

Nipissing First Nation  
Grants of Entitlement and Certificates Possession  
Land Law

Date: December 18, 2007

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Grants of Entitlement and Certificates of Possession  
Land Law**

Whereas in accordance with the Nipissing First Nation Land Code land laws may 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 Nipissing First Nation hereby enacts as follows:

**Definitions:**

**“Existing Interest”** means any interest in land that existed when the Nipissing 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 Nipissing First Nation member who has never been granted residential property on Nipissing First Nation lands before.

**“Nipissing First Nation”** means the Nipissing First Nation and its Members;

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

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

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

**“Serviced lot”** means a lot with road access maintained by the Nipissing First Nation and has electrical utility services abutting the property;

## 1. Grant of Entitlement

- 1.1 The Chief and Council of Nipissing First Nation may issue to a Nipissing First Nation member or members, in accordance with the Nipissing 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 Nipissing First Nation member's interest in 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 Nipissing First Nation Land Registration System.
- 1.3 Upon receipt by Nipissing 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 Nipissing 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 Nipissing First Nation Land Code, Land Law or Nipissing First Nation Resolution;

## 2. Grant of Entitlement to replace Certificate of Possession

- 2.1 Any application for registration of a Certificate of Possession 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 Nipissing First Nation Land Code.

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

- 3.1 Only a member of Nipissing First Nation who has reached the age of 18 or older may apply for a Certificate of Possession or a Grant of Entitlement of Nipissing First Nation Land.

## 4. Applicants must apply in person

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

**5. Number of lots entitled to hold**

5.1 Members of Nipissing 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 Nipissing First Nation Member who inherits land through an estate may 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 Nipissing 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 the Nipissing 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 Nipissing Nation**

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

**10. Correction of Grant of Entitlement or Certificate of Possession**

10.1 Where a Certificate of Possession issued under the *Indian Act* or the Nipissing First Nation Land Code or a Grant of Entitlement issued under the Nipissing 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 Nipissing First Nation Lands department may recommend to Nipissing First Nation Chief and Council to cancel the Certificate of Possession 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**

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

**12. Grant of Entitlement issued to replace Certificate of Possession**

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

**13. Notification of holder of Certificate of Entitlement, Certificate of Possession**

13.1 The Nipissing 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 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 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.

**14. Pledging of land and Property**

14.1 Nipissing First Nation Members in lawful possession of land under a Grant of Entitlement or Certificate of Possession may pledge their interest in land and property situated thereon, in accordance with the Nipissing First Nation Land Code and any applicable Mortgage Law.

**15. Cancellations of Grants of Entitlement upon default of mortgage**

15.1 The Nipissing 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 Nipissing First Nation Lands Code.

**16. Transfer of land subject to transfer fee**

16.1 All transfers of interests in Nipissing 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. A transfer of an interest in Nipissing First Nation land shall not be registered in Nipissing First Nation land register until it is approved for registration by the Nipissing First Nation Lands department and all transfer fees have been paid in full.

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

18.1 No transfer of an interest in Nipissing 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 Nation member who ceases to be entitled to reside**

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

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

20.1 The interest in Nipissing First Nation land of a Nipissing First Nation Member other than a lease, license or permit, who ceases to be a member of Nipissing First Nation and does not dispose of their interest in accordance with section 20 above, shall revert to Nipissing First Nation, subject to compensation for permanent improvements as per the Nipissing 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 Nipissing First Nation Chief and Council, and be in accordance with the Nipissing 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 Nipissing First Nation Members who are First Time Homeowners for 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 interests in Nipissing First Nation lands shall conform to Nipissing First Nation zoning law.

**25. Registration of Interests**

25.1 All allocations of land that are set out on a registered Canada Land Survey Plan or R.S.O. recognized by the Department of Indian Affairs 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 Land 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 Nipissing First Nation shall be registered in the Nipissing First Nation Land Registration System maintained at the Land Office of Nipissing First Nation.

**26. Land Appraisals**


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

**27. Appeals**

27.1 Nipissing 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 50.8 of the Nipissing First Nation Land Code.

**THIS LAND LAW IS HEREBY** made at a duly convened meeting of the Council of Nipissing First Nation this 8<sup>th</sup> day of January, 2008.

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

  
\_\_\_\_\_  
Chief Marianna Couchie

  
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Deputy Chief Meriza George


  
\_\_\_\_\_  
Councillor Rick Stevens

  
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Councillor Michael Restoule

\_\_\_\_\_  
Councillor Doug Chevrier

  
\_\_\_\_\_  
Councillor Perry McLeod-Shabogésic

  
\_\_\_\_\_  
Councillor Darrell McLeod

  
\_\_\_\_\_  
Councillor June Commanda

being the majority of those of the Council of the Nipissing First Nation present at the aforesaid meeting of the Council.

The quorum of the Council is five members.

Number of Council present at the meeting: \_\_\_\_\_.