

COUNCIL POLICY



REGIONAL MUNICIPALITY
OF WOOD BUFFALO

Document Name: Historical Indigenous Residential Land Ownership

Department Name: Planning and Development Services

Document Number: LDI-100

Effective Date: October 8, 2024

Next Revision Date: October 8, 2027

STRATEGIC PLAN LINKAGE

Rural and Indigenous Communities and Relationships

PURPOSE AND OBJECTIVE

The Historical Indigenous Residential Land Ownership Policy (the “Policy”) outlines the eligibility requirements for transferring legal ownership of certain qualifying parcels from the Regional Municipality of Wood Buffalo (the “Municipality”) to Indigenous persons having a historical and continuing connection to these parcels. The Policy is a fair and equitable approach to addressing past inconsistencies and potential injustices in relation to Indigenous residential ownership. The Policy aligns with the Truth and Reconciliation Commission’s 94 Calls to Action and demonstrates the Municipality’s commitment to addressing Historical Indigenous Residential Land Ownership issues, guided by Call to Action 47. The term “Historical Ties” is used throughout this Policy to acknowledge the deep-rooted connection most Indigenous families have with the land, and to recognize their stewardship, traditional land use, and socio-cultural impact within the region.

GENERAL PRINCIPLES

1. Definitions:

- 1.1. “Applicant” means a person who believes that they are eligible under this Policy for a disposal of Municipal Real Property, and includes their agent.
- 1.2. “Application” means an application by an Applicant pursuant to this Policy, with all supporting documentation.
- 1.3. “Disposal” means a transaction that removes Real Property from the municipal land inventory by sale, lease, licence, exchange, gift, easement, or other means to a third party.
- 1.4. “Historical Ties” means long-term, continuous residency and use of a parcel of land, now registered in the name of the Municipality, by Indigenous persons or families who have resided on the subject parcel of land in a familial structure for at least One Generation.
- 1.5. “Indigenous” means individuals identifying as Indigenous, including First Nations, Métis, and Inuit peoples.
- 1.6. “One Generation” means the average period, generally considered to be about 20 to 30 years.

- 1.7. "Real Property" means any right, interest, or benefit in land, real or equitable, which includes improvements on, above, or below the surface of the land. The ownership of such real property entails the right of use, control, and Disposal of land and all buildings and structures constructed on such land or any other interest in land.

2. Responsibilities:

2.1. Council to:

- 2.1.1. approve this Policy and any future amendments.

2.2. Chief Administrative Officer (CAO) to:

- 2.2.1. recommend amendments to this Policy;
- 2.2.2. support the implementation of this Policy; and
- 2.2.3. ensure compliance with this Policy.

2.3. Directors to:

- 2.3.1. comply with this Policy; and
- 2.3.2. recommend amendments to this Policy.

3. General Procedures:

3.1. Land Eligibility:

- 3.1.1. To be eligible, Real Property must meet all of the following requirements:
 - 3.1.1.1. the Municipality is named as the owner on title;
 - 3.1.1.2. have an existing residential dwelling on the subject parcel of land;
 - 3.1.1.3. be within the Municipality's jurisdiction; and
 - 3.1.1.4. not have a tax account or utility account associated with the subject parcel of land in arrears.

3.2. Resident Eligibility:

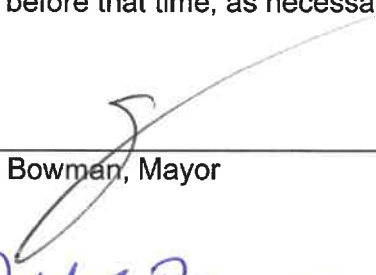
- 3.2.1. To be eligible, an Applicant must meet all of the following requirements:
 - 3.2.1.1. currently live in the existing residential dwelling on eligible land;
 - 3.2.1.2. be of Indigenous descent;
 - 3.2.1.3. demonstrate that the dwelling on the eligible land is their primary residence;
 - 3.2.1.4. have resided or have relatives who resided for at least One Generation on the eligible land;
 - 3.2.1.5. demonstrate Historical Ties to the eligible land through oral histories, community recognition, or historical records; and
 - 3.2.1.6. not have a tax account or utility account in their name or the name of any relative in arrears for the eligible land.

- 3.2.2. In determining eligibility of either Real Property or an Applicant, the Municipality will consider all relevant evidence, including but not limited to the following documents:
 - 3.2.2.1. historical or current land agreements;
 - 3.2.2.2. property tax or utility statements;
 - 3.2.2.3. historical land title certificate for the Applicant in the Applicant's name, or in the name of a relative; or
 - 3.2.2.4. endorsement letter from the community.
- 3.2.3. The Municipality reserves the right to exercise its unfettered discretion in considering all eligibility criteria.
- 3.3. **Assessment Process:**
 - 3.3.1. An Application may be submitted by an Applicant.
 - 3.3.2. Following submission, an Application shall be reviewed for eligibility by staff from the Indigenous and Rural Relations department with support from other departments as deemed necessary.
 - 3.3.3. A determination of eligibility by the Municipality pursuant to this Policy is final.
- 3.4. **Community Engagement:**
 - 3.4.1. The Municipality will undertake meaningful engagement with potential affected Indigenous communities and residents to document relevant histories, perspectives, and traditional knowledge.
 - 3.4.2. Applications will be processed in a timely fashion, with regular communication with Applicants throughout the application process.
- 3.5. **Subdivision Requirements:**
 - 3.5.1. Where a dwelling is located on a portion of a parcel exceeding 0.81 hectares (2.0 acres) in area, a proposed disposition area of up to 0.81 hectares (2.0 acres) in area shall be determined by the Municipality and be subdivided from the larger parcel prior to transfer of ownership, unless such subdivision will impose conditions or requirements which the Municipality considers to be unreasonable.
 - 3.5.2. Any required subdivision must be completed prior to transferring legal ownership to an Applicant.
- 3.6. **Agreement:**
 - 3.6.1. Successful Applicants will be required to enter into a sale agreement with the Municipality.
 - 3.6.2. The sale agreement will be subject to standard terms and conditions and be for nominal consideration.
 - 3.6.3. Upon closure of the sale, legal ownership of eligible Real Property will be transferred to the successful Applicant.
- 3.7. **Fee Structure:**
 - 3.7.1. The Application must include any applicable fees.


- 3.7.2. Legal ownership of eligible Real Property will be transferred for nominal consideration as this is, in part, a response to Truth and Reconciliation principles.
- 3.7.3. Transfer of legal ownership must be carried out in accordance with all requisite legal requirements, including but not limited to sections 70, 428(2), and 606.1 of the *Municipal Government Act*, as amended.

APPROVAL

This Policy was approved by Council. It will be reviewed no later than its next Revision Date to determine its effectiveness and appropriateness. It may be assessed before that time, as necessary.



Sandy Bowman, Mayor



Jade Brown, Chief Legislative Officer

October 8, 2024

Date

SUPPORTING REFERENCES AND POSITION RESPONSIBLE

Legal References: Chief Administrative Officer Bylaw No. 17/021
 Income Tax Act, RSC 1985, c. 1 (5th supplement)
 Land Titles Act, RSA 2000, c. L-4
 Land Use Bylaw No. 99/059, as amended
 Municipal Government Act, RSA 2000, c. M-26
 Rural Area Water and Wastewater Service Connection Bylaw No. 20/009
 Subdivision Authority Bylaw No. 14/006
 Surveys Act, RS.A., 2000, c. S-26

Cross References: Acquisition and Disposal of Interests in Real Property Policy LDI-030
 Code of Conduct Administrative Directive HRM-600-D
 Conflict of Interest Administrative Directive HRM-610-D
 Donation Management Policy FIN-310
 Property Tax Relief Policy FIN-280
 Property Tax Relief Administrative Procedure FIN-280-P01

Position Responsible: Director, Planning and Development Services

COUNCIL POLICY DETAILS AND REVISION HISTORY

Date	Action	Description
October 8, 2024	Introduction	New Historical Indigenous Residential Land Ownership Policy.