

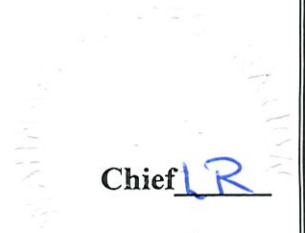


WAHNAPITAE FIRST NATION LOT DISTRIBUTION POLICY

- Amended by **Band Council Motion: 22/23-06-99**
At **Chief and Council Meeting of: June 7, 2022**
- Amended by **Band Council Motion: 21/22-03-255**
At **Chief and Council Meeting of: March 22, 2022**
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At **Chief and Council Meeting of: June 18, 2013**
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- Amended by **Band Council Motion: 05/04**
At **Chief and Council Meeting of: January 10, 2005**
- Amended by **Band Council Motion: 04/56**
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At **Chief and Council Meeting of: February 23, 2000**

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Part 1- Purpose

Wahnapitae First Nation Chief and Council believe that the effective land management and decision making is required to ensure a fair decision on land allocations is made to registered band members, and to ensure that our land resources are available for the future of our First Nation.

The purpose of this Policy is to provide a fair and transparent process for granting residential lots of land on Wahnapitae First Nation to band members for residential purposes only. This Lot Distribution Policy is intended to guide administration staff in assisting band members and the Wahnapitae First Nation in decision making concerning allotments of land. It is not intended to replace the rules and procedures concerning allotments which are set out in the *Indian Act*, the AANDC Lands Management Manual, or the Reserve Lands Environment Management program manual (RLEMP).

This Lot Distribution Policy is intended to work together with all such Federal Laws and Policies and with other Wahnapitae First Nation policies, procedures, and by-laws.

Wahnapitae First Nation Chief and Council will review this Lot Distribution Policy annually and amend this policy if required to ensure it remains relevant and effective.

Part 2 – Definitions

Allotment	Is the process by which a band member receives the legal right to possess specific land in the reserve, and this allocation must be given by Band Council and also approved by the Minister through the issuance of a Certificate of Possession.
Band Council Resolution	Is a resolution formally passed by a majority of the Councillors of Wahnapitae First Nation present at a duly called and convened meeting of Chief & Council, which is in written form and signed by all members of Council voting in favour and which may be registered with Indigenous Services Canada.
Band Member	Is a person whose name appears on the Wahnapitae First Nation membership list and, for the purpose of this policy, is at least eighteen (18) years of age.
Certificate of Possession	Is a certificate confirming that Minister of Indigenous Services Canada has approved the allotment of reserve land to the individual member, and is evidence of that member's right to lawful possession of the land described therein in accordance with the <i>Indian Act</i> .
Chief & Council	Are the duly leaders of Wahnapitae First Nation elected pursuant to the Wahnapitae First Nation Band Custom Election Code.
Community Land	For the purpose of this policy, is any Wahnapitae First Nation reserve lands which are not subject to an allotment, certificate of possession, designation, permit, lease, or other exclusive interest.

Conditional Grant	Is a statement by the Wahnapiatae First Nation Chief and Council that provided certain terms and conditions are met by the individual member, the Council will allot certain specified reserve land to the member.
Permanent Dwelling	Is an independent, permanent residential structure that sits on its own land pursuant to a Conditional Grant and which meets or exceeds the Ontario Building Code or the National Building Code, whichever is utilized by Waabnoong Bemjiwang Association of First Nations Infrastructure Specialists, and which is placed upon and affixed to the land in a permanent manner.
Residential Lot	Is a surveyed parcel of land, approximately one acre in size, on Wahnapiatae First Nation lands that is intended for single family dwelling.

Part 3 – Conditional Grant

- a) The Chief and Council of Wahnapiatae First Nation may issue to a Wahnapiatae First Nation member or members a Band Council Resolution approving of the issuance of a Conditional Grant of specific reserve land with conditions as evidence of the Wahnapiatae First Nation member's potential legal interest in land.
- b) Subject to Part 6, a Band Council Resolution issued in accordance with Part 3(a) will be registered in the Wahnapiatae First Nation Land Registration System.
- c) A Conditional Grant shall be for a parcel of land that is approximately one acre in size for a residential dwelling and which entitles the member holding the Conditional Grant to an allotment of the possession of the land from Band Council once any and all conditions are fulfilled within the time granted;
- d) A Certification of Possession will replace the Conditional Grant only if all requirements of Part 4 (k) have been met and the member has received a Band Council Resolution allotting the land to the member.

Part 4 - Lot Distribution Criteria Grant of Entitlement

- a) Each band member over the age of (18) may request one (1) parcel of land situated on Wahnapiatae First Nation.
- b) A band member who inherits a lot through an estate may hold the inherited interest in land in addition to a Conditional Grant under section 3.a) above, or a request for one under section 4.a).
- c) A Conditional Grant shall be granted in accordance with this policy and administered by Wahnapiatae First Nation Lands Department.
- d) A band member shall provide a signed and dated copy of this Lot Distribution Policy to confirm that they have read, understand and will be in compliance with the Lot

Distribution Policy to Wahnapiatae First Nation Lands Department requesting a Conditional Grant of land.

- e) Council, in its sole discretion, shall determine if Band Land is available for distribution to membership, and what land may be offered for Conditional Grants to membership. When determining if Lands are available for Conditional Grant, the Council shall set whatever specific terms and conditions for the Conditional Grant of each lot that Council may determine to be in the best interest of the First Nation as a whole.
- f) If no Band Land is available for distribution to members at that time, the member will be contacted and then the members name and contact information will be added to the lot distribution list that is date prioritized, meaning the next community land available shall be offered to the first band member on the list.
- g) It is the member's responsibility to maintain up to date contact information with the Wahnapiatae First Nation Lands Department to ensure correspondence on Conditional Grants of land is received.
- h) If Council determines, by Band Council Resolution, that lands are available for Conditional Grant, they may be offered to the first person on the land distribution list. Prior to offering land to a member the Wahnapiatae First Nation Lands Department shall meet with the member to review the Lot Distribution Policy. Only if the Wahnapiatae First Nation Lands Department determines that there is a reasonable likelihood that the member has, or will be able to secure, and meet all of the conditions applicable to the Conditional Grant, will the land be offered to the member.
- i) If land is offered to a member under 4.h), that member shall be allowed seven (7) days to select from all lands available for Conditional Grant at that time. If the member declines any of the lands, or fails to make a selection within the time limit, the next member on the list shall be given the opportunity to select from the available lands. The member who declined or failed to respond to the offer shall maintain their priority position on the lot distribution list to be used when new lands are made available for distribution.
- j) The Lot Distribution list will be maintained by Wahnapiatae First Nation Lands Department.
- k) Upon receipt of a Conditional Grant, a band member is required to perform the work, and meet the conditions, specified in the Conditional Grant for that land, and also:
 - i) clearing and maintaining the land;
 - ii) meet with the Wahnapiatae First Nation Lands Department to develop a lot plan agreeable to the Department which, at a minimum, contains:
 - 1) a source of potable water and septic system layout plan that meets ISC and Public Health minimum requirements;
 - 2) Electricity hook-up layout plan;

- 3) House/building plans (copy of which must be placed on file with the Department) that meets minimum engineering and planning standards, and the applicable Building Code requirements;
 - 4) An acceptable survey of the property lot line and the installation or designation of visible survey posts and markers; and,
 - 5) Such other tasks and requirements as set by the Wahnapiitae First Nation Lands Department to be in the best interest of the First Nation.
- iii) The value of improvements and construction which must be complete by the member who holds the Conditional Grant, excluding the labour of the member or their family, must exceed \$10,000 annually until the completion of a permanent dwelling; and,
 - iv) the member shall secure such property insurance and builder's risk insurance as reasonably required by the Wahnapiitae First Nation Lands Department. The Department shall set the minimum insurance requirements based on the value of the improvements and buildings, the risks posed by the work, and the advice of insurance professionals. The insurance shall name the Wahnapiitae First Nation as an insured under these policies, and shall include a requirement that the insurer must notice the First Nation at least 14 days before terminating the policy for any reason. The maintenance of this insurance shall be an absolute requirement of the Conditional Grant, and should the insurance lapse during the Conditional Grant, then the Conditional Grant shall be withdrawn.
 - v) a performance bond payable to the First Nation if the Conditional Grant is breached by the member equal to cost to complete the intended construction and improvements, or else equal to the costs to remediate and return the land to the state it was in before the construction started.
 - vi) insurance that protects against any environmental risks that may be caused by the intended improvements and construction. The insurance shall name the Wahnapiitae First Nation as an insured under these policies, and shall include a requirement that the insurer must notice the First Nation at least 14 days before terminating the policy for any reason. The maintenance of this insurance shall be an absolute requirement of the Conditional Grant, and should the insurance lapse during the Conditional Grant, then the Conditional Grant shall be withdrawn.
- l) If the conditions set out in section (k) above are met during the initial two (2) year period but a permanent dwelling is not complete, the member will be required to meet with the Lands Department on an annual basis to provide an update on their plans and expected construction activities. However, a permanent dwelling is required to be completed within a five (5) year period from the date when the Conditional Grant was offered to the member. If, on that fifth anniversary, the building and construction plan in 4.(k)ii) is not completed, then the Conditional Grant shall be withdrawn.

- m) If after two (2) consecutive years from the date of the Conditional Grant conditions set out in section (k) are not met, the Conditional Grant shall be automatically withdrawn. The member's name will then go to the bottom of lot distribution list.
- n) A band member may operate a home-based business or carry out other uses on the land subject to a Conditional Grant, but only if the operation of the home-based business is permitted under other Wahnapiatae First Nation policies approved by Chief & Council, the WFN Zoning By-law, and provided that the dominant use of the Conditional Grant always remains residential.
- o) Approval of a Conditional Grant does not relieve the holder of the requirement to comply with any other applicable Wahnapiatae First Nation policy, procedures, by-laws and laws.
- p) When a Conditional Grant is withdrawn, the First Nation may,
 - i) keep all improvements and fixtures on the land and consider them to be the property of the First Nation without compensation to the member; or,
 - ii) demand that the member, or their performance bond holder upon the member's failure, remove all improvements, buildings, structures from the land and remediate the land to the condition it was in before the Conditional Grant was offered to the member.
- q) A band member who has received a Conditional Grant of land approved by Chief & Council and who loses that Conditional Grant as a result of a settlement agreement or order concerning the disposition of property following the dissolution of a spousal relationship is eligible to apply for a new Conditional Grant of land in accordance with this policy.
- r) The Conditional Grant of land by Chief & Council does not authorize the holder of the Conditional Grant to develop the natural resources, aggregate or minerals on or under the land subject to the Conditional Grant. The holder must comply with all other policies, procedures, by-laws and laws applicable to the use and development of natural resources, aggregate and minerals.

Part 5 - Transfer of a Conditional Grant

- a) A band member who is in possession of a Conditional Grant of entitlement for land may not transfer it.
- b) A band member holding a Conditional Grant and who ceases to be a member may, within six months, transfer the Conditional Grant to another member of Wahnapiatae First Nation, provided the Chief and Council approve of the transfer, or else the Conditional Grant is withdrawn.

Part 6 - Certificate of Possession

- a) When a member has fulfilled all of the conditions applicable to their Conditional Grant, they may request that Council formally allot the possession of the land to them, and seek a Certificate of Possession from the Minister confirming the allotment.
- b) When a letter requesting the certificate of possession from a band member is received, Chief and Council will approve a BCR allotting them possession of the land and seeking the certificate of possession from the Minister of Indigenous Services Canada, but only once all of the following conditions have been met:
 - i) The band member has provided documents that demonstrate that all relevant mortgages, loans and housing agreements have been paid in full;
 - ii) The band member has complied with all relevant policies, procedures and by-laws and has paid out all or any servicing fees or administration fees owing to Wahnapiatae First Nation;
 - iii) The Wahnapiatae First Nation Lands Department confirms that all conditions applicable to the Conditional Grant have been fulfilled; and,
 - iv) Potable Water and Septic Systems are installed and proof of passing inspection by Health Canada are provided to the Lands Department.
 - v) A source of power, hydro or solar are installed with detailed documentation of inspection.
 - vi) A registered Canada Lands Survey of the lot.
 - vii) The building has been inspected and is fully compliant with the applicable building code.
- c) The Certificate of Possession shall be transferred to Wahnapiatae First Nation as may be required to allow a band member to participate in a housing program (ie. Section 10 and 95) as authorized by Wahnapiatae First Nation
- d) A certificate of possession for land must meet all ISC and governmental requirements for a certificate of possession. All certificate of possession will be registered in the First Nations Lands Registry.

Part 7 - Cancellation

- a) Should any member of the Wahnapiatae First Nation default on any legal obligations to the First Nation and have an outstanding debt associated with the land or any other debts owing to Wahnapiatae First Nation, then the Wahnapiatae First Nation may cancel the member's Conditional Grant, or deny the member's request to have the land allotted and a Certificate of Possession issued to the member under this policy.

Part 8 – Acknowledgment

I acknowledge that I have read and understand the above Lot Distribution Policy and procedures in its entirety and agree to abide by the policy guidelines. I have been informed about the content, requirements, and expectations of the Lot Distribution Policy and I have received a copy of the Lot Distribution Policy.

Print Name

Date

Signature

Wahnapitae First Nation Lands Department

