



VIRTUAL WEBINAR

Matrimonial Real Property Laws under Land Code

Thu, Aug 27th 2020

9:30 AM (PDT) – 90 min Webinar
+ 15 min Virtual Mix & Mingle

[slido.com](https://www.slido.com)

[#TMPD-AUG-27](https://twitter.com/TMPD-AUG-27)

TMPD Virtual Webinar Welcome



2020 Virtual Webinar Schedule



Training, Mentorship & Professional Development

TMPD Virtual Webinar & Workshop

2020 Schedule

10.	Matrimonial Real Property Laws under Land Code, NALMA-COEMRP Partnership	Aug 27
11.	Mines and Minerals, Oil and Gas, Surface Access – Title & OIC	Sep 10
12.	Planning, Planning Types and Integrated Planning	Sep 24
13.	Property Transfer Tax, TULO Partnership (Tzeachten Case Study)	Oct 8
14.	Impacts COVID 19 – Part 5 – TBD	Oct 22
15.	Lands Advisory Board – Annual General Meeting	Oct 27-28
16.	Different meanings of Consultation & Engagement across Canada	Nov 5
17.	ATR/TLE, TULO Partnership (Brokenhead Case Study)	Nov 19
18.	Individual Agreement – Roles, Responsibilities & Expectations	Dec 3
19.	Historical Treaties	Dec 17

KNOWLEDGE PATHS
Lands Governance Under Framework Agreement

labrc.com/tmpd

The screenshot shows the 'labrc.com/events' website. At the top, there is a navigation bar with 'FIRST NATIONS LAND MANAGEMENT RESOURCE CENTRE' and a 'Français' link. Below the navigation, there are several menu items: 'WE ARE...', 'I AM A...', 'FRAMEWORK AGREEMENT', 'GOVERNANCE TOOLS', 'DISCOVER', 'EVENTS', and 'CONTACT US'. A prominent 'Upcoming Events' button is visible, along with a search bar and a 'FIND EVENTS' button. The main content area displays a list of events for 'Jun 2020' and 'Jul 2020'. Each event entry includes a date and time, a topic, and a 'Find out more >' link.

Jun 2020

- Jun 4, 2020 @ 9:30 am - 10:30 am PDT**
TMPD VIRTUAL WEBINAR Topic: Impacts COVID 19 – Part 3 – COVID 19 Laws & Emergency Management Laws Date: June 4, 2020 Time: 9:30 AM (PDT) Length: 60 mins [...]
Find out more >
- Jun 18, 2020 @ 9:30 am PDT**
TMPD VIRTUAL WEBINAR Topic: First Nation Hub for Land Governance Planning – Updated Strategy Date: Jun 18, 2020 Time: 9:30 AM (PDT) SAVE THE DATE Notice & Registration will be [...]
Find out more >

Jul 2020

- Jul 2, 2020 @ 9:30 am PDT**
TMPD VIRTUAL WEBINAR Topic: GIS Needs Assessments Date: Jul 2, 2020 Time: 9:30 AM (PDT) SAVE THE DATE Notice & Registration will be circulated once details are available.
Find out more >
- Jul 16, 2020 @ 9:30 am PDT**
TMPD VIRTUAL WEBINAR Topic: Community Engagement (techniques, online tools, data collection) Date: Jul 16, 2020 Time: 9:30 AM (PDT) SAVE THE DATE Notice & Registration will be circulated once details [...]

TMPD Virtual Webinar Guidelines

Some administrative details to enhance the Webinar session:

1. Mute all your devices
2. Recording in Progress
3. SLIDO Questions, Comments, Closing Poll






Virtual Webinar Questions & Poll

Connect laptop & mobile device to:

Website-App www.sli.do

Event Code [#TMPD-AUG-27](https://t.me/TMPD-AUG-27)

A circular icon representing a group of people, with a speech bubble and a checkmark, indicating a virtual meeting or poll.

SLIDO.com
#TMPD-AUG-27



Presentation & Materials

are available online: www.labrc.com/event



Agenda & Objectives

9:30

Time Zone
(PDT)

Welcome & Introduction

9:40

Review of the Framework Agreement provisions on MRP

9:45

Overview of FHRMIRA in relation to signatory First Nations

9:55

MRP Enforcement Considerations

10:10

Community Perspectives – Membertou – MRP law enforcement

10:35

Live Poll, Discussion & Questions

11:00

Closing

11:00 - 11:15

Virtual Mix & Mingle



TMPD Virtual Webinar Presenters



Michelle Delorme

Environment & Enforcement Advisor – SK

Andrew Beynon

Law Making & Enforcement Advisor

labrc.com



CENTRE OF EXCELLENCE FOR
MATRIMONIAL REAL PROPERTY

Crystal Cummings

MRP Coordinator

Kathy McCue

MRP Specialist

coemrp.ca



Memberton
WELCOMING THE WORLD!

Cheryl Knockwood

Governance Coordinator

membertou.ca



Framework Agreement

“Supporting First Nations to exercise their Inherent Right to govern their Lands and Resources.”

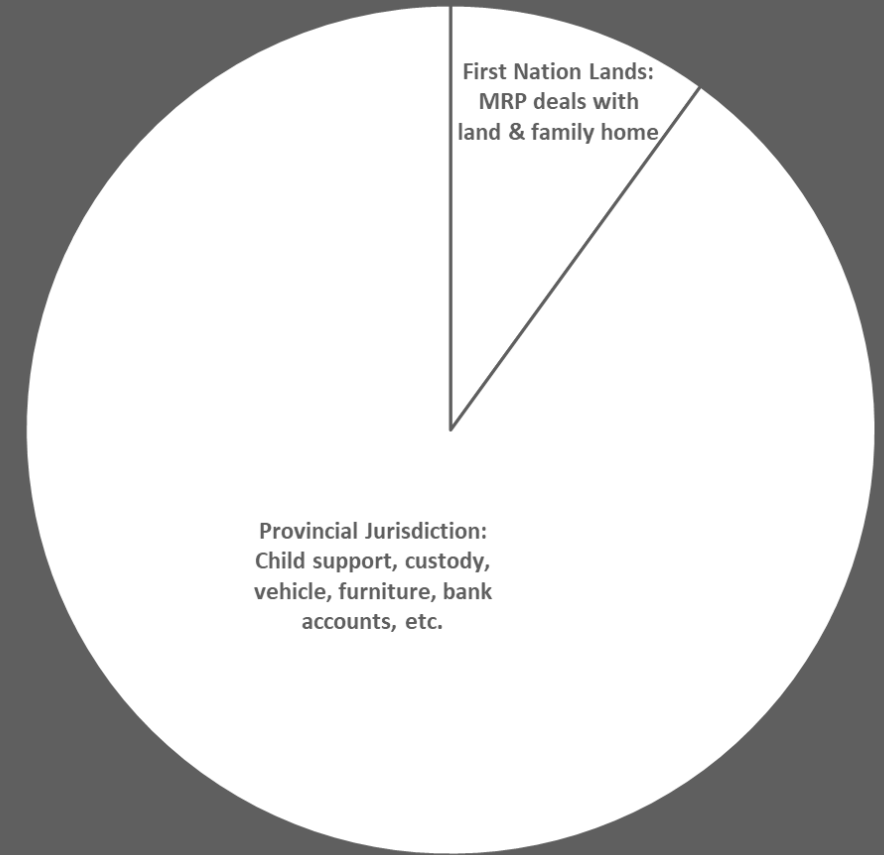


What is Matrimonial Real Property (MRP)

Matrimonial Real Property on-reserve generally refers to the family home where both spouses or common-law partners live during a marriage or common-law relationship

Both provincial and federal laws protect MRP interests and the rights of both spouses or common-law partners in the event of separation, divorce or death

The issue is that many of these important protections related to matrimonial interests have not been available on reserve until recently



MRP and the Framework Agreement

Prior to 2018 amendments, matrimonial real property on breakdown of marriage was addressed through clause 5.4 of the Framework Agreement requiring that:

A First Nation operating under a land code must establish a community process in its land code to develop rules and procedures applicable upon the breakdown of a marriage, to the use, occupancy and possession of First Nations land and the division of interests in that land



Framework Agreement Amendments 2018: Matrimonial Real Property (see FA s.18)

- An overall increase in self-governing authority
- Removed requirement, now First Nations can choose to enact FN laws or FHRMIRA
- Required to notify provinces of MRP laws
- Expanded beyond breakdown of marriage to include “death of a spouse”
- Wills & Estates support for future amendments



FNLM Laws

FHRMIRA

Divorce Act

**Provincial
Family Law**

**Provincial Civil
Family Violence
Protection Law**

Indian Act

**Self-
government
agreements**

**Cultural
practices**



FHRMIRA in relation to signatory First Nations

**Family Homes on
Reserves and Matrimonial
Interests or Rights Act

(FHRMIRA)**

- FHRMIRA applies until a First Nation creates its own law
- The provisional rules apply to First Nations whose lands are managed pursuant *Indian Act*, Framework Agreement and self-government agreement may choose to have FHRMIRA apply
- Following the 2018 FA amendments, First Nations now have the full range of MRP authority currently available under FHRMIRA



MRP Provisional Federal Rules

Equal right to occupancy

Right of a survivor

Spousal consent

Emergency Protection Orders

Exclusive Occupation Orders

Division of value

Survivors alternatives to inheriting

First Nation notification (exceptions)

Council representation to the court

Various First Nation values and practices concerning individual interests in reserve lands and housing across Canada

Provisional Federal Rules to be examined for potential impacts on specific traditions, customs, policies and procedures

The legislation provides for First Nation MRP law enactment



Considerations when Enacting an MRP Law



jurisdiction over land and certain family law matters

interests of children as a priority

resolving property disputes

fairness, rights and remedies

well-being of all parties involved

helps to prevent further conflict

protects the human rights of members

balancing individual and collective rights

traditional laws, customs, practices and policies

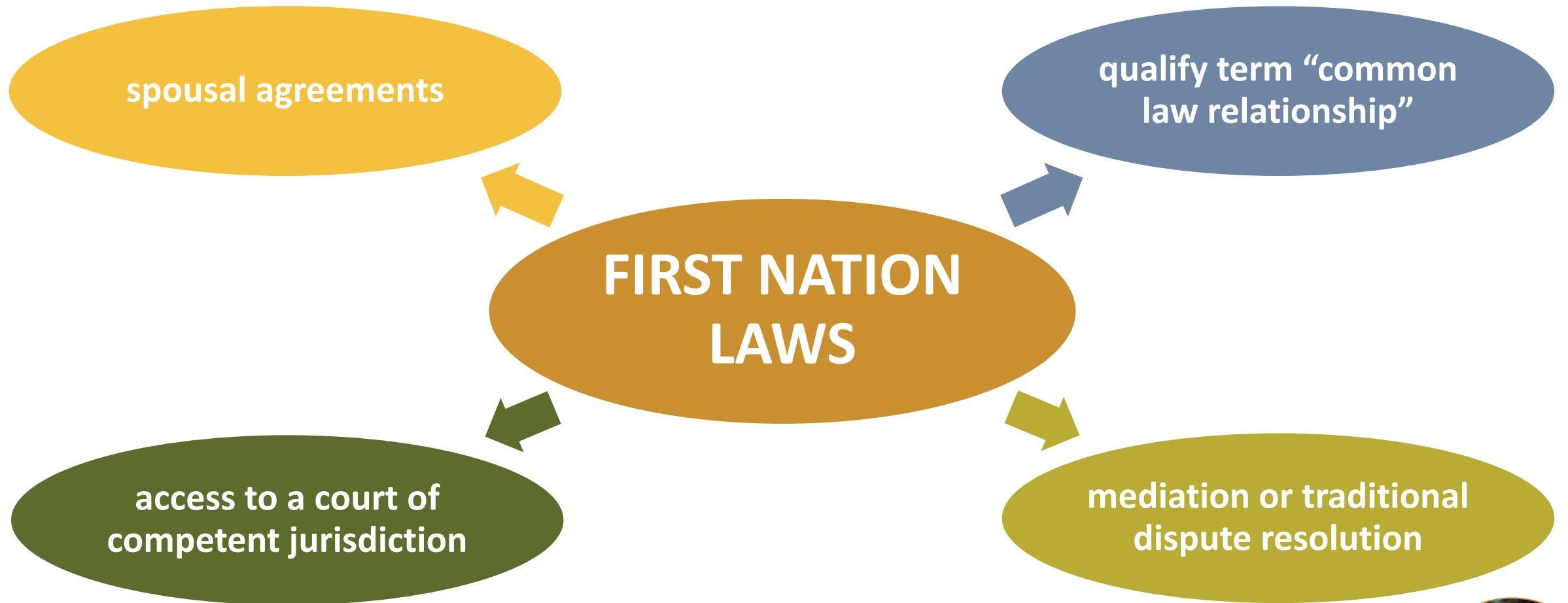
dispute resolution mechanisms

mechanism for the disposition of matrimonial real property

enforcement measures



Enforcement Considerations of MRP



Enforcement Considerations of MRP (cont.)

Compulsory
Mediation

Access to
Courts of
Competent
Jurisdiction

General
Provisions



First Nations have jurisdiction under their land code and MRP to address the division of interest in First Nation lands upon the breakdown of a marriage or spousal separation





First Nation Land Management Resource Centre

- Information Workshops & Webinars
- Learning Materials
- Law Development and Drafting
- Revision of existing MRP laws
- General support

labrc.com



Centre of Excellence for Matrimonial Real Property

- COEMRP Resources - [Link](#)
- Matrimonial Real Property Rights on Your Reserve Brochure - [Link](#)
- Role of Chief and Council Brochure [Link](#)

coemrp.ca



Membertou
WELCOMING THE WORLD!

Cheryl Knockwood
Governance Coordinator



- 1) Why didn't you make your law under land code authority?
- 2) How did you get the courts to enforce your law and how did you know which court to go to?
- 3) Did Membertou go to court or just one of the spouses, with Membertou First Nation staying out of the court case?
- 4) Would you recommend a different approach for a small First Nation or with smaller population living on reserve?



☰ Active poll



000

MRP Laws under a Land Code



Join at
slido.com

#TMPD-AUG-27



THANK YOU

Angie Derrickson
TMPD Manager

c. 250-469-1675
e. aderrickson@labrc.com

 LABRC.com

 ResourceCentre_TMPD

 @FNLMRC



Virtual Mix & Mingle