



## Kwanlin Dün Land Registry Initiative Citizen Update July 5, 2016

### Background and context

The land registry initiative is one part of the KDFN land management system. The KDFN land management system includes;

- KDFN's *Lands and Resources Act*;
- land policies, plans and administrative procedures;
- land development assessment and review processes;
- monitoring and enforcement procedures; and,
- a land registry process.

The KDFN government has been working on all of these parts of its land management system for many years. It is important that each part of the land system works together for KDFN to implement its *Lands and Resources Act* and manage its settlement lands.

Another activity underway, for example, is the Settlement Land Visioning project which will ensure that the community's values are reflected in the planning, management and use of settlement and non-settlement land throughout KDFN's traditional territory. Updates on the Land Vision project are available at [www.kwanlindun.com](http://www.kwanlindun.com).

### Why does KDFN need a land registry?

It was always the intention of the visionaries of Kwanlin Dün self-government and land claim negotiations that KDFN settlement land be available for its citizens forever.

Also, that KDFN land and its resources bring prosperity to the First Nation while Aboriginal rights and title on settlement land be retained forever.

Once Kwanlin Dün settlement land leases can be registered in an independent Land Titles Office, the economic potential of settlement lands can be more fully developed by the government and KDFN citizens. The work has been to ensure that settlement land retain its Aboriginal rights and title.

### What is a land registry?

A land registry is an independent system widely used in Canada. Here in the Yukon, the system is administered through the Land Titles Office. It is a trusted and known system that people (land owners and leaseholders) and lenders (banks and financial institutions) use to confirm ownership, leases and mortgages. A land registry system gives people and lenders confidence to lease land and lend money for mortgages.

Kwanlin Dün First Nation Council and the Department of Lands and Resources have been working on the Land Registry initiative for more than four years.

The work has been to find a way that allows KDFN settlement land to be leased and registered through a leasing arrangement and recorded in a land registry system, while maintaining KDFN Aboriginal rights and title to the land.

The work required research, negotiation and legal study in a new area in Kwanlin Dün self-government. KDFN is about to take an important step toward developing its economic potential and, for citizens, who want a mortgage and qualify, to get one.

### **What does this mean to KDFN citizens?**

Not all KDFN citizens are interested in obtaining a mortgage and some may not have the income to qualify, but for those that do, a registered lease provides assurance to them and to lending institutions.

This means that with a registered lease Kwanlin Dün citizens, and the KDFN government, may approach potential lenders - like banks, for mortgages, and/or other funding agencies, but the title and the rights to the leased land remain with the First Nation.

The Lands and Resources Department still has work to do on the land leasing process, but once a land leasing system is in-place, KDFN citizens may apply to the Lands Department for a residential lease. The lease may then be registered with the Yukon Land Titles Office and they may obtain, if they qualify, mortgages and/or home improvement loans to build.

### **How is this done?**

To do this, the First Nation had to find a way to be able to lease and register its land that would satisfy potential lenders **AND** keep Aboriginal rights and title on the leased land.

The Yukon has an existing independent land registry system, similar to systems in other parts of Canada. For KDFN to register leases, and provide assurance to lenders and leaseholders in the registry system, it has to show that a registered lease has priority over Aboriginal rights and titles for the period the lease or mortgage is registered in the Land Titles Office.

To do this, KDFN has to add a clause to its Self-Government Agreement stating that while settlement land is registered in the Land Titles Office, the rules and procedures of the registry system apply to the land and prevail over KDFN laws. This does not affect other self-government powers to control the use and management of the land, nor does it open the Self-Government Agreement. It is an addition to provisions currently available in the agreement.

The Kwanlin Dün First Nation Self-Government Agreement authorises Council to consent to an amendment to the Self-Government Agreement (section 6.2.1) without a referendum.

The Final Agreement (section 5.9) says that when KDFN authorises a lease agreement for a parcel of settlement land and that lease is registered with the Land Titles Office, the registered lease or mortgage has priority over Aboriginal rights and title for the period the land is registered in the Land Titles Office only.

This addition provides a common understanding and certainty for potential lenders and leaseholders. When the lease or mortgage expires, the priority over Aboriginal title is gone. Kwanlin Dün may then de-register the title from the Land Title Office.

**Next steps for Land Registry initiative:**

- Council has passed a resolution to consent to the amendment to the KDFN Self-Government Agreement (September 2015)
- Governments of Yukon and Canada sign Orders-in-Council to amend the KDFN Self-Government Agreement
- Government of Yukon passes amendments to the *Yukon Land Titles Act* in the Yukon Legislature to allow for registration of settlement land in the Land Titles Office (Announced July 5, 2016)
- Council passes amendments to the KDFN *Lands and Resources Act* to allow for registration of settlement land in the Land Titles Office
- KDFN and the governments of Yukon and Canada sign amendments to the KDFN Self-Government Agreement.

**For more information, please contact the Lands and Resources Department at 633-7866**