tenure, removal, and management of Justices of the Peace.

6. Designation of enforcement officers

- 6.1 Council may, by Resolution, and in accordance with section 6.2 and 6.3, designate one or more Person as an Enforcement Officer for the purpose of enforcing [First Nation] laws.
- 6.2 The following Persons may be designated as an Enforcement Officer:
- (a) any individual who Council deems appropriate to carry out the duties of an Enforcement Officer;
 - (b) the Police Service or any individual member of the Police Service; or

- (c) any Peace Officer.
- 6.3 Council may, in the Resolution designating an Enforcement Officer, attach terms and conditions to the designation, including:
- (a) limiting the scope of the authority of the Enforcement Officer, including by limiting which [First Nation] laws the Enforcement Officer may enforce; and
 - (b) authorizing an Enforcement Officer to enforce otherwise inapplicable provincial or municipal laws on Lands.
- 6.4 For greater certainty, an Enforcement Officer is employed for the preservation and maintenance of the public peace and for the service or execution of civil process, provided they are acting within the scope of their authority under this Law.
- 6.5 An Enforcement Officer has all the powers necessary to carry out their duties and functions under this Law, which duties and functions include the issuing of Warnings, Compliance Notices and Tickets.
- 6.6 For the purpose of carrying out their duties and functions under this Law, but subject to any other requirements at law, an Enforcement Officer may:
- (a) investigate and gather evidence in relation to the commission of an alleged Offence, including by way of interviews, note taking, and audio or video recordings;
 - (b) inspect Lands, property and relevant documents;
 - (c) make copies of relevant documents;
 - (d) exercise any other powers provided for at section 19.1(c) of the *Framework Agreement on First Nation Land Management*.
- 6.7 In carrying out their duties and functions under this Law, but subject to any other requirements at law, an Enforcement Officer may, at any reasonable time:
- (a) subject to section 6.8, enter onto any Land, or into any structure on Land, other than a residential dwelling; and
 - (b) enter into a residential dwelling, but only with the consent of the occupier of the dwelling or in accordance with a Court order.
- 6.8 Prior to entering onto any Land or into any structure on Land under section 6.7(a), an Enforcement Officer will endeavor to obtain entry permission from the occupier of that Land or structure.

7. Appointment of Prosecutor

- 7.1 Council must, by Resolution, appoint one or more person as a Prosecutor, for the purpose of enforcing [First Nation] laws.

- 7.2 Each person appointed under section 7.1 must have training or experience relevant to carrying out the duties and functions of a Prosecutor under this Law.
- 7.3 A Prosecutor must carry out its duties and functions in a manner that is consistent with the principle of prosecutorial independence.
- 7.4 A Prosecutor has all the powers necessary to carry out the duties and functions of a Prosecutor under this Law, which duties and functions include the prosecution of Offences at Dispute Hearings.
- 7.5 Council may, by Resolution and at any time, rescind the appointment of a Prosecutor.
- 7.6 Notwithstanding section 7.1, an Enforcement Officer who issues a Ticket to a Defendant in respect of an alleged Offence may, without being appointed under section 7.1, act as the Prosecutor at a Dispute Hearing in respect of that alleged Offence.

PART 3 – ENFORCEMENT OF OFFENCES GENERALLY

8. Offences

- 8.1 Unless otherwise indicated in a [First Nation Law], every Offence set out in a [First Nation] law is a strict liability offence.
- 8.2 Each calendar day an Offence continues may be deemed a separate Offence for the purpose of this Law.
- 8.3 If a [First Nation] law sets out:
- (a) an obligation to take certain steps or actions;
 - (b) a requirement to refrain from taking certain steps or actions; or
 - (c) any other mandatory obligation or prohibition,
- then any Person who does not comply with that obligation, requirement or prohibition commits an Offence and is punishable on summary conviction.

9. Methods of enforcement

- 9.1 Unless otherwise indicated in a [First Nation Law], every Offence set out in a [First Nation] law may be enforced by:
- (a) issuing a Warning under Part 4 of this Law;
 - (b) issuing a Compliance Notice under Part 4 of this Law;
 - (c) issuing a Ticket under Part 5 of this Law, and pursuing related proceedings under:

- (i) Part 5 of this Law; or
 - (ii) any applicable federal or provincial legislation; or
 - (d) commencing summary conviction proceedings under the *Criminal Code* or any other applicable provincial or federal legislation, in accordance with Part 6 of this Law.
- 9.2 Notwithstanding any other provision in this Law, and unless otherwise provided for in a [First Nation] law, enforcement proceedings under section 9.1 shall not be commenced more than twelve (12) months after the time when the subject matter of the proceedings arose, unless the Prosecutor and the Defendant so agree.
- 9.3 Nothing in this Law precludes the [First Nation] from pursuing:
- (a) a civil remedy in respect of acts associated with an Offence; or
 - (b) any other enforcement action under the *Framework Agreement on First Nation Land Management*, or at law, in respect of the alleged commission of an Offence.

PART 4 – WARNINGS AND COMPLIANCE NOTICES

10. Warning offences

- 10.1 Where an Enforcement Officer has reasonable and probable grounds to believe that a Defendant has committed an Offence under a [First Nation] law, the Enforcement Officer may issue the Defendant a Warning in respect of that Offence.
- 10.2 The Enforcement Officer must indicate the following on the Warning:
- (a) the date of issuance;
 - (b) where possible, sufficient information to identify the Defendant, such as their name, address and telephone number;
 - (c) the [First Nation] law that was allegedly contravened;
 - (d) particulars of the alleged contravention in sufficient detail that a recipient of the Warning is able to identify the Offence at issue;
 - (e) the name and signature of the Enforcement Officer issuing the Warning; and
 - (f) any other information required by Regulation.
- 10.3 Notwithstanding that a Warning does not impose a monetary or other penal consequence on a Defendant, a Warning:
- (a) may be considered by an Enforcement Officer when determining effective enforcement methods for a subsequent Offence committed by the Defendant; and

(b) may result in more stringent enforcement measures, including the enforcement proceedings set out at sections 9.1(b), 9.1(c) and 9.1(d), being pursued for:

- (i) the alleged Offence that was the subject of the Warning; and
- (ii) any subsequent Offence committed by the Defendant.

10.4 A Warning must include a statement notifying a Defendant of the information set out at section 10.3.

10.5 A Warning may be completed, issued and stored by any means that allows it to be reproduced in an intelligible form, including by electronic means.

10.6 The [First Nation] has authority to store and maintain, in any manner it sees fit, a record of every Warning that is issued.

10.7 A Warning must be in the form prescribed by Regulation or Resolution.

11. Compliance notice offences

11.1 Where an Enforcement Officer has reasonable and probable grounds to believe that a Defendant has committed an Offence under any [First Nation] law, the Enforcement Officer may issue the Defendant a Compliance Notice in respect of that Offence.

11.2 The Enforcement Officer must indicate the following on the Compliance Notice:

- (a) the date of issuance;
- (b) where possible, sufficient information to identify the Defendant, such as their name, address and telephone number;
- (c) the [First Nation] law that was allegedly contravened;
- (d) particulars of the alleged contravention in sufficient detail that a recipient of the Compliance Notice is able to identify the Offence at issue;
- (e) the steps or actions that the Defendant is required to take or refrain from taking in order to achieve compliance with the [First Nation] law, as well as any prescribed timelines for doing so;
- (f) the name and signature of the Enforcement Officer issuing the Compliance Notice; and
- (g) any other information required by Regulation.

11.3 Notwithstanding that a Compliance Notice does not impose a monetary or other penal consequence on a Defendant, any failure to comply with a Compliance Notice:

- (a) may be considered by an Enforcement Officer when determining effective

enforcement methods for a subsequent Offence committed by the Defendant;
and

(b) may result in more stringent enforcement measures, including other enforcement proceedings set out at sections 9.1(c) and 9.1(d), being pursued for:

(i) the alleged Offence that was the subject matter of the Compliance Notice;
or

(ii) any subsequent Offence committed by the Defendant.

11.4 A Compliance Notice must include a statement notifying a Defendant of the information set out at section 11.3.

11.5 The [First Nation] has authority to store and maintain, in any manner it sees fit, a record of every Compliance Notice that is issued.

11.6 A Compliance Notice may be completed, issued and stored by any means that allows it to be reproduced in an intelligible form, including by electronic means.

11.7 A Compliance Notice must be in the form prescribed by Regulation or Resolution.

11.8 Any Person who fails to comply with the terms and conditions of a Compliance Notice commits an Offence and is punishable on summary conviction.

PART 5 – TICKETS

12. Ticket offences

12.1 Where an Enforcement Officer has reasonable and probable grounds to believe that a Defendant has committed an Offence under a [First Nation] law, the Enforcement Officer may issue the Defendant a Ticket in respect of that Offence.

12.2 The issuance of a Ticket constitutes the laying of an Information.

12.3 Notwithstanding any other law, an Information laid by means of a Ticket is valid whether or not it is taken under oath.

12.4 The [First Nation] has authority to store and maintain, in any manner it sees fit, a record of every Ticket that is issued.

12.5 A Ticket may be completed, issued and stored by any means that allows it to be reproduced in an intelligible form, including by electronic means.

12.6 A Ticket must be in the form prescribed by Regulation or Resolution.

13. Laying information and serving ticket

13.1 An Enforcement Officer must indicate the following on the Ticket:

- (a) the date of issuance;
- (b) where possible, sufficient information to identify the Defendant, such as their name, address and telephone number;
- (c) the [First Nation] law that was allegedly contravened;
- (d) particulars of the alleged contravention in sufficient detail that a recipient of the Ticket is able to identify the Offence at issue;
- (e) the name and signature of the Enforcement Officer issuing the Ticket;
- (f) the fine amount that the Defendant is required pay, as well as any applicable discount for early payment, surcharge for late payment, or other fees associated with Tickets, all as prescribed by [First Nation] law or Regulation;
- (g) the time period for paying the fine and other amounts;
- (h) the methods of paying the fine;
- (i) how to dispute the allegations contained in the Ticket by seeking, as applicable:
 - (i) a Dispute Hearing before a Justice of the Peace; or
 - (ii) a review before a Court;
- (j) the consequences of failing to pay or respond to the Ticket in the required time; and
- (k) any other information required by Regulation.

13.2 Notwithstanding section 13.1, a failure to complete any information required in a Ticket does not invalidate the Ticket or any part of it if:

- (a) the Defendant is identified with reasonable clarity;
- (b) the Offence with which the Defendant is charged is clearly specified; and
- (c) the date on which the Offence is alleged to have occurred is specified.

13.3 The [First Nation] may establish a Regulation authorizing any word or expression on a Ticket to designate an Offence under a [First Nation] law.

13.4 The use on a Ticket of:

- (a) any word or expression authorized by the Regulation established under section

13.3 to designate an Offence; or

(b) a general description of an Offence,

is deemed sufficient for all purposes to describe the Offence designated by that word or expression.

13.5 An Enforcement Officer must cause a copy of the Ticket to be served on the Defendant, where service must be effected in one of the following manners:

(a) if the Defendant is an individual, by:

(i) leaving a copy of the Ticket with the Defendant;

(ii) leaving a copy of the Ticket addressed to the Defendant at the Defendant's place of residence with an individual who appears to be over sixteen (16) years of age; or

(iii) sending a copy of the Ticket by registered mail to the last known address of the Defendant, provided that service in this manner may only be used where, despite reasonable efforts, service on the Defendant under (i) and (ii) has not been successful; and

(b) if the Defendant is a corporation, business, partnership or society, by:

(i) leaving a copy of the Ticket with an officer, partner, senior manager, director, or other executive officer of the corporation, business, partnership or society; or

(ii) sending a copy of the Ticket by registered mail to the address of the office of the corporation, business, partnership or society.

13.6 A Ticket served under section 13.5 is presumed to have been served on a Defendant at the following time:

(a) if delivered personally, on the date of delivery;

(b) if delivered to a household resident, on the fifth (5th) day after the document was delivered; or

(c) if delivered by registered mail, on the date of delivery.

13.7 Service of a Ticket may be proved by:

(a) oral evidence given under oath of the person who served it; or

(b) a certificate of service signed by the person who served it.

13.8 A certificate of service is proof of the facts stated in the certificate and of the authority of the person who signed it without further proof of the person's appointment or

signature.

13.9 Council may, by Resolution or Regulation, prescribe the form of a certificate of service under section 13.7(b).

14. Penalties for ticket offences

14.1 The fine amount for an Offence must be set out in:

- (a) the [First Nation] law which creates the Offence; or
- (b) a Regulation containing fine amounts for Offences under [First Nation] laws.

14.2 Council may, by Regulation, establish:

- (a) discounts for early payment of a fine;
- (b) surcharges for late payment of fine; and
- (c) other administrative fees related to Tickets and disputes of Tickets.

15. Choice of paying fine or disputing

15.1 If a fine, surcharge or other administrative fee established in accordance sections 14.1 and 14.2 is indicated on a Ticket, the Defendant on whom the Ticket is served must, within fourteen (14) days of service, do one of the following:

- (a) pay to the [First Nation] the fine amount, as well as any surcharges or other fees, all in accordance with the instructions on the Ticket; or
- (b) dispute the allegations contained in the Ticket by delivering to the Lands Department, at the address set out in the Ticket, a written Notice of Dispute.

15.2 A Notice of Dispute must:

- (a) contain an address for the Defendant who is disputing the allegations;
- (b) identify the Ticket;
- (c) identify the Offence being disputed; and
- (d) explain the reasons for disputing the allegations.

15.3 For the purpose of this Law, a Notice of Dispute that is delivered by mail is deemed to have been delivered on the date it was mailed.

15.4 Council may, by Resolution or Regulation, prescribe the form of a Notice of Dispute.

16. Effect of paying a fine

- 16.1 A Defendant who pays a fine in accordance with section 15.1(a) is deemed to have pleaded guilty to the Offence with which they were charged, and to have paid the fine imposed.
- 16.2 Where a Defendant pays a fine in accordance with section 15.1(a), no memorandum of conviction need be drawn up or entered unless it is required by the [First Nation] law contravened, the Defendant or the Prosecutor.

17. Failure to respond to a ticket

- 17.1 If a Defendant who is served with a Ticket does not, within fourteen (14) days of being served, either pay the fine and other amounts set out in the Ticket or dispute the allegations contained in the Ticket, then:
 - (a) the Defendant is deemed to have not disputed the allegations; and
 - (b) the Ticket shall be referred to a Justice of the Peace for review under section 17.2.
- 17.2 If a Ticket is referred to a Justice of the Peace under section 17.1(b), the Justice of the Peace will review the Ticket and, absent any substantial defects on the face of the Ticket, convict the Defendant of the Offence.
- 17.3 If a Defendant is convicted of an Offence under section 17.2, then the fine amount, as well as any surcharges or other fees set out in the Ticket, is immediately due and payable to the [First Nation], and may be recovered in accordance with section 22.
- 17.4 If a Defendant is convicted under section 17.2, no memorandum of conviction need be drawn up or entered unless it is required by the [First Nation] law contravened, the Defendant or the Prosecutor.
- 17.5 A conviction issued by a Justice of the Peace under this section may be appealed to a Court, in accordance with section 19.6 of the *Framework Agreement on First Nation Land Management*.

18. Hearing of dispute

- 18.1 If a Notice of Dispute is delivered under section 15.1(b), the Lands Department will, within seven (7) days of receipt, refer the Notice of Dispute to, as applicable:
 - (a) the Court, for a hearing in relation to the Notice of Dispute; or
 - (b) a Justice of the Peace, for a Dispute Hearing under this Law.
- 18.2 If a Notice of Dispute is referred to a Court under section 18.1(a), the law and procedure normally applicable in that jurisdiction in relation to disputing an

Information laid by means of ticket, as well as any related appeal procedures, will apply.

- 18.3 If a Notice of Dispute is referred to a Justice of the Peace under section 18.1(a), the Lands Department must ensure the Defendant receives a hearing notification, setting out the time and place of the Dispute Hearing to be held in respect of the Notice of Dispute.
- 18.4 A Justice of the Peace to whom a Notice of Dispute has been referred must conduct a Dispute Hearing, at which the only order of business is to consider the Notice of Dispute and make a Dispute Determination in accordance with section 19.
- 18.5 A Justice of the Peace has jurisdiction to conduct a Dispute Hearing without examining the Notice of Dispute, and without inquiring into the service of the Ticket on the Defendant.
- 18.6 A Justice of the Peace may conduct a Dispute Hearing in one of the following manners:
 - (a) in writing;
 - (b) by video or audio conference; or
 - (c) in-person, if the Justice of the Peace considers it necessary for the just and timely resolution of the Dispute Hearing.
- 18.7 In conducting a Dispute Hearing, a Justice of the Peace may:
 - (a) admit as evidence, whether or not that evidence would be admissible under the laws of evidence, any oral or written testimony or any record or thing that the Justice of the Peace considers relevant, credible and trustworthy; and
 - (b) adopt procedures that are conducive to justly and expeditiously determining the issues before the Justice of the Peace.
- 18.8 Notwithstanding section 18.7(a), a Justice of the Peace may not admit as evidence in a Dispute Hearing anything that is privileged under the laws of evidence.
- 18.9 A Defendant and a Prosecutor may each present evidence and call witnesses at a Dispute Hearing.
- 18.10 Evidence presented by any person at a Dispute Hearing must be given under oath or affirmation.
- 18.11 A Defendant may be represented by an agent or legal counsel at a Dispute Hearing.
- 18.12 Council may establish Regulations setting out the rules and procedure associated with a Dispute Hearing.

18.13 Except as otherwise provided for in a [First Nation] law or Regulation, a Justice of the Peace has the power to determine the rules and procedure applicable to a Dispute Hearing.

19. Determination following dispute hearing

19.1 After concluding a Dispute Hearing, a Justice of the Peace must issue a written Dispute Determination which:

- (a) finds the Defendant guilty of the Offence, confirms the conviction and maintains the fine and other amounts prescribed by the Ticket; or
- (b) finds the Defendant not guilty of the alleged Offence, and sets aside the fine and other amounts prescribed by the Ticket.

19.2 If the Defendant is found guilty under section 19.1(a), the Justice of the Peace will prescribe a time period for payment of the fine and other amounts prescribed by the Ticket.

19.3 The Justice of the Peace must include the following information in the Dispute Determination:

- (a) the Defendant's name;
- (b) the Notice of Dispute under review;
- (c) the date on which the Dispute Determination is issued; and
- (d) the reasons for the determination.

19.4 The Lands Department must ensure that the Defendant receives a copy of the Dispute Determination.

19.5 If, in the Dispute Determination, a Defendant has pleaded guilty to, or been found guilty of, the Offence with which they were charged, no memorandum of conviction need be drawn up or entered unless it is required by the [First Nation] law contravened, the Defendant or the prosecutor.

19.6 If, in a Dispute Determination, the Justice of the Peace finds the Defendant guilty under section 19.1(a), then the fine and other amounts prescribed by the Ticket:

- (a) are due and payable to the First Nation at the time period prescribed by the Justice of the Peace under section 19.2; and
- (b) may be recovered in accordance with section 22.

19.7 A Dispute Determination issued by a Justice of the Peace may be appealed to a Court, in accordance with section 19.6 of the *Framework Agreement on First Nation Land Management*.

20. Failure to appear at a dispute hearing

- 20.1 If a Defendant fails to appear before a Justice of the Peace to dispute a Ticket at the time set out in the hearing notification received under section 18.3, then:
- (a) the Defendant is deemed to have pleaded guilty to the Offence with which they were charged; and
 - (b) the Justice of the Peace shall review the Ticket and, absent any substantial defects on the face of the Ticket, convict the Defendant of the Offence.
- 20.2 If a Defendant is convicted of an Offence under section 20.1(b), then the fine amount, as well as any other amounts prescribed in the Ticket, is immediately due and payable to the [First Nation], and may be recovered in accordance with section 22.
- 20.3 If a Defendant is convicted of an Offence under section 20.1(b), no memorandum of conviction need be drawn up or entered unless it is required by the [First Nation] law contravened, the Defendant or the Prosecutor.
- 20.4 A conviction issued by the Justice of the Peace under this section may be appealed to a Court, in accordance with section 19.6 of the *Framework Agreement on First Nation Land Management*.

21. Time extensions where no fault for failing to appear or respond

- 21.1 A Defendant who is served a Ticket but:
- (a) does not dispute the allegations in the Ticket; or
 - (b) fails to appear before a Justice of the Peace at the time or place set out in the hearing notification received under section 18.3,
- may apply to a Justice of the Peace for a one-time extension, if the requirements set out at sections 21.2 and 21.3 are met.
- 21.2 In the case of a Defendant who did not dispute the allegations in a Ticket, the Defendant may only apply if:
- (a) they have, through no fault of their own, not had an opportunity to dispute the allegations; and
 - (b) no more than thirty (30) days have passed since the end of the fourteen (14) day period in which they were required to pay the Ticket under section 15.1.
- 21.3 In the case of a Defendant who failed to appear before a Justice of the Peace to dispute the allegations, the Defendant may only apply if:
- (a) the failure to appear was through no fault of their own; and

- (b) no more than thirty (30) days have passed since the date of the hearing set out in the hearing notification received under section 18.3.
- 21.4 An application for a time extension under section 21.1 must include an affidavit of the Defendant, detailing the reasons for not disputing or appearing, as applicable.
- 21.5 After reviewing the Defendant's application and affidavit, and upon being satisfied that the requirements for an extension have been met, a Justice of the Peace may:
- (a) strike out the conviction, if any;
 - (b) in the case of a Defendant who did not dispute the allegations, allow them fourteen (14) days after the date the conviction is struck to dispute in accordance section 15.1(b); or
 - (c) in the case of a Defendant who failed to appear to dispute, set a new time and place for the appearance before a Justice of the Peace.
- 21.6 If a conviction is struck out in accordance with section 21.5(a), the Justice of the Peace must give the Defendant a certificate of fact stating the conviction is struck.
- 21.7 If a Justice of the Peace is not satisfied that the requirements for an extension have been met, the Justice of the Peace will confirm the guilty conviction and maintain the fine and any other amounts prescribed by the Ticket.
- 21.8 If a conviction is confirmed under section 21.7, then the fine amount and any other amounts prescribed in the Ticket are immediately due and payable to the [First Nation], and may be recovered in accordance with section 22.
- 21.9 If a conviction is confirmed under section 21.7, no memorandum of conviction need be drawn up or entered unless it is required by the [First Nation] law contravened, the Defendant or the Prosecutor.
- 21.10 Council may, by Resolution or Regulation, prescribe a form for:
- (a) a time extension application under section 21.1;
 - (b) the affidavit required under section 21.4; and
 - (c) the certificate of fact required under section 21.6.

22. Recovering amounts due and payable

- 22.1 Subject to sections 22.2 and 22.3, the [First Nation] may seek to recover an amount that is due and payable to the [First Nation] under this Law by:
- (a) filing a Debt Certificate in Court in accordance with section 23;

- (b) sending any unpaid amount to a collection agency;
- (c) withholding [First Nation] member grants or benefits, as applicable;
- (d) withholding access to services on Land, as applicable; and
- (e) any other methods of recovery that may be prescribed by Regulation.

22.2 Fine recovery procedures may not be commenced under sections 22.1(a) and 22.1(b) until, as applicable:

- (a) forty-five (45) days after the date the Ticket was served on the Defendant, in any case whether the Defendant has not disputed the allegations in the Ticket;
- (b) if a Dispute Determination confirming the outstanding fine has been issued, seven (7) days after the deadline for payment as prescribed by the Justice of the Peace; and
- (c) if the Defendant has filed an application for a time extension under section 21.1, seven (7) days after any new deadline for payment resulting from:
 - (i) a conviction under section 21.8;
 - (ii) a new opportunity to dispute under section 21.5(b); or
 - (iii) a new Dispute Hearing set under 21.5(c).

22.3 Fine recovery procedures under sections 22.1(c) and 22.1(d) may not be commenced until:

- (a) the [First Nation] has sent a written warning to the Defendant advising of the potential withholding if full payment of the amount owing is not made; and
- (b) twenty-eight (28) days have passed since the sending of the warning letter, and full payment of the amount owing has not been made.

22.4 Notwithstanding any other provision in this Law, the [First Nation] must not seek to recover a monetary amount under this section if:

- (a) it has been more than twenty-four (24) months since the amount became due and payable to the [First Nation]; and
- (b) no steps have been commenced within that twenty-four (24) month period to recover the amount owing.

23. **Fine enforced as court judgment**

23.1 For greater certainty, a Debt Certificate may be filed in Court where an amount is due and payable to the [First Nation] due to an unpaid Ticket or a Dispute

Determination.

23.2 A Debt Certificate filed in Court must:

- (a) be signed by the Lands Department; and
- (b) include the following information in the certificate:
 - (i) the details of the Ticket, including the date and place of the commission of the Offence, and the specific amount owing;
 - (ii) the name of the Defendant;
 - (iii) the date that the fine and any other amounts became due and payable; and
 - (iv) whether the outstanding amount became due and payable due to a failure to respond to the Ticket, a failure to attend a Dispute Hearing, or as a result of a Dispute Determination.

23.3 Once filed in Court, a Debt Certificate is of the same effect, and proceedings may be taken on it, as if it were a judgment of the Court for the recovery of a debt in the amount stated against the named Defendant.

23.4 A Debt Certificate that has been filed in Court is:

- (a) admissible in any proceeding to recover the certified debt set out in that certificate, without proof of the signature or official position of the person appearing to have signed the certificate; and
- (b) proof of the facts contained therein.

23.5 Council may, by Resolution or Regulation, prescribe the form of a Debt Certificate.

PART 6 – SUMMARY CONVICTION PROCEEDINGS

24. Grounds for commencing proceedings

24.1 Subject to subsection 24.2, where Council has received information from an Enforcement Officer or other Person who has reasonable and probable grounds to believe that a Defendant has committed an Offence under a [First Nation] law, Council may seek to commence summary conviction proceedings in Court in respect of the alleged Offence.

24.2 Council will endeavour to only take steps to commence summary conviction proceedings in Court where:

- (a) the commission of the alleged Offence poses a serious threat, or may cause serious harm, to the [First Nation] community or Lands;

- (b) the Defendant has previously received Warnings, Compliance Notices or Tickets, which have not resulted in the Defendant complying with the [First Nation] law; or
- (c) Council is of the view that a non-monetary order is required to achieve compliance.

24.3 Council may seek to commence summary conviction proceedings in respect of an alleged Offence by doing any of the following:

- (a) seeking to lay an Information and prosecute the Defendant under section 507.1 and Part XXVII of the *Criminal Code*; or
- (b) seeking to lay an Information and prosecute the Defendant under any applicable provincial or federal legislation.

25. Prosecutor for summary conviction proceedings

25.1 When commencing summary conviction proceedings under section 24 in respect of an alleged Offence, Council may:

- (a) retain its own Prosecutor to prosecute the Offence; or
- (b) enter into an agreement with the provincial or federal government for the use of crown prosecution services to prosecute the Offence.

PART 7 - OTHER

26. Restorative justice measures

26.1 Notwithstanding any other provision in this Law, an Enforcement Officer may:

- (a) at any time prior to or following the laying of an Information or the issuance of a Ticket; and
- (b) whether or not proceedings have been commenced before a Justice of the Peace or in Court,

divert proceedings to a restorative justice program established by the [First Nation].

26.2 Council may, by Regulation, establish restorative justice programs and define the circumstances in which such programs are available.

27. Delegation

27.1 Council may delegate to the Lands Department or to other persons any powers, duties or functions attributed to it or to the [First Nation] under this Law, excepting the establishment of a Regulation.

28. Regulations and forms

- 28.1 In addition to the Regulations and forms specifically authorized under this Law, Council may establish or prescribe any other Regulations or forms necessary for the proper functioning of this Law.
- 28.2 Regulations authorized by this Law will be brought into effect:
- (a) in accordance with Land Code requirements, if any; or
 - (b) in the absence of Land Code requirements, by Resolution.
- 28.3 Council may, by Resolution, establish policies or other documentation necessary for the proper functioning of this Law.

29. Immunity

- 29.1 No action for damages lies or may be instituted against an Immune Person for:
- (a) anything said or done or omitted to be said or done by that Immune Person in the performance of their duty, or in the exercise of their powers under this Law; or
 - (b) any alleged neglect or default in the performance of the Immune Person's duty, or in the exercise of the Immune Person's power under this Law.
- 29.2 An Immune Person is not liable for any damages sustained as a result of neglect or failure to discover the commission of an Offence or from the neglect or failure to enforce this Law or any other [First Nation] law.
- 29.3 Sections 29.1 and 29.2 do not provide a defence to an Immune Person if:
- (a) the Immune Person has, in relation to the conduct that is the subject matter of the action, been guilty of gross negligence or willful misconduct; or
 - (b) the cause of action is libel or slander.
- 29.4 All actions against an Immune Person for the unlawful doing of anything that:
- (a) is purported to have been done by them under their powers conferred by this Law or any [First Nation] law; or
 - (b) might have been lawfully done by them if acting in the manner established by law,
- must be commenced within two (2) months of the cause of action arising.
- 29.5 A person commencing an action against an Immune Person must, within thirty (30) days from the date on which the damage was allegedly sustained, provide the [First Nation] and the Immune Person with written notice, setting out the time, place and

manner in which the damage was sustained.

- 29.6 If a person commencing an action against an Immune Person fails to provide written notice in accordance with section 29.5, the action must be struck and the Immune Person is not liable for any damages.

30. Amendments and Enactment

- 30.1 Subject to the Land Code, Council may, by Resolution, make minor amendments that do not change the substance of this Law, including but not limited to:

- (a) changes necessary to clarify the drafting of provisions;
- (b) correcting grammatical or typographical errors; and
- (c) changes required to address inconsistencies with the *Framework Agreement on First Nation Land Management*.

31. Coming into force

- 31.1 This Law comes into force on the date approved by Resolution, after complying with the requirements of the Land Code.

Be it known that this Law, entitled the [First Nation] *Enforcement and Ticketing Law, 2025*, is hereby enacted by a quorum of Council held on dd/mm/yyyy.

Quorum consists of XX Council members