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## WHEREAS

A. The ʔaǰamnik has an inherent right to self-government which emanates from our people, culture and land and which is recognized and affirmed by section 35(1) of the *Constitution Act, 1982*;

B. Pursuant to the subsection 6(3) of the *First Nations Land Management Act* and clause 6.1 of the *Framework Agreement*, a First Nation may enter into an Individual Transfer Agreement with the Minister describing the land that must be subject to a land code, providing for the transfer and administration of that land and a description of the interests or rights and licenses that have been granted by Canada to the First Nation in relation to that land, and the date and other terms of the transfer to the First Nation of Canada's rights and obligations as grantor of those interests or rights and licenses, and setting out the environmental assessment process that must apply to projects on that land until the enactment of a First Nations law in relation to that subject;

C. ʔaǰam signed an *Individual Agreement* with Canada on June 18, 2014

D. Pursuant to section 6 of the *First Nations Land Management Act* a First Nation that wishes to establish a land management regime in accordance with the Framework Agreement and the *First Nations Land Management Act* must adopt a land code applicable to all land in a reserve of the First Nation;

E. The ʔaǰamnik (members of ʔaǰam) voted in favour of the *St. Mary's Indian Band Land Code* at a ratification vote held on April 14-16, 2014 and the *St. Mary's Indian Band Land Code* came into effect on July 1, 2014;

F. The ʔaǰamnik (members of ʔaǰam) voted in favour of amendments to the *St. Mary's Indian Band Land Code* at a Meeting of Members vote held in accordance with sections 48.1 and 13.1 to 13.9 of the *St. Mary's Indian Band Land Code* on January 7, 2016, which has become the *ʔaǰam Amended Land Code*;

G. Pursuant to section 33.1 of the *ʔaǰam Amended Land Code* the Council of ʔaǰam may enact laws providing for an interest in ʔaǰam Lands that entitles an ʔaǰamnik (member) holding that interest to:

- permanent possession of that land,
- benefit from the resources in and of that land,
- grant subsidiary interests, licenses and permits in that land,
- transfer, devise or otherwise dispose of that land to another member, and
- any other rights consistent with the *ʔaǰam Amended Land Code* that are attached to Certificates of Possession under the *Indian Act*;



(c) this ʔa·knumuʕtitʔit (Law),

and who is entitled to a certificate of possession under this ʔa·knumuʕtitʔit (Law);

“kʕmakniʔwi·tik (applicant)” means a person who makes a kʕmakniʔwi·tiyam (application) for kawijʕkiniʔ ʔamaks (an allotment) under section 14 of this ʔa·knumuʕtitʔit (Law);

“kʕmakniʔwi·tiyam (application)” means kʕmakniʔwi·tiyam (an application) made under section 14 of this ʔa·knumuʕtitʔit (Law);

“yaqaʔwiynatʔiki ʔamak (appraised value)” means the market value of a property as appraised by an Appraisal Institute of Canada Designated Appraiser;

“ʔaqam” means ‘dense forest’, and in this ʔa·knumuʕtitʔit (Law) refers to the ‘ʔaqam’ within the meaning of the *Indian Act*, formerly known as the St. Mary’s Indian Band, for whose use and benefit in common ʔaqam amak (ʔaqam Lands) have been set apart by Canada;

“ʔaqam Amended Land Code” means the *ʔaqam Amended Land Code, 2016*;

“kitqawxawijʕkiniʔ ʔamak (ʔaqam Community Lands)” means any ʔaqam ʔamak (ʔaqam Lands) in which all ʔaqamniʕ (members) have a common interest;

“ʔaqam ʔamak (ʔaqam Lands)” includes:

(a) ʔaqam - Kootenay Indian Reserve No. 1 (07422);

(b) kankak - Isidore’s Ranch No. 4 (07423);

(c) qalsan mayuk - Cassimayooks No. 5 (07424);

(d) kaʔqakakmaʔnam - Bummer’s Flat No. 6 (07425); and

(e) ʔamak “lands” set apart by Canada in the future as ʔaqam ʔamak (lands) reserved for the use and benefit of ʔaqam within the meaning of subsection 91(24) of the *Constitution Act, 1867* and section 2(1) of the *Indian Act*;

“ʔaqam Matrimonial Real Property Law” means the *ʔaqam Matrimonial Real Property Law, 2015*;

“wunmanam uʔnam (arrears)” means a sum of money that is owed by an ʔaqamniʕ (member) to ʔaqam and consists of one (1) or more of the following types of payments:

(a) wunmanamuʔis ʔa·kitʔaʔnam (unpaid rent payments);

(b) wunmanamuʔnam kʕxaʔ ʔisnam ʔa·kitʔaʔnam (unpaid mortgage payments); or

(c) wunmanamuʔnam kqaʔitinmakaʔniʔ? yaqaʔ ʔitnikʕiʕki qapsins (unpaid payments for

services in relation to an ʔaǰam-owned rental property);

“wunmanamuǰnam (bad debt)” means any sum of money that is owed by an ʔaǰamnik (member) to ʔaǰam through either lending or revenue receivable by ʔaǰam and is one (1) or more days overdue to be paid to ʔaǰam;

“*Canada Lands Surveys Act*” means the *Canada Lands Surveys Act*, R.S.C., 1985, c. L-6;

“*Canadian Environmental Assessment Act*” means the *Canadian Environmental Assessment Act*, S.C. 2012, c. 19, s.52;

“*Kituǰitǰat kitkin ʔa·knumuǰtitit* (certificate of possession)” means a certificate of possession issued by:

(a) the Minister, pursuant to subsection 20(2) of the *Indian Act*, to an ʔaǰamnik (member) who is lawfully in possession of ʔaǰam ʔamak (ʔaǰam Lands) as evidence of that ʔaǰamnik (member) right to possession of the land described in the certificate of possession; or

(b) Council, pursuant to section 12 of this ʔa·knumuǰtitit (Law), to an ʔaǰamnik (member) who is lawfully in possession of ʔaǰam ʔamak (ʔaǰam Lands) as evidence of that ʔaǰamnik (member) right to possession of the lands described in the certificate of possession;

“*Constitution Act*” means the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (UK)*, 1982, c 11;

“*ʔitwatnaʔis ʔaǰam (Council)*” means the Chief and Council of ʔaǰam;

“*ʔakiskaǰitit (Cranbrook)*” means where two ram horns lay, and in this ʔa·knumuǰtitit (Law) refers to the City of Cranbrook, which is a City incorporated in the Province of British Columbia;

“*ʔikaknik ʔat ma nuǰ yaqakit haqaʔki (cultural heritage site)*” has the same meaning as set out in the *ʔaǰam Amended Land Code, 2016*;

“encumbrance” means a legally recognized right to or interest in ʔaǰam ʔamak (ʔaǰam Lands) that is *nituǰitǰat* (registered) in the *Yaqawxaǰ ʔituǰitǰa kanuhus ʔaǰismaknik ʔamakʔis* (First Nation Land Register);

“*kǰi·katit yaqatiʔitki (environmental assessment)*” means:

(a) if ʔaǰam has enacted its own environmental assessment law, an environmental assessment conducted in accordance with that environmental assessment law; or

(b) if ʔaǰam has not enacted its own environmental assessment law, an environmental assessment conducted either:

(i) by Canada, or

(ii) by ?aqam in accordance with an environmental review policy that is approved by ?itwatna?is ?aqam (Council);

“yaqawxał ?ituqłilqa kanuhus ?aqłsmaknik ?amak?is (First Nation Land Register)” means the register maintained by the Department of Indigenous and Northern Affairs Canada pursuant to section 25 of the *First Nations Land Management Act*;

“*First Nations Land Management Act*” means the *First Nations Land Management Act*, S.C. 1999, c. 24;

“*Framework Agreement*” means the Framework Agreement on First Nations Land Management entered into between the Minister of Indigenous and Northern Affairs Canada and the Chiefs of fourteen First Nations, on February 12, 1996, as amended;

“*Indian Act*” means the *Indian Act*, R.S.C., 1985, c. I-5;

“*Individual Agreement*” means the Individual Transfer Agreement entered into between ?aqam and Canada in accordance with clause 6.1 of the *Framework Agreement* and subsection 6(3) of the *First Nations Land Management Act*;

“ki?łist wunmanamu?s (in good standing)” means does not owe any wunmanam u?nam (arrears) or wunmanamu?nam (bad debt) to ?aqam;

“kamatik?łit ?amaks (interest holder)” means a person who is the owner of an interest in ?aqam ?amak (?aqam Lands) that is defined in a land instrument and registered in the Yaqawxał ?ituqłilqa kanuhus ?aqłsmaknik ?amak?is (First Nation Land Register), but does not include kamatik?łit ?amaks (an allotment holder) in relation to their kawic?kinil ?amaks (allotment);

“kitqawic?niłwiytiyam ka ?amaknał (Lands Committee)” means the Lands Committee established under Part 6 of the *?aqam Amended Land Code*;

“kyaptawxakinil kqalikniyam ?amak (Lands Department)” means the office established by ?itwatna?is ?aqam (Council) to assist in the management and administration of ?aqam ?amak (?aqam Lands) pursuant to Part 6 of the *?aqam Amended Land Code*;

“yaqał ?up?łitil ka ?amaknał (legal description)” means a land description that consists exclusively of a reference to one (1) or more complete parcels on a registration plan or official plan;

“?aqamnik (member)” means ‘people of the dense forest’, and means a person whose name appears or whose name is entitled to appear on the ?aqam membership list;

“?akłanał ?in?łitil (non-substantive amendment) means an amendment to this ?aknumu?łitil (Law) that does nothing more than:





“kūpçititil quntkaxu?mik ?amaks (survey)” means a survey conducted by a Canada Lands Surveyor under the *Canada Lands Surveys Act*.

### **Kuçinlilat (Interpretation)**

3. This ?a·knumuçtititil (Law) must be interpreted in a fair, large and liberal manner.

4. In this ?a·knumuçtititil (Law):

(a) the use of the word “must” denotes an obligation that, unless this ?a·knumuçtititil (Law) provides to the contrary, must be carried out as soon as practicable after this ?a·knumuçtititil (Law) comes into effect or an event gives rise to the obligation under this ?a·knumuçtititil (Law);

(b) unless it is otherwise clear from the context, the use of the word “including” means “including, but not limited to”, and the use of the word “includes” means “includes, but is not limited to”;

(c) headings and subheadings are for convenience only, do not form a part of this ?a·knumuçtititil (Law) and in no way define, limit, alter or enlarge the scope or meaning of any provision of this ?a·knumuçtititil (Law);

(d) a reference to a statute includes every amendment to it, every regulation made under it and any law enacted in substitution for it or in replacement of it;

(e) a reference to a government office includes every successor government office and a reference to a government official includes every successor government official;

(f) unless it is otherwise clear from the context, the use of the singular includes the plural, and the use of the plural includes the singular;

(g) unless it is otherwise clear from the context, the use of the masculine includes the feminine, and the use of the feminine includes the masculine;

(h) where a time is expressed to begin or end at, on or with a specified day, or to continue to or until a specified day, the time includes that day;

(i) where a time is expressed to begin after or to be from a specified day, the time does not include that day; and

(j) where anything is to be done within a time after, from, of or before a specified day, the time does not include that day.

### **Ñitnumuçtitilni ?a·knumuçtititil (Application of Law)**

5. This ?a·knumuçtititil (Law) applies to all ?aqam ?amak (?aqam Lands).

6. Where any ?a·knumuçtititil (law) or regulation of Canada or the Province or any other ?aqam law applies to any matter covered by this ?a·knumuçtititil (Law), compliance with this ?a·knumuçtititil (Law) does not relieve the person from also complying with the provisions of the other applicable laws or regulations.



### **ʔamakʔis ʔa·kiklumukul ʔqaqlatl ʔisni (Reserve Land Status Remains)**

10. ʔaqam ʔamak (ʔaqam Lands) in which a ʔaqamnik (member) holds kawic̓kinil ʔamaks (an allotment) continue to be lands reserved for the Indians within the meaning of subsection 91(24) of the *Constitution Act*.

### **ʔisnikic̓ik kamatikc̓il ʔamaks (Responsibilities of Allotment Holder)**

11. kamatikc̓il ʔamaks (an allotment holder) is responsible for:

- (a) insurance and maintenance of their kawic̓kinil ʔamaks (allotment);
- (b) insurance, maintenance and repairs for structures and residential homes on their kawic̓kinil ʔamaks (allotment);
- (c) managing and monitoring any interests, licences or permits granted over their kawic̓kinil ʔamaks (allotment);
- (d) where there are changes to ownership of their kawic̓kinil ʔamaks (allotment), providing all relevant fees and information to the kyap̓awxakinil kqali·kniyam ʔamak (Lands Department) so such changes may be ʔituq̓lilqat (registered) with the Yaqawxat ʔituq̓lilqqa kanuhus ʔaq̓smaknik ʔamakʔis (First Nation Land Register); and
- (e) ensuring all uses of their kawic̓kinil ʔamaks (allotment) comply with ʔaqam laws and by-laws, policies and all applicable laws or regulations of Canada or the Province.

### **ʔituq̓lilqat kitkin ʔa·knumuc̓titil (Certificates of Possession)**

12. At the request of a kamatikc̓il ʔamaks (an allotment holder), and every time a new kawic̓kinil ʔamaks (allotment) is granted, ʔilwatnaʔis ʔaqam (Council) must issue the kamatikc̓il ʔamaks (allotment holder) a ʔituq̓lilqat kitkin ʔa·knumuc̓titil (certificate of possession) as evidence of the kamatikc̓il ʔamaks (allotment holder's) lawful possession of the ʔaqam ʔamak (ʔaqam Lands) therein.

13. Any person who at the time this ʔa·knumuc̓titil (Law) is enacted holds a valid and subsisting ʔituq̓lilqat kitkin ʔa·knumuc̓titil (certificate of possession), or has a right to acquire a ʔituq̓lilqat kitkin ʔa·knumuc̓titil (certificate of possession), pursuant to the *Indian Act* must be deemed to be:

- (a) lawfully in possession of the land to which the ʔituq̓lilqat kitkin ʔa·knumuc̓titil (certificate of possession) relates; and
- (b) kamatikc̓il ʔamaks (an allotment holder) with respect to those lands.



## **Kusmukusał ǰi katil kǰmakniłwiytiyam (Preliminary Application Review)**

15. Within thirty (30) days of receiving a kǰmakniłwiytiyam (application), the kyaptawxakinil kqali-kniyam ʔamak (Lands Department) must:

(a) verify the kǰmakniłwi-tik (applicant's) identity and whether the kǰmakniłwi-tik (applicant) is an ʔaqamnik (member) and if the kǰmakniłwi-tik (applicant) is not an ʔaqamnik (member) advise the kǰmakniłwi-tik (applicant) that they are not eligible to apply for kawicłkinil ʔamaks (an allotment);

(b) determine whether the kǰmakniłwi-tik (applicant) is kiʔlist wunmanamuʔs (in good standing) and if the kǰmakniłwi-tik (applicant) is not kiʔlist wunmanamuʔs (in good standing) advise the kǰmakniłwi-tik (applicant) that they are not eligible to apply for kawicłkinil ʔamaks (an allotment) until they are kiʔlist wunmanamuʔs (in good standing); and

(c) if the kǰmakniłwi-tik (applicant) is an ʔaqamnik (member) and is kiʔlist wunmanamuʔs (in good standing):

(i) determine whether the requested kawicłkinil ʔamaks (allotment) is ʔaqam Community Lands,

(ii) determine whether the requested kawicłkinil ʔamaks (allotment) is already kupǰiʔtil ǰuntkaxuʔmik ʔamaks (surveyed) and if it is kupǰiʔtil ǰuntkaxuʔmik ʔamaks (surveyed) order a copy of the kupǰiʔtil ǰuntkaxuʔmik ʔamaks (survey),

(iii) complete a parcel abstract report to determine whether there are any known encumbrances and obtain copies of all encumbrances on the requested kawicłkinil ʔamaks (allotment),

(iv) determine whether the requested kawicłkinil ʔamaks (allotment) has within it a pikaknik ʔat ma nuł yaqakil haqaʔki (cultural heritage site) identified in a land use plan,

(v) enquire into whether the requested kawicłkinil ʔamaks (allotment) may impact on any development plans that have been approved by ʔitwatnaʔis ʔaqam (Council),

(vi) confirm the authenticity of the kǰmakniłwi-tik (applicant's) mortgage pre-approval, or the kǰmakniłwi-tik (applicant) capacity to otherwise fund the construction of the proposed structures and residential homes,

(vii) if the kǰmakniłwi-tik (applicant) is already the owner of kawicłkinil ʔamaks (an allotment), confirm that their existing kawicłkinil ʔamaks (allotment) has an occupied residential home on it,

(viii) identify the ʔaqam laws, by-laws and policies that apply to the kǰmakniłwiytiyam (application), including any zoning laws, land use plans, environmental management plans and environmental assessment requirements, and

(ix) conduct a site visit to the requested kawicłkinil ʔamaks (allotment) to assess the status of those lands.

### **kçi·katil kitqawiçniłwiytiyam ka ʔamaknała çxal yaqanikitki (Lands Committee Review and Recommendation)**

16. No later than the end of the kitqawiçniłwiytiyam ka ʔamaknała (Lands Committee) meeting that follows the 30<sup>th</sup> day after the kyapławxakinił kqali·kniyam ʔamak (Lands Department) receives a kçmakniłwiytiyam (application) from an eligible applicant, the kyapławxakinił kqali·kniyam ʔamak (Lands Department) must:

- (a) provide the kitqawiçniłwiytiyam ka ʔamaknała (Lands Committee) with:
  - (i) all information obtained under section 15, and
  - (ii) the kçmakniłwiytiyam (application); and
- (b) obtain from the kitqawiçniłwiytiyam ka ʔamaknała (Lands Committee) a recommendation on whether ʔilwatnaʔis ʔaqam (Council) should grant the requested kawiçkinił ʔamaks (allotment).

### **ktuçqakilił ʔilwatnaʔis (Report to Council)**

17. At the ʔilwatnaʔis ʔaqam (Council) meeting that follows the receipt of a recommendation from the kitqawiçniłwiytiyam ka ʔamaknała (Lands Committee) under section 16, the kyapławxakinił kqali·kniyam ʔamak (Lands Department) must report to ʔilwatnaʔis ʔaqam (Council) with the following information:

- (a) a copy of the kçmakniłwiytiyam (application);
- (b) a copy of any historical land instruments, or known claims being made by ʔaqamnik (a member), over the requested kawiçkinił ʔamaks (allotment);
- (c) details of any relevant ʔaqam laws, bylaws or policies that apply to the kçmakniłwiytiyam (application), including zoning laws, land use plans, environmental management plans, or environmental assessment requirements;
- (d) details of whether the requested kawiçkinił ʔamaks (allotment) is within ʔaqam Community Lands;
- (e) a copy of a kupaçiʔtil çuntkaxuʔmik ʔamaks (survey) or nituçtiłkuł (sketch) of the requested kawiçkinił ʔamaks (allotment);
- (f) a copy of any known encumbrances on the requested kawiçkinił ʔamaks (allotment);
- (g) details of any known environmental concerns with regard to granting the requested kawiçkinił ʔamaks (allotment);
- (h) details of whether the requested kawiçkinił ʔamaks (allotment) has within it a pikaknik ʔat ma nul yaqakil haqaʔki (cultural heritage site) identified in a land use plan;
- (i) any development plans that may be impacted by the granting of the requested kawiçkinił ʔamaks (allotment);
- (j) the kyapławxakinił kqali·kniyam ʔamak (Lands Department's) site visit observations;
- (k) details of whether any existing kawiçkinił ʔamaks (allotment) owned by the kçmakniłwi·tik (applicant) have occupied residential buildings on them; and

(l) the kitqawicinitwiyiyam ka ?amakna?a (Lands Committee) recommendation on whether to grant the requested kawic?kinif ?amaks (allotment).

**nitnumu?tilif ?usmukusal qayaqakinif kawic?kinif ?amak (Criteria on Decision to Preliminarily Grant an Allotment)**

18. (1) ?ilwatna?is ?aqam (Council) must ensure the following conditions are met before making a decision to preliminarily grant a requested kawic?kinif ?amaks (allotment):

- (a) the k?maknitwi-tik (applicant) must be a ?aqamnik (member);
- (b) granting of the requested kawic?kinif ?amaks (allotment) must be consistent with the best interests of ?aqam;
- (c) the requested kawic?kinif ?amaks (allotment) must be within ?aqam Community Lands;
- (d) there must be a kup?i?til quntkaxu?mik ?amaks (survey) or nituqtikku? (sketch) of the requested kawic?kinif ?amaks (allotment);
- (e) the requested kawic?kinif ?amaks (allotment) must contain a suitable potable water source;
- (f) the requested kawic?kinif ?amaks (allotment) must not be located within a recognized floodplain;
- (g) the k?maknitwi-tik (applicant) must have either:
  - (i) provided evidence in a form approved by ?ilwatna?is ?aqam (Council) that shows the k?maknitwi-tik (applicant) has sufficient funds to construct the proposed structures and residential homes, or
  - (ii) provided evidence of a privately obtained construction mortgage pre-approval, checked for authentication by the kyaptawxakinif kqafi-kniyam ?amak (Lands Department), that:
    - (A) covers the estimated costs of construction for the proposed structures and residential homes,
    - (B) is in the k?maknitwi-tik (applicant)'s name, and
    - (C) is a current pre-approval that has not expired;
- (h) there must be legal access to the requested kawic?kinif ?amaks (allotment), unless exceptional circumstances exist and ?ilwatna?is ?aqam (Council) grants an exception to this requirement;
- (i) the requested kawic?kinif ?amaks (allotment) must not overlap or be inconsistent with known encumbrances, unless the kamatik?if ?amaks (interest holder) for the known encumbrance has provided a written letter setting out that they agree to the kawic?kinif ?amaks (allotment);
- (j) the requested kawic?kinif ?amaks (allotment) must not adversely impact on development plans which have already been approved by ?ilwatna?is ?aqam (Council);
- (k) if the k?maknitwi-tik (applicant) is the owner of an existing kawic?kinif ?amaks (allotment), there must be an occupied residential home on that kawic?kinif ?amaks (allotment);







kəmakniłwi·tik (applicant's) heirs are entitled to the rights and obligations set out in the band council resolution.

#### **çikmalinkin kawicłkinil ųamaks (Exchange of Allotted Lands)**

20. (1) ųaqam may, by written agreement with kamatikçit ųamaks (an allotment holder), exchange a parcel of ųaqam Community Lands for kawicłkinil ųamaks (an allotment) without complying with sections 14 to 19, provided that:

- (a) the lands being exchanged are of approximate equal appraised value; or
- (b) ųilwatnaųis ųaqam (Council) has determined that although the lands being exchanged are not of approximate equal appraised value, the land exchange is in the best interests of ųaqam and serves a community purpose.

(2) Where ųilwatnaųis ųaqam (Council) and kamatikçit ųamaks (an allotment holder) agree under subsection (1) to exchange a parcel of ųaqam Community Lands for kawicłkinil ųamaks (an allotment):

- (a) the kawicłkinil ųamaks (allotment) must be cancelled and all rights and interests in the kawicłkinil ųamaks (allotment) must revert to ųaqam; and
- (b) the processes under sections 22 to 25 of this ųa·knumuçtitłł (Law) must be followed to allot the parcel of ųaqam Community Lands to the ųaqamnik (member).

#### **Kitqawxawicłkimik kawicłkinil ųamaks (Allotment Pursuant to an Agreement)**

21.(1) ųaqam may allot a member a parcel of land without complying with sections 14 to 19 where such kawicłkinil ųamaks (allotment) is required in order to comply with:

- (a) an agreement between ųaqam and a member that is in existence at the time this ųa·knumuçtitłł (Law) comes into effect and is recognized by ųilwatnaųis ųaqam (Council) as a binding agreement; or
- (b) a written rent to own agreement between ųaqam and a ųaqamnik (member).

(2) Where ųilwatnaųis ųaqam (Council) allots a ųaqamnik (member) a çuntkaxuųmik ųamak (parcel of land) under subsection (1), the processes under sections 22 to 25 of this ųa·knumuçtitłł (Law) must be followed to give effect to the kawicłkinil ųamaks (allotment).

**PART V**  
**KAWIĆKINIŁ ʒAMAKS ʒISŁIŁQANUMUĆTIŁ**  
**(Allotment Procedure)**

**Ńitnilwi·tik kawicłkinit ʒamaks (Final Allotment Decision)**

22. Where ʒitwatnaʒis ʒaqam (Council):

(a) preliminarily approves the granting of kawicłkinit ʒamaks (an allotment) under section 19 and is satisfied that the kćmaknitwi·tik (applicant) has complied with all conditions for the final granting of that kawicłkinit ʒamaks (allotment);

(b) agrees to kawicłkinit ʒamaks (an allotment) pursuant to an exchange of land under section 20; or

(c) agrees to kawicłkinit ʒamaks (an allotment) pursuant to an agreement under section 21, ʒitwatnaʒis ʒaqam (Council) must:

(d) pass a band council resolution that approves the kawicłkinit ʒamaks (allotment) and sets out:

(i) the section of this ʒa·knumućtitił (Law) under which the kawicłkinit ʒamaks (allotment) is being made,

(ii) the full legal name and membership number of the new kamatikćit ʒamaks (allotment holder),

(iii) a legal description of the kawicłkinit ʒamaks (allotment) that refers to a registered plan or official plan,

(iv) a list of all encumbrances on the kawicłkinit ʒamaks (allotment),

(v) the number forming a quorum of ʒitwatnaʒis ʒaqam (Council),

(vi) signature lines for the ʒitwatnaʒis ʒaqam (Council) in favor of the band council resolution, and

(vii) the date of the ʒitwatnaʒis ʒaqam (Council) meeting;

(e) prepare, or cause to be prepared, a land instrument granting the kawicłkinit ʒamaks (allotment) to the kćmaknitwi·tik (applicant);

(f) prepare, or cause to be prepared, a Kitućtitał kitkin ʒa·knumućtitił (certificate of possession) for the kćmaknitwi·tik (applicant); and

(g) prepare, or cause to be prepared, and send, a confirmation letter to the kćmaknitwi·tik (applicant) that:

(i) sets out ʒitwatnaʒis ʒaqam (Council) has approved the kawicłkinit ʒamaks (allotment), and

(ii) invites the kćmaknitwi·tik (applicant) to contact ʒaqam to execute the land instrument.

### **çi·katapni kçmakñiwit·tik (Response to Applicant)**

23. Where ?itwatna?is ?aqam (Council) preliminarily approves the granting of a kawicikini? ?amaks (an allotment) under section 19, and determines that the kçmakñiwit·tik (applicant) has not complied with all conditions for the final granting of that kawicikini? ?amaks (allotment), Council must either:

- (a) prepare, or cause to be prepared, and provide a letter to the kçmakñiwit·tik (applicant) denying the granting of the kawicikini? ?amaks (allotment) and setting out the reasons for such denial; or
- (b) pass a band council resolution extending the time that the kçmakñiwit·tik (applicant) has to comply with all conditions for the final granting of that kawicikini? ?amaks (allotment) and provide the kçmakñiwit·tik (applicant) a copy of that band council resolution.

### **?itnumuçtil (Execution)**

24. A land instrument that grants kawicikini? ?amaks (an allotment) is not valid unless it is signed by the kçmakñiwit·tik (applicant) and by a person who is authorized by a quorum of ?itwatna?is ?aqam (Council) to sign the land instrument on behalf of ?aqam.

### **kituqñilku? (Registration)**

25. Where ?itwatna?is ?aqam (Council) approves kawicikini? ?amaks (an allotment), ?itwatna?is ?aqam (Council) must ensure the following documents are registered in the Yaqawxa? ?ituqñilqa kanuhus ?aqismakñik ?amak?is (First Nation Land Register):

- (a) the band council resolution approving the kawicikini? ?amaks (allotment); and
- (b) the land instrument granting the kawicikini? ?amaks (allotment).

### **Yaqasusa? ?itnumuçtililki kawicikini? ?amaks (When Allotment Takes Effect)**

26. kawicikini? ?amaks (An allotment) takes effect at the time the land instrument granting the kawicikini? ?amaks (allotment) is nituqñilqa? (registered) in the Yaqawxa? ?ituqñilqa kanuhus ?aqismakñik ?amak?is (First Nation Land Register).

### **Nakamxuni·qa?ni kawicikini? ?amaks (Effect of an Allotment)**

27. kawicikini? ?amaks (An allotment), as long as it remains in force and not cancelled, is conclusive evidence against ?aqam and all other persons that the person named in the land instrument is indefeasibly entitled, subject to ?aqam laws and by-laws, to:

- (a) permanent possession of the land;
- (b) benefit from the resources in and of the land;
- (c) grant subsidiary interests, licences and permits in the land;
- (d) transfer, devise or otherwise dispose of the land to another ?aqamnik (member); and
- (e) any other rights, consistent with the *?aqam Amended Land Code* or that are attached to Certificates of Possession under the *Indian Act*.

**PART VI**  
**KAKINĒ KAWIČKINĒ ŅAMAKS**  
**(Cancellation of Allotment)**

**ŅilqanakiniĻ kawičkinĻ Ņamaks (Power to Cancel an Allotment)**

28. ŅilwatnaŅis Ņaqam (Council) may cancel a kawičkinĻ Ņamaks (an allotment):

- (a) if ŅilwatnaŅis Ņaqam (Council) granted the kawičkinĻ Ņamaks (allotment) in error, by mistake, or by fraud; or
- (b) by agreement with the kamatikčĻ Ņamaks (allotment holder).

**Ņa·knumučettilĻ č kitnumučettilĻ (Regulations and Policies)**

29. ŅilwatnaŅis Ņaqam (Council) may make a regulation or policy that:

- (a) sets out the procedures that apply to the implementation of this Ņa·knumučettilĻ (Law);
- (b) sets out the procedures that apply to the cancellation of kawičkinĻ Ņamaks (an allotment); and
- (c) prescribes forms for use in the cancellation of kawičkinĻ Ņamaks (an allotment).

**ŅilqanakinĻ yaqasusaĻ ŅitnumučettilĻki (When Cancellation Takes Effect)**

30. kawičkinĻ Ņamaks (An allotment) is deemed cancelled at the time the cancellation is ŅitučĻilqaĻ (registered) in the YaqawxaĻ ŅitučĻilqa kanuhus ŅaqĻsmakniĻ ŅamakŅis (First Nation Land Register).

**Ni ŅilqanakinĻ čxaĻ hakamxuni·qaŅni (Effect of Cancellation)**

31. At the time of cancellation, the lawful possession of kawičkinĻ Ņamaks (an allotment) reverts to Ņaqam and all the rights and obligations related to interests and licences in or to that kawičkinĻ Ņamaks (allotment) are transferred to Ņaqam.

**PART VII**  
**QAYAQAQNIKČĻ Č KAMATIKČĻ KAWIČKINĻ ŅAMAKS Č YAQAĻ**  
**KĻKINĻKI ŅAMAK**  
**(Transfers of Allotments and Granting Interests and Licences in Allotments)**

**qayaqakniĻkiĻ kčĻiŅsin kawičkinĻ Ņamaks ni Ņupnam (Transfer of Allotment on Death)**

32. The transfer of a kawičkinĻ Ņamaks (an allotment) on death of the kamatikčĻ Ņamaks (allotment holder) must be:

- (a) in accordance with the *Indian Act*; and

(b) registered in the Yaqawxał ʔituqłitqa kanuhus ʔaqłsmaknik ʔamakʔis (First Nation Land Register).

**qayaqaknikçilayaqaknikçilaykawiçkinilyaqalakilkinilki aknik (Transfer of Allotments and Granting of Interests in Allotments)**

33. Every transfer of kawiçkinil ʔamaks (an allotment) and every grant of an interest or licence in or to kawiçkinil ʔamaks (an allotment) must:

(a) comply with ʔaqam laws, by-laws and policies, including any zoning laws, land use plans, environmental management plans and environmental assessment requirements; and

(b) be ʔituqłitqał (registered) in the Yaqawxał ʔituqłitqa kanuhus ʔaqłsmaknik ʔamakʔis (First Nation Land Register).

**Ksuʔkçit ʔilwatnaʔis ʔaqam (Consent of Council Requirements)**

34. ʔilwatnaʔis ʔaqam (Council) consent is not required for the transfer of kawiçkinil ʔamaks (an allotment).

35. ʔilwatnaʔis ʔaqam (Council) consent must be obtained by kamatikçit ʔamaks (an allotment holder) for the original grant of an interest or licence in or to their kawiçkinil ʔamaks (allotment).

**łusi kisinxumumik qayaqaknikçil ç kamatikçil kawiçkinil ʔamaks ç yaqał kilkinilki ʔamak (No Liability for Transfers of, or Grants of Interests in or to, an Allotment)**

36. ʔaqam is not responsible or liable for ensuring a land instrument that transfers kawiçkinil ʔamaks (an allotment) or grants an interest or licence in or to kawiçkinil ʔamaks (an allotment):

(a) is validly made;

(b) is enforceable; or

(c) will be accepted by the Yaqawxał ʔituqłitqa kanuhus ʔaqłsmaknik ʔamakʔis (First Nation Land Register).

**PART VIII  
ÇIN QAPI QAPSIN  
(General)**

**yaqał ʔitumxunilçikituqłitqał ksukinil (Filing Procedure Deemed Followed)**

37. In all cases, when a land instrument that grants or transfers kawiçkinil ʔamaks (an allotment) is ʔituqłitqał (registered) in the Yaqawxał ʔituqłitqa kanuhus ʔaqłsmaknik ʔamakʔis (First Nation Land Register), it is deemed to have been registered under the authority of ʔilwatnaʔis ʔaqam (Council).





(2) For greater certainty, a person cannot dispute a decision by Pīlwaṭnaṭis Ṗaḡam (Council) in relation to the granting of kawīḡkīnīḡ Ṗamaks (an allotment).

**PART IX**  
**KAKĪLANAĒ ṖITKINĪĒ**  
**(Amendments)**

**Kḡṭaḡ Ṗakḡanaḡ Ṗitkīnīḡ (Power to Make Amendments)**

43. Pīlwaṭnaṭis Ṗaḡam (Council) may, in accordance with this Part, make amendments to this Ṗa·knumuḡṭitīḡ (Law).

**Ṗakḡanaḡ ṖinḡiṖṭīḡ (Non-Substantive Amendments)**

44. Ṗakḡanaḡ ṖinḡiṖṭīḡ (non-substantive amendments) to this Ṗa·knumuḡṭitīḡ (Law) may be made by band council resolution.


**Kakḡanaḡ ṖinḡiṖṭīḡ (Other Amendments)**


45. Kakḡanaḡ ṖinḡiṖṭīḡ (amendments) other than Ṗakḡanaḡ ṖinḡiṖṭīḡ (non-substantive amendments) may be made by an approval by Pīlwaṭnaṭis Ṗaḡam (Council) via band council resolution, pursuant to section 7 of the *Ṗaḡam Amended Land Code*.

**PART X**  
**YISUSAL ĆINAKNIĒKI**  
**(Effective Date)**

46. This Law comes into force on the date it is approved by ʔilwaʔnaʔis ʔaʔam (Council), by band council resolution, pursuant to section 7.14 of the *ʔaʔam Amended Land Code*.

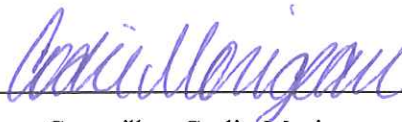
**THIS LAW IS HEREBY DULY ENACTED** by ʔilwaʔnaʔis ʔaʔam (Council) on the 18<sup>th</sup> day of October, 2016, at ʔakiskaʔliʔit (Cranbrook), in the Province of British Columbia.

  
\_\_\_\_\_  
Chief Jim Whitehead

  
\_\_\_\_\_  
Councillor Corrie Walkley

  
\_\_\_\_\_  
Councillor Vickie Thomas

\_\_\_\_\_  
Councillor Marty Williams

  
\_\_\_\_\_  
Councillor Codie Morigeau

Being the majority of those members of the ʔilwaʔnaʔis ʔaʔam (Council) present at the aforesaid meeting of ʔilwaʔnaʔis ʔaʔam (Council).

The quorum of the ʔilwaʔnaʔis ʔaʔam (Council) is three (3) members.

Number of members of the ʔilwaʔnaʔis ʔaʔam (Council) present at the meeting: 4