



**FIRST NATIONS  
LAND MANAGEMENT  
RESOURCE CENTRE**

**Training, Mentorship & Professional Development**

# **Land Interests under Framework Agreement & Land Code**

**FNLRS 201 Land Registry & Privacy Act Workshop**



# Framework Agreement Amendment # 6

## CLARIFYING SELF-GOVERNMENT AUTHORITIES

### Land Management Powers

- Authority to grant interests or land rights and licences in relation to its First Nation land and natural resources

### First Nations Lands Registry

- Established to record documents respecting First Nation Land for First Nations with a Land Code in force. A separate register will be maintained for each First Nation
- Regulation established in respect of the First Nation Lands Register
- Authority for new FN led registry – potentially several years down the road – requires new regulations, informatics systems and cost discussions

### Law Development

- FN managed registration process, ability to develop their own laws regarding registrations

# Background on FNLRS



Subsection 51(1) of the Framework Agreement on First Nation (FN) Land Management provides for Canada to establish a FNLRS to record documents respecting FN land or interests on the reserve



It is administered by Canada as a subsystem of the Indian Lands Registry System (ILRS) established under the Indian Act



[First Nation Land Registry System](#)

# First Nation Land Registry Regulations

Subsection 25(1) of the *First Nations Land Management Act* states the Minister shall establish a register

The FNLR Regulations set out the rules for the registration or recording documents

These regulations only apply to FNs that have an effective land code in place



# Interests and Licences in Land

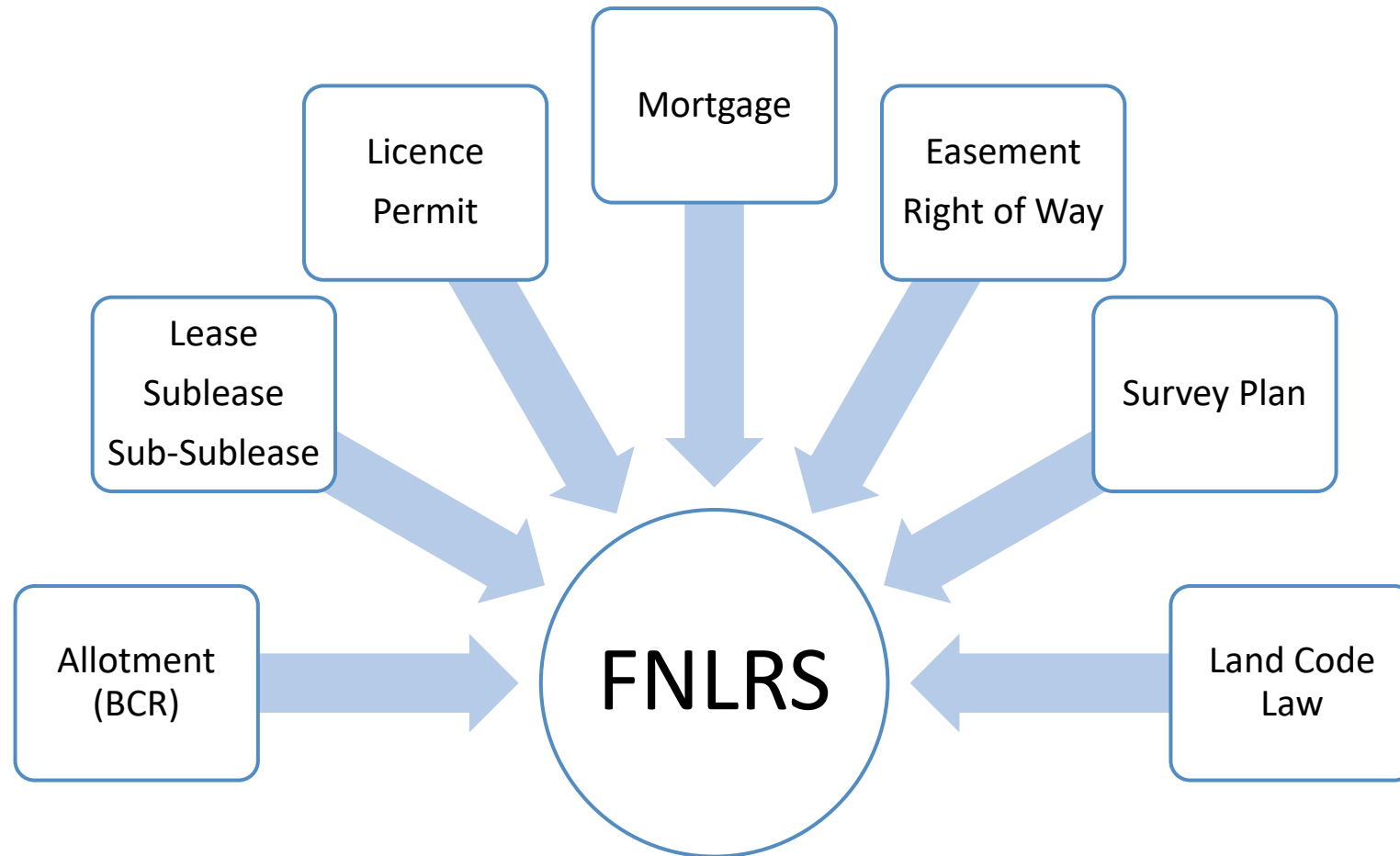
## Model Land Code – Part 7

25.	REVENUE FROM LAND AND NATURAL RESOURCES.....	29
26.	REGISTRATION OF INTERESTS AND LICENCES.....	29
27.	LIMITS ON INTERESTS AND LICENCES.....	30
28.	EXISTING INTERESTS.....	30
29.	NEW INTERESTS AND LICENCES.....	31
30.	INTERESTS OF NON-MEMBERS.....	32
31.	CERTIFICATES OF POSSESSION OR MEMBER INTERESTS.....	32
32.	ALLOCATION OF LAND TO MEMBERS.....	32
33.	TRANSFER AND ASSIGNMENT OF INTERESTS.....	32
34.	LIMITS ON MORTGAGES AND SEIZURES.....	33
35.	RESIDENCY AND ACCESS RIGHTS.....	34
36.	TRANSFERS ON DEATH.....	36
37.	FAMILY HOMES AND MATRIMONIAL INTERESTS LAND LAW.....	36

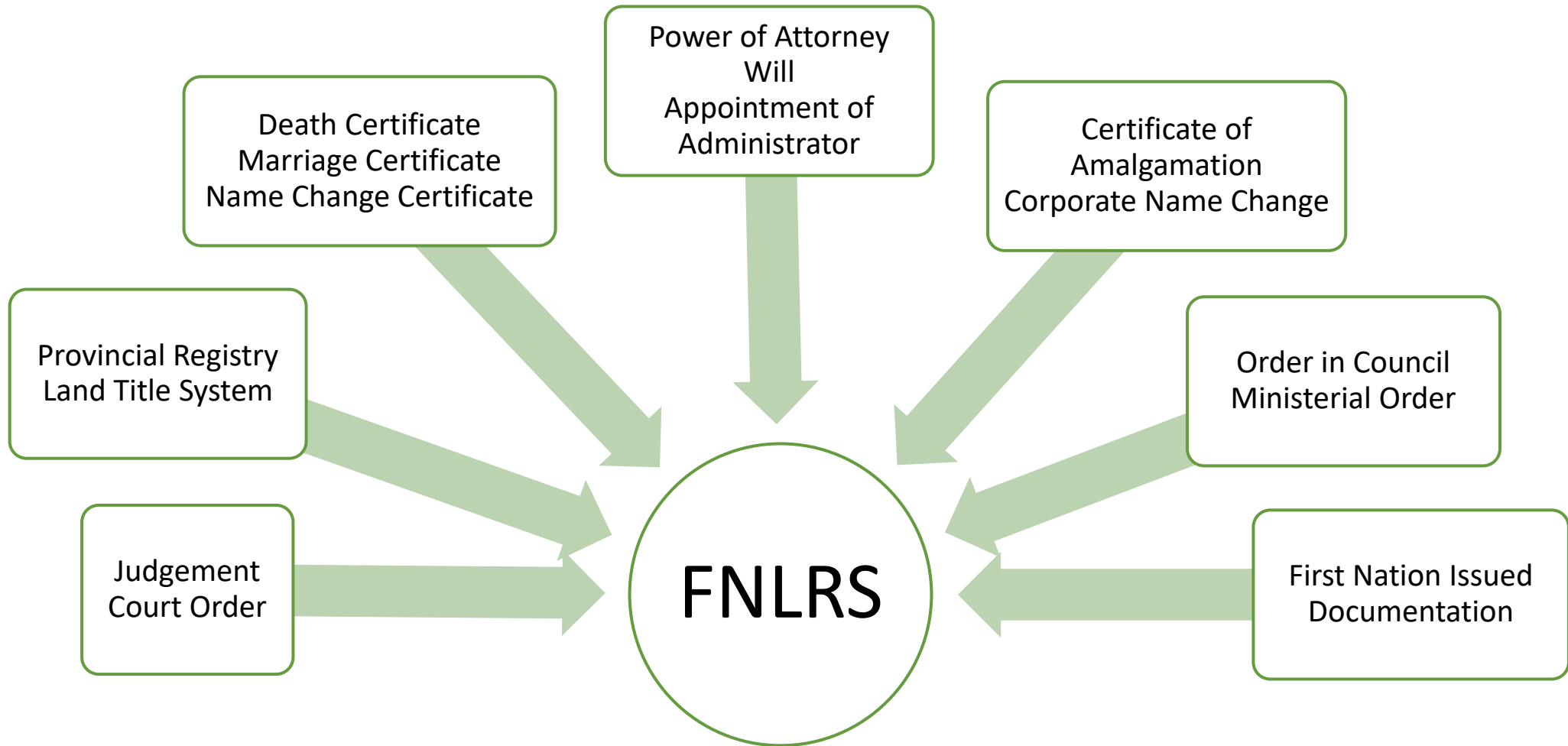
LINKS:

 [First Nation Land Code Model](#)

# New Interests and Licences



# Registerable Documents



# Group Exercise - What interests do you have?

## Interest Examples:

- **Member & Individual** - Residential, cottage, agricultural, commercial
- **FN/Community Owned Entities** - Administrative offices, public works garages, firehall, community hall, daycare, schools, health centre, retirement homes, FN-owned housing units, wildlife (flora & fauna protected and conservation areas), water treatment plant, landfill & transfer stations, recreational facilities & parks, powwow & cultural sites, cemetery, FN owned business (VLT, service stations, tent & trailer parks, farming & agricultural)
- **Leases** - commercial, industrial & residential developments, agricultural, advertising/billboards, third party utilities, communications & transmission lines
- **Licences & Permits** - Agricultural, advertising/billboards, dock slips, water lots, oil & gas, gas pipelines, telecommunication towers, camping permit, film production, parking, special occasion permits, fishing & hunting permits
- **Roads & Infrastructure** - Roads, access roads, drainage ditches, dykes, flooding & flood easements, utilities, transmission lines



# Special Interests & Instruments

There are some instruments and documents that may require special considerations for registering or recording in FNLRS.

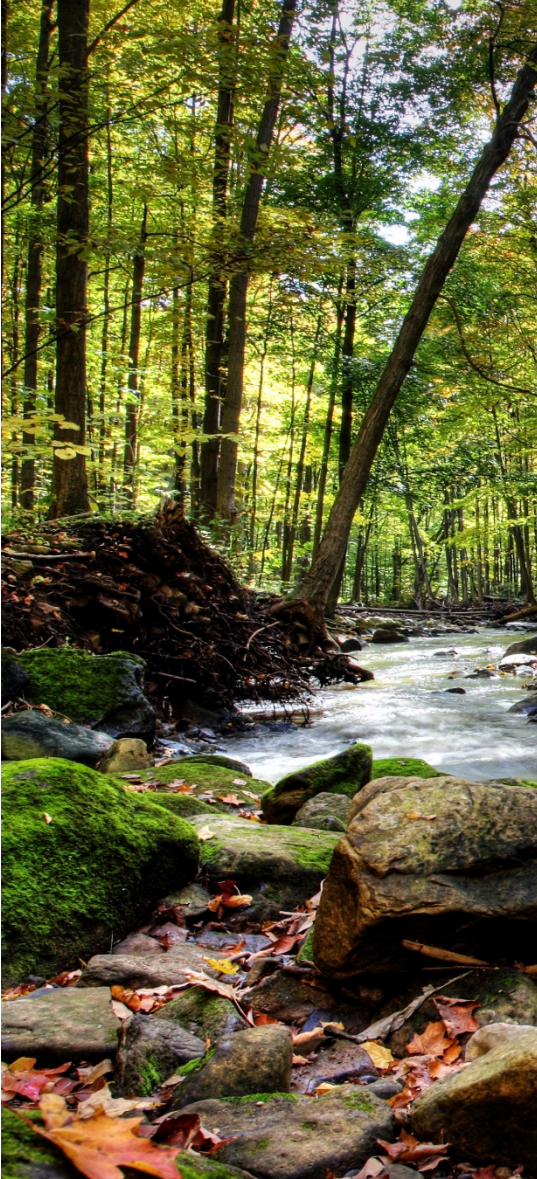
- Camping, tenting & trailer park
- Hunting & fishing
- Harvesting
- Traditional holdings
- Residency
- Rental agreements
- Parking
- Boat slips
- Film production
- Special occasion permits

# Wills & Estates

- Remain under the Indian Act
- Admin Transfers will be registered by FN
- Wills are not required to be received by FNLRS, any that are submitted will automatically be redacted

# Benefits of Registration

- Issue non-Indian Act Interests and Licences
- Create certainty for interest holders and landlord
- Protection of all parties
- Better terms and conditions
- Clarity on application of Land Laws, Policies, Codes, Processes
- Establishing restriction or limitation on the use and enjoyment of a parcel under a registered instrument
- LUP and Zoning compliance i.e. unauthorized business in a residential area
- Transferability (i.e. sale of a house)
- Compliance of Applicable Land Laws, building standards and building permitting, environmental conditions, subdivision requirements
- Adjust lots to adequate size for lot purpose and septic requirements
- Protect land beyond the lot boundary (adjacent interest holders or community land)
- Settle lot boundary disputes or identify adverse possession claims
- Ability to allow and limit sub-interests
- Protection of contractual rights between landlord and tenant
- Ability to will an estate or to register a settled estate
- Access to conventional funding and other loans
- Expropriation stipulated in Land Code and Framework Agreement on First Nation Land Management
- Title Insurance
- CMHC protection
- Loan Guarantees
- Priority of registration
- Enforceability by the courts
- Protection for First Nation in event of default or closure or abandonment
- Improved interdepartmental communication



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**THANK YOU!**

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