

Beausoleil First Nation
Grants of Entitlement and Certificates of
Possession (Evidence of Title)
Land Law

Date: May 27, 2024

Beausoleil First Nation

Grants of Entitlement and Certificates of Possession

Land Law

Whereas in accordance with the Beausoleil First Nation Land Code land laws can be developed, this land law is developed to create and regulate an interest in land called a Grant of Entitlement; to regulate correction of Grants of Entitlement and Certificates of Possession; to regulate allocations of land, regulate subdivision development and pledging of interests in land.

Now therefore the Chief and Council of Beausoleil First Nation hereby enacts as follows:

Definitions:

“Existing Interest” means any interest in land that existed when the Beausoleil First Nation Land Code came into effect;

“Fieldwork” means land staff attendance at a proposed allotment of land location to confirm its location and availability;

“First Time Homeowner” means a Beausoleil First Nation member who has never been granted residential property on Beausoleil First Nation lands before.

“Beausoleil First Nation” means the Beausoleil First Nation and its Members;

“Beausoleil First Nation” means any part of the Beausoleil First Nation that is subject to the Beausoleil First Nation Land Code;

“Member” means a person whose name appears on or is entitled to appear on the Beausoleil First Nation Band Membership List;

“Permanent Dwelling” means a building that is fit for human habitation pursuant to the Building Code applicable to Beausoleil First Nation

“A serviced lot” means a lot with road access maintained by the Beausoleil First Nation and has electrical utility services abutting the property;

“Vulnerable person” means a person who, because of a moderate to severe mental or physical disability, illness or infirmity, whether temporary or permanent and whether actual or perceived,

(a) is unable to express or act on his or her wishes or to ascertain or exercise his or her rights, or

(b) has difficulty in expressing or acting on his or her wishes or in ascertaining or exercising his or her rights

1. **Grant of Entitlement**

- 1.1 The Chief and Council of Beausoleil First Nation can issue to Beausoleil First Nation member or members, in accordance with the Beausoleil First Nation Land Code and this land law, a Band Council Resolution approving of the issuance of a Grant of Entitlement, with or without conditions, as evidence of the Beausoleil First Nation member's interest in the land.
- 1.2 Subject to Clause 25.1 and 25.2, a Band Council Resolution Issued in accordance with Clause 1.1 will be registered in the First Nations Land Registry Office in Ottawa or within the Beausoleil First Nation Land Registration System.
- 1.3 Upon receipt by Beausoleil First Nation Land staff of the Registered Band Council Resolution, the Land Manager or Assistant Land Manager will issue a Grant of Entitlement to the Beausoleil First Nation Member (s).
- 1.4 A Grant of Entitlement in respect of a parcel of land is an Interest that entitles the member holding it to:
 - a) Possession of the Land with or without conditions;
 - b) Transfer, devise or otherwise dispose of the Land to another Member; and
 - c) Any other rights consistent with the Beausoleil First Nation Land Code, Land Law or Beausoleil First Nation Resolution;

2. **Grant of Entitlement to replace Certificate of Possession (Evidence of Title)**

- 2.1 Any application for registration of a Certificate of Possession (Evidence of Title) that is received after the date of this land law coming into force, shall be registered as a Grant of Entitlement, if it otherwise meets the requirements of the Beausoleil First Nation Land Code.

3. **Age Requirement to hold an interest in land**

- 3.1 Only a member of Beausoleil First Nation who has reached the age of 18 or older Can apply for a Certificate of Possession (Evidence of Title) or a Grant of Entitlement of Beausoleil First Nation Land.

4. Applications must apply in person

- 4.1 All Beausoleil First Nation members must attend in person at the Beausoleil First Nation Lands office to apply for an interest in Beausoleil Nation land.

5. Number of lots entitled to hold

- 5.1 Members of Beausoleil First Nation shall be limited to holding only an interest in one residential and one cottage/seasonal parcel of land.

6. Land acquired through an estate does not disqualified

- 6.1 A Beausoleil First Nation member who inherits land through an estate can hold the inherited interest in land in addition to land under section 6 above.

7. Time Line Condition to erect Permanent Dwelling

- 7.1 All Beausoleil First Nation members who apply for and/or are granted an Interest in land shall have one year from the date of the grant of an interest in land to erect a Permanent Dwelling.

8. Report on completion of permanent dwelling

- 8.1 After the one-year time frame for completion of permanent dwelling referred to in section 8 above has elapsed, a site inspection shall be conducted and a report on the completion of the Permanent Dwelling shall be prepared by Beausoleil First Nation Lands department. A copy of the said report shall also be provided to the holder of the interest in land.

9. Notification of Nation member of land reversion to Beausoleil First Nation

- 9.1 The Beausoleil First Nation Lands department upon their review of the report on the status of the Permanent Dwelling, can notify any Beausoleil First Nation member not complying with the requirement under section 8 above that the land under review will revert back to Beausoleil First Nation.

10. Correction of Grant of Entitlement or Certificate of Possession (Evidence of Title)

- 10.1 Where a Certificate of Possession (Evidence of Title) issued under the Indian Act or the Beausoleil First Nation Land Code or a Grant of Entitlement issued under the Beausoleil First Nation Land Code or this land law was:

- a) Issued in the name of the wrong person;
- b) Contains a wrong description of any material fact;
- c) Was issued through fraud or in error;
- d) contains any clerical error; or
- e) is subject to a mortgage remedy including power of sale, foreclosure and sale or other legal remedy.

the Beausoleil First Nation Lands department can recommend to Beausoleil First Nation Chief and Council to cancel the Certificate of Possession (Evidence of Title) or Grant of Entitlement with or without the consent of the holder thereof and re-issue a corrected Grant of Entitlement interest in lieu thereof.

11. Record of cancellations of Grant of Entitlement, Certificate of Possession (Evidence of Title)

11.1 A record of any cancellations and/or re-issue of a Grant of Entitlement or Certificate of Possession (Evidence of Title) to correct a Grant of Entitlement or Certificate of Possession (Evidence of Title) pursuant to section 11 above, shall be kept in the Beausoleil First Nation Land registry.

12. Grant of Entitlement issued to replace Certificate of Possession (Evidence of Title)

12.1 A Certificate of Possession (Evidence of Title) requiring correction shall only be reissued as a Grant of Entitlement. Any holder of a Certificate of Possession (Evidence of Title) can apply to change their interest in land to a Grant of Entitlement.

13. Notification of holder of Certificate of Entitlement, Certificate of Possession (Evidence of Title)

13.1 The Beausoleil First Nation Lands department shall notify the holder of an Interest in land in writing at least five days prior to any proposed lands department meeting with Chief and Council to consider cancellation and correction a Grant of Entitlement or Certificate of Possession (Evidence of Title) pursuant to section 11 a), b),c) and d) above, and provide a copy of any re-issued documents to the holder of the Certificate of Possession (Evidence of Title) or Grant of Entitlement within seven days after a decision is made concerning the cancellation and/or correction to the Grant of Entitlement or Certificate of Possession (Evidence of Title).

14. Pledging of land and Property

Beausoleil First Nation Members in lawful possession of land under a Grant of Entitlement or Certificate of Possession (Evidence of Title) can pledge their interest in land and property situated thereon, in accordance with the Beausoleil First Nation Land Code and any applicable Mortgage Law.

15. Cancellations of Grants of Entitlement upon default of mortgage

15.1 The Beausoleil First Nation Lands Department shall, upon receipt of a power of sale, foreclosure and/or sale order or like instrument, transfer any Certificate of Possession or grant of Entitlement pursuant to the power of sale, foreclosure and/or sale order or like instrument and in accordance with Beausoleil First Nation Land code

16. Transfer of land subject to transfer fee

16.1 All transfers of interests in Beausoleil First Nation land shall be subject to a transfer fee as set out in the fee schedule for land transactions.

17. Transfer of Interest in Land

17.1 A transfer of interest in Beausoleil First Nation land shall not be registered in Beausoleil First Nation land register until it is approved for registration by the Beausoleil First Nation Lands department and all transfer fees have been paid in full.

18. Requirement for Discharge of mortgage before a sale of Transfer of Land

18.1 No transfer of an interest in Beausoleil First Nation Land shall be registered if an Outstanding loan, mortgage, security interest or other debt is registered and/or filed with respect to the land.

19. Transfer of Land for First Nation member who ceases to be entitled to reside

19.1 A Beausoleil First Nation Member holding an interest in Beausoleil First Nation Land other than a lease, license, or permit, who ceases to be a member of Beausoleil First Nation shall, within six months of ceasing to be a member transfer to Beausoleil First Nation or another Member of Beausoleil First Nation their interest in land.

20. Failure to dispose of land by a Nation member ceasing to be entitled to reside

20.1 The interest in Beausoleil First Nation land of a Beausoleil First Nation member other than a lease, license, or permit, who ceases to be a member of Beausoleil First Nation and does not dispose of their interest in accordance with section 20 above, shall revert to Beausoleil First Nation, subject to compensation for permanent improvements as per the Beausoleil First Nation Land Code less the costs of any appraisal and any survey.

21. Subdivision Control

21.1 All subdivisions of land shall be subject to approval by the Beausoleil First Nation Chief and Council, and be in accordance with the Beausoleil First Nation Land Code and any land laws.

22. Serviced lots designated for Members Primary Residence

22.1 An interest in Serviced Lots shall only be granted to Beausoleil First Nation Members who are First Time Homeowners for the construction of their primary residence.

23. Land Allocation minimum size

23.1 All allocations of land for residential purposes must be of sufficient size to accommodate construction of a Permanent Dwelling and associated septic and water systems.

24. Interest shall be in accordance with Zoning Law

24.1 All interest in Beausoleil First Nation lands shall conform to Beausoleil First Nation Zoning law.

25. Registration of Interests

25.1 All allocations of land that are set out on a registered Canada Lands Survey Plan or R.S.O. recognized by the Indigenous Service Canada will be registered in the First Nations Land Registry Office in Ottawa. Upon receiving the registration number of the Band Council Resolution a Grant of Entitlement will be issued by the Land Manager or Assistant Land Manager and it will be registered in the First Nation Registry Office in Ottawa.

25.2 All allocations of land that are set out on a sketch of the property that is dated and Acknowledged by signature thereto by the land holder and the Land Manager of Beausoleil First Nation shall be registered in the Beausoleil First Nation Land Registration System maintained at the Lands & Resource Office of Beausoleil First Nation.

26. **Land Appraisals**

26.1 When identified by Beausoleil First Nation Chief and Council, land appraisals shall be Conducted in accordance with the Rules for Conducting Appraisals of Beausoleil First Nation lands, as set from time to time.

27. **Appeals**

27.1 Beausoleil First Nation Members have the right to appeal any decisions with respect this Land law in accordance with the Dispute Resolution Process set out in Sections 41 to 50 of the Beausoleil First Nation Land Code.

THIS LAND LAW IS HEREBY made at a duly convened meeting of the Council of Beausoleil First Nation this _____ day of _____, 2024

Voting in favour of this land law are the following members of the Council:

Chief Joanne Sandy

Chief Councillor Whitney Walsh

Councillor Marcel Monague

Councillor Tanya Roote-Jamieson

Councillor Marla Monague

Councillor Jake King

Councillor Paula-Jade Sandy