



First Nations Ownership of Land and Registration with the Land Title Office

What We Heard

March 2024



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The Province heard a variety of perspectives and ideas on the proposed legislative amendments from First Nations, Modern Treaty Nations, Tribal Councils, Indigenous Governing Bodies and business and industry organizations. In some cases, the Province heard the same concept expressed in different ways. The Province has made best efforts to reflect back the fundamental points raised, even where slightly different words may be used. This report does not reflect comments that included out of scope content, racist content, etc.

This report is a summary of the key themes raised in the engagement work carried out to date, answers to common questions, and outlines next steps that the Province will be taking.

Acknowledgement

Thank you to everyone who generously gave their time and so openly shared their feedback, questions, stories, lived experiences, hopes, frustrations and optimism.

We acknowledge with gratitude that this report has been created on the territories of the Ləkʷəŋən Peoples, today known as the Songhees and Esquimalt Nations.

Executive Summary

The Province is considering legislative amendments to enable First Nations, that are recognized as legal entities under federal law (e.g., *Indian Act* bands), with the ability to acquire, hold and dispose of land in B.C. and register land interests in their First Nation name in the B.C. Land Title Office. This contrasts with the current system in place, which requires a First Nation hold land through an incorporated entity that the First Nation controls or to use other alternative arrangements such as trusts or proxies.

The intended effects of the proposed amendments are meant to reduce administrative and financial barriers when dealing with land interests, giving First Nations a choice for how they will acquire, hold, and dispose of land. This aligns with how individuals and corporations engage with fee-simple land holdings.

Since December 2023, the Province has been engaging with First Nations, Modern Treaty Nations, the federal government, local governments and industry and business organizations to gain feedback about these proposed legislative amendments.

The Province's intention is for legislative amendments to be introduced during the spring 2024 legislative session.

This report describes the engagement activities that have taken place so far, including feedback and questions collected during engagement, along with responses given from the Province.

Collaborative engagement process and activities



240+

Consultation invitation letters to First Nations, Modern Treaty Nations, governments, industry and business organizations



6

Virtual consultation sessions with First Nations



1

Public information webpage listed about the proposed legislative amendments



100+

Participants in consultation sessions and meetings

What we heard

Key areas of interest included:

- Costs associated with transferring land and land ownership (e.g., Property Transfer Tax, tax sales or non-payment of taxes or debts)
- Potential tax liability or changes to the tax system
- Use of lands and local government services (e.g., local government jurisdiction)
- Economic development
- Legal capacity of First Nations and potential liabilities, and
- Potential implications on treaty negotiations.

Introduction

Throughout Canada's history and legal framework, First Nations have largely been excluded from directly owning land.

Currently, unless enabled by specific legislation such as through treaties or other federal legislation, the majority of First Nations in B.C. are unable to acquire, hold, and dispose of land in their own names. To buy or hold land interests, such as fee simple land and leaseholds, most First Nations must undertake the additional administrative processes of setting up a corporation or use alternative arrangements (e.g., proxies, federal trust, societies, and individual members) to do something that that other levels of government and British Columbians often take for granted.

Except in limited circumstances, federal law does not confer full powers and capacities to hold land on a First Nation. The Province has legislative authority for property and civil

rights, including the establishment and management of B.C.'s land title system, and can make changes to remedy this issue.

First Nations in B.C. have long called to all levels of government to remove this discriminatory barrier to land ownership and enable them to directly own land, rather than through proxies such as corporations, societies, and individual members.

The Province, in consultations with First Nations and other partners, is developing a B.C.-based solution to the issue of First Nations not qualifying to own and register land in their own name. The proposed legislative amendments, administrative and enabling in nature, would give First Nations a choice for how they will acquire, hold, and dispose of land — they can continue to do so under a corporation or choose to own land in the name of the First Nation. This administrative change will provide First Nations with the same rights and obligations that individuals and corporations currently have as landowners.

The proposed legislative amendments are consistent with *the Declaration on the Rights of Indigenous Peoples Act (Declaration Act)*. The *Declaration Act* creates a path forward that respects the rights of Indigenous Peoples. It includes that Indigenous Peoples exercise and have full enjoyment of their inherent rights, including the rights of First Nations to own, use, develop and control lands and resources within their territories in B.C.

These amendments would meaningfully support and enable advancement of:

- The [Declaration Act Action Plan commitment 4.25](#) (Work with Indigenous Peoples to build more on and off-reserve housing and pursue new federal contributions)
 - By providing improved flexibility and accessibility for First Nations to directly hold land by removing an additional administrative and financial barrier to housing.
- The [Truth and Reconciliation Commission Call to Action No. 45](#) which calls upon the federal government to reconcile Aboriginal and Crown constitutional and legal orders to ensure Aboriginal people are full partners in confederation, and
- The implementation of the [United Nations Declaration on the Rights of Indigenous Peoples](#), including Articles
 - 3 – First Nations pursuing their rights to self-determination
 - 4 – Self-government
 - 5 – Strengthen their political, legal, economic, social, and cultural institutions
 - 18 – Participate in decision-making on matters which would affect their rights
 - 25 – Their right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard

- 26 (1) – The right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired, and
- 26 (2) – The right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired (Article 26 (2)).

Proposed Legislative Amendments

The Ministries of Water, Land and Resource Stewardship (WLRS) and Indigenous Relations and Reconciliation (IRR) are proposing legislative amendments to the *Property Law Act* (PLA) and the *Land Title Act* (LTA) to be introduced this 2024 spring legislative session.

The proposal is for focused amendments to specify the capacity of First Nations, and to introduce the administrative provisions related to the registration of applicable land in the B.C. Land Title Office, which would be similar to requirements already in place for corporations and Modern Treaty First Nations. Current arrangements used by First Nations would continue to be options for First Nations but would become a choice rather than a requirement.

Scope of proposed amendments

The proposed amendments will:

- Define First Nation as meaning a body of First Nation individuals recognized as a legal entity under federal law (“First Nation”)
- Confirm that a First Nation may acquire, hold, and dispose of land in British Columbia
- Confirm that an individual who represents a First Nation is still liable for acts of the First Nation that are beyond the powers of the First Nation
- Identify administrative requirements to register the land in the Land Title Office
- Address regulatory changes in other statutes related to First Nation owners to avoid gaps in provincial law when facilitating the registration of land by First Nations, and
- Provide certainty to the procedures that apply to First Nation land transactions in the Land Title Office.

The proposed amendments will not:

- Change the jurisdictional arrangements for land
- Create or recognize any new legal entities
- Take away the rights of any person with the power to acquire, hold, and dispose of land in British Columbia
- Directly impact the broader public in any way
- Impact or take away current provisions that are applicable to Modern Treaty First Nations or
- Change the current tax system in any way.

Proposed Property Law Act provisions

This proposal would introduce new provisions into the *Property Law Act*:

1. Including a definition of 'First Nation', and
2. Providing that a First Nation can acquire, hold, and dispose of land in British Columbia.

Proposed Land Title Act provisions

This proposal would introduce new provisions in the *Land Title Act*, which will provide certainty to the procedures that apply to First Nation land transactions involving the B.C. Land Title Office, including:

1. Ensuring all persons dealing in good faith with the First Nation, as well as the registrar, can rely upon instruments (forms under the *Land Title Act* for transfers and other interests like mortgages etc.) signed by a First Nation
2. Ensuring individuals signing instruments are responsible if they attempt to carry out acts that are not properly authorized or are beyond the capacity of the First Nation in a manner similar to provisions that exist for individuals acting on behalf of corporations
3. Addressing how instruments would be executed by or on behalf of First Nations, and how the Land Title Office would consider instruments and related documents – these provisions would be substantially the same as those currently in place for companies and Modern Treaty First Nations, and
4. Establishing the limitations of liabilities for the Assurance Funds, the LTSA, and the Minister.

Engagement Approach

Broad consultations with First Nations, key partners, local governments, the federal government and business organizations have been underway since late 2023 and remain ongoing.

In December 2023, a summary of the proposal was published on a provincial government webpage gov.bc.ca/FirstNationsLandRegistration. A contact is listed for questions and comments to be submitted. The presentation from one of the virtual consultation sessions is also available to view on this webpage.

First Nations, Modern Treaty Nations and the First Nations Leadership Council

As part of ongoing discussions, engagement on the proposal for amendments with First Nations rights holders in B.C. took place. This supports the Province's commitment under section 3 of the Declaration Act to "take all measures necessary to ensure the laws of British Columbia are consistent with the Declaration."

Consultation letters were sent to the First Nations Leadership Council as well as 233 First Nations and First Nations organizations on December 12, 2023. Six virtual consultation sessions were hosted between December 18, 2023, and January 19, 2024. In total, 63 individuals representing 44 First Nations and First Nations organizations participated in the sessions and related meetings. Additionally, provincial government staff reached out directly to follow-up with several First Nations and conduct one-on-one meetings. Correspondence was sent to Modern Treaty Nations with direct follow-up taking place by email and phone. The proposed approach was also discussed with First Nations Leadership Council.

Themes identified by First Nations as part of consultation have indicated general support for the proposal, as well as questions relating to financial costs associated with transferring of land such as Property Transfer Tax and rights and responsibilities associated with land ownership.

Business and industry organizations

The Province provided information on the proposal, and held consultations with the following interested governments, business, financial and industry organizations, with numerous meetings taking place:

- Law Society of British Columbia
- Society of Notaries Public of British Columbia
- Canadian Bankers Association
- Canadian Credit Union Association
- New Relationship Trust

- British Columbia Business Council
- Insurance Bureau of Canada
- Canadian Housing Mortgage Corporation (CMHC)
- Canadian Bar Association – BC Branch
- Government of Canada
- Union of BC Municipalities (UBCM)
- British Columbia Real Estate Association

The consultation process ranged from providing an initial engagement letter or email to virtual meetings depending on the interests of the consulted party.

What We Heard

Feedback on the proposed legislative amendments has been wide-ranging and comprehensive, which is being used to inform legislative drafting. Underpinning this feedback has been a clear message: the change is needed to remove this discriminatory barrier to land ownership and enable First Nations to directly own land in their own names.

In the discussion that follows, the thematic headings and bullet points are based on comments received by all those who have participated in consultations. As the goal is to accurately reflect all the feedback received, specific comments have not been listed in any order nor does inclusion of a comment imply that it represents the shared view of all who provided feedback. Where appropriate, different views on the same topic are included.

Several key themes emerged during the engagement activities, with discussions focusing on:

- Costs associated with transferring of land and land ownership (e.g., Property Transfer Tax, tax sales or non-payment of taxes or debts)
- Potential tax liability or changes to the tax system
- Use of lands (e.g., local government jurisdiction, jurisdiction and authority over lands)
- Local government services
- Economic development
- Legal capacity of First Nations and potential liabilities
- Implications for Reserve Land and Addition to Reserve Applications (ATR), and
- Potential implications on treaty negotiations.

We also heard many important questions and concerns outlined in the following themed sections.

Cost implications, tax liability, property taxes, and potential changes to the tax system

What are the fiscal implications of these amendments?

Fiscal implications for government

- There are no immediate fiscal impacts to government as the amendments are enabling in nature.

Fiscal implications for First Nations:

- First Nations would be responsible for any fees or taxes associated with transferring land to themselves directly if they choose to do so.
- These amendments remove the necessity for First Nations to utilize corporations or other business arrangements to acquire, hold, and dispose of land on their behalf which has a potentially positive economic impact.

Will property taxes be applicable to properties?

- Property taxes would apply to land owned by First Nations.
- Any changes to the existing property tax system in B.C. are out of scope and not considered in the proposed legislative amendments.

Will these amendments change the tax treatment of First Nations in B.C.?

- There will be no change of tax treatment of First Nations in B.C. by the Canada Revenue Agency or on the provincial side with property tax.

What are the legal/liability/tax implications of an Indian Act band holding land directly?

- These implications are not being directly addressed or considered as part of this proposal.
- First Nations should receive their own professional advice as to what works best in their circumstances.

What happens if property taxes aren't paid, will First Nations lose their land? Will there be special process put in place with a First Nation that has used rights to acquire property? There should be a process for lost land (fee simple land that has become disentitled), if the property tax relief is in place maybe these issues won't arise.

- Under this proposal a First Nation would have the same rights and responsibilities as any other landowner.

- This proposal does not impact reserve land. Ownership of land directly by a First Nation would be the same as if it were owned by a company, individual, or other entities — and have the same rights and liabilities.
- Changes to property taxation laws are not contemplated as part of this proposal due to scope, complexity, and timing concerns.
- Currently, if the tax statutes are applied, there are provisions within them regarding tax sales and other recovery methods. Ultimately, the properties are vulnerable to a tax sale process if they continue to not be paid under a tax paid land. The corporate entity and proxy are also subject to taxation.
 - Remedies that do apply and include tax sales are dependent on the use of the land, what taxation is occurring and what exemptions are available.
- If the lands were acquired as part of reconciliation, it would represent a distinct piece of analysis, and would likely have broader implications including for the ability for land owned by First Nations to be used to secure loans.

Is tax relief being considered? Will property tax fees be waived for a First Nation if they owned land in their name? If not, under what Act would the property tax be applied?

- That's not a part of these specific amendments. This proposal does not wave property tax and the property tax regime would be the same as what it is now.
- With land transfers, the *Property Transfer Tax Act* would apply; annual property taxes would be applicable to the property as well.

Registration of land, potential implications of transferring land, effect of transferring land on Property Transfer Tax (PTT)

How will a First Nation register land in the Land Title Office if the amendments are approved?

- To register an application from a First Nation in its name, the registrar may rely on the representations of First Nations signatories and can be satisfied in some other manner that the First Nation is actually “a legal entity under federal law”, similar to checking that a corporation actually exists at the time of registration.
- In the case of corporations, the registrar can verify the existence and status of the corporation by various means including:
 - Checking the corporate registry (for B.C. and federal corporations)
 - Requiring a certificate of status as a supporting document to the application (for corporations established in other jurisdictions), or

- Being pointed to (by words in the application) the special purpose statute that establishes the corporation and then checking the statute exists and is in force.

How do these regulations correlate with articles 14 and 15 of the Declaration on the Rights of Indigenous Peoples Act?

- This proposal is separate — it's about amending the Land Title Act.
- This proposal will ensure that First Nations can directly own land, in the same way as companies and private individuals — and that in doing so they will have the same legal rights and responsibilities as other landowners.
- This proposal does not in itself operate to effect a change of ownership of lands to First Nations.

Would transferring land owned by proxy to the First Nation directly be considered a disposition?

- Generally, transferring land from one entity to another is a disposition by the person transferring and an acquisition by the person receiving. However, such a disposition may be subject to different characterizations in various legal, accounting, financial, and business planning contexts.
- First Nations should obtain professional advice to help inform a decision on whether they should transfer lands from proxies to themselves directly.

Would previously held land owned by proxy transferred to a First Nations directly be open to taxation?

- The same property tax that is in place would apply to the land held by a First Nation, in the same manner that it applies to a corporation or individual proxy.

Will there be financial relief provided to First Nations if they are switching land ownership registered in the Land Title Office from a proxy into the name of the First Nation? There was no financial relief tied to the land that the First Nation had to register through a proxy, now there would be a disposition between these two entities.

- The Province is exploring the consideration of financial relief as it is not in the current scope of this proposal, specifically what the implications are from transferring registered land ownership from a proxy to a First Nation directly.

What is the rationale for not providing financial/legal relief for changing registered ownership of land?

- The decision to change land ownership is optional.
- Costs of changing land ownership could include Property Transfer Tax (PTT) Capital Gains Taxes, and legal or other professional services required to support re-registration. This could possibly have other legal or financial implications for the First Nation or the proxy.
- Consultation with legal and financial advisors when considering this decision is recommended.
- The Ministry of Finance can consider remission of PTT within the current legislative framework on a case-by-case basis.

Will there be an education component provided to First Nations who are considering changing ownership of land (e.g., First Nations should change insurance policy name holder)?

- A formal educational component is not currently planned by the Province.

A lot of First Nations Chiefs hold land in trust; transferring land from the Chief directly to the First Nation would trigger property transfer tax. Is the Province considering tax exemptions in this case?

- The ability for the Province to exempt a class of transactions, or individual transactions, from property transfer tax exists.
- A blanket exemption is not included in this proposal as legislative change is not needed to grant property tax exemptions.
- The Ministry of Finance considers property tax exemptions on an individual basis; it may not be appropriate to issue an exemption in all circumstances (e.g., commercial use).

Has there been any consideration to a potential dual registration issue (e.g., federal reserve land being register in the Land Title Office in the name of the First Nation)?

- Registration of reserve land is completely distinct and not in scope of this proposal.

Will First Nations be able to acquire and register land that is outside of their territory/inside another Nation's territory?

- Yes — though that no different than the current situation, it's just that currently First Nations are forced to buy the land through proxies such as corporations, societies and individual members.

Government can establish municipal boundaries, which can impact land use, taxation and service delivery. Will the proposal impact municipal boundaries?

- No. The proposal is not altering municipal boundaries or the procedures for changing municipal boundaries.

Is there any similar way B.C. could assist First Nations, especially rural First Nations to get more land that they have control over?

- This proposal is allowing First Nations to acquire fee simple land anywhere, this is the ability to acquire, hold, and dispose of land in a First Nation's name.
- Other, additional legislative changes would be required or need to be considered to achieve what the question is asking.
- The short answer is that it is not in scope of this current proposal, but it is a part of what is negotiated through treaties, reconciliation agreements, and other constructive arrangements.
- First Nations may acquire land through several methods (e.g., willing seller, willing buyer; agreements with the Province or Canada etc.)

Interested to know about the self governing First Nations and land in their name, what happens to them?

- As long as that body is recognized under a federal statute, they would be eligible to register land in the name of their First Nation.

Implications for Reserve Land and Addition to Reserve Applications

How would the proposal impact or change how interests on reserve lands could be recognized?

- The proposal does not affect the recognition of interests on reserve lands.
- To clarify, the proposal is limited to off-reserve land.

How will these changes affect Addition to Reserve (ATR) process and ATR applications?

- The Addition to Reserve (ATR) process will remain the same. However, a First Nation could directly hold a parcel prior to its transfer to Canada as part of ATR.
- There would be no impact on ATR applications.

Will First Nations be able to register their land as reserve land, if it is already designated as such?

- This is a proposal that would only be eligible to support fee simple land — not reserve land.
- The ATR process is long. The Province participates, but there is a federal requirement to the process. This proposal doesn't address the federal concerns around reserve lands and the path it takes to get there.
- It will not affect any change on the federal process that is required. We will continue to do our best to make these processes efficient.

Jurisdiction and authority over lands, need for additional lands

Does this proposal change the governance authority of First Nations (bands)?

- This proposal will enable First Nations to acquire, hold, and dispose of land, and register applicable interests in the Land Title Office.
- This proposal does not change the governance authority of First Nations, or their authorities mandated by their members or through Federal law.

What does “federally recognized legal entities” mean? Will First Nations be treated as corporate entities more generally? Are Tribal Councils included in this definition, for example?

- This proposal is specific to land and will enable First Nations that are recognized as legal entities under federal law to acquire, hold, and dispose of land.
- This includes Indian Act bands, and other First Nations that are recognized under federal law.
- Tribal Councils may currently hold land if they are incorporated under federal or provincial law as a company or society. This proposal would include Tribal Councils if they are recognized as legal entity under federal law.

Are there clear witnessing requirements for Land Title forms?

- Requirements for witnessing of the authorized representative's signature on documents would be included in the proposed legislation.
- As with corporations, pursuant the proposed legislation
 - An authorized representative would appear before a lawyer or notary public and make representations about the First Nation and their authorization to execute the document, and

- The representative's signature would be witnessed by the lawyer or notary public.

Can a First Nation's traditional territories be encroached upon by municipal boundary changes?

- The proposal does not change municipal boundaries, the rights and responsibilities of private landowners, or impact the Province's responsibility to consult with First Nations regarding potential impacts to their section 35 rights.

Can you clarify the difference between provincial and federal land registries and what registries these changes will impact?

- The Province has established and provides for the operation of the land title and survey systems in British Columbia under the *Land Title Act*.
- The proposed amendments pertain to land ownership in the Province generally, and pertain to how those interests are registered pursuant to the *Land Title Act*.
- The federal government maintains its own land registry, as do several First Nations for Treaty or Reserve land. The proposed *Land Title Act* changes do not address federal, First Nation, treaty or reserve land systems.

What are the potential impacts to local government and subdivisions?

- There is no impact to local governments and subdivisions.
- Laws of general application, including by-law requirements by local governments will continue to apply.

If a First Nation registers the land through a corporate entity and then changes ownership to the First Nation directly, who would own it? Would Chief and Council have the authority to do something with the land?

- The intent of the proposal is a First Nation (legally referred to as an Indian Act band) that is recognized as a legal entity will have the capacity to hold land in its name.
- The governance processes that would apply to its internal decision making would not be impacted by the provincial legislation.
- There would be execution and signature requirements, which are of the same type as Modern Treaty Nations, corporate entities and proxies.

Is the Province considering providing First Nations with more land that they would have control over, including potentially taxation powers?

- This proposal does not change governance or taxation arrangements for land.

Local government services

How will these changes affect municipal service agreements?

- Services within a municipality or regional district would not change.
- The applicable by-laws and rules would be engaged and remain unchanged; the same costs and services would be applicable to First Nations as are currently applicable to other landowners.

Would local government service agreements be required for land?

- Local governments would provide services on the same basis as they would for any other land within their jurisdiction.
- Service agreements, which are typically required for reserve lands, would not be required.

Economic development

Will these changes directly benefit communities through more economic development opportunities?

- First Nations have expressed that it can be easier to undertake development projects off-reserve.

Is there a potential for an increased direct borrowing power for communities as a result of this proposal?

- An anticipated effect of the proposed changes is that there may be an ability for First Nations to directly leverage property value.

Will there be challenges with building on-reserve compared to off-reserve due to additional requirements and higher costs?

- The proposal does not alter the process for building on-reserve or create additional requirements.

Legal capacity of First Nations and potential liabilities

Does the federal Framework Agreement on First Nations Land Management Act impact the capabilities of a First Nation that has adopted land codes under this Act?

- Under the *Framework Agreement on First Nations Land Management Act* and Framework Agreement on First Nations Land Management, a First Nation that has adopted a land code has “for any purpose related to First Nation land, the legal capacity to acquire and hold property, to borrow, to contract, to expend and invest money, to be a party to legal proceedings, to exercise its powers and to perform its duties.”
- That does not clarify the powers of a First Nation with a land code in relation to land, other than their reserve lands.
- This proposal would complement the Framework Agreement by clarifying the capacity of First Nations to directly acquire off-reserve land.
- This proposal does not impact the capabilities of a First Nation that has adopted a land code.

Can you clarify what individual liability means?

- If an individual has liability for actions that individual has taken or failed to take, that liability will continue to exist.
- The Province does not alter the remedies that a First Nations will have in respect to individuals that may have wrongfully taken action or failed to take action.

What do you mean that there are potential liabilities for individuals acting on behalf of First Nations?

- The *Land Title Act* will have provisions that describe how documents to be registered in the Land Title Office are to be signed by the authorized representative of a First Nation and include representations and proof of signature involving a lawyer or notary public. This is consistent with the existing rules that apply to corporations and Modern Treaty Nations.
- The provision that currently exist for other authorized representatives for corporations would be consistent with those proposed with respect to individuals representing First Nations.
- This means that when a person states that they are signing documents on behalf of a First Nation they must be authorized to do so.
- Actions, including document execution, without authorization may be subject to legal action.

What are the potential liabilities for First Nations due to direct ownership?

- Owning land directly may be subject to a series of considerations and implications which will vary depending on the situation.
- It is recommended First Nations consult with their professional advisors for legal, accounting, and financial advice when considering direct ownership.

Could you clarify if First Nations can be shareholders of their own corporations regarding personal property? Is this considered as part of these changes?

- The Province has heard that there should be greater clarity regarding the ability of First Nations to directly own shares.
- This proposal is specific to the ownership of land and does not template change to ownership of shares or other types of non-land interests.
- This issue may be explored at a future date.

Are there any escheat (death of property owner) implications to consider with this proposal? It seems there should be some sort of special process to regain lost land if that occurs — especially if First Nations have used title and rights to acquire property. Would property tax relief be considered in this case?

- Unlike corporate entities, a First Nation's continued existence is not dependent on annual corporate filings.
- A First Nation's choice to hold land directly will remove that issue of escheat that arises from corporate filings not taking place.

Would First Nations be able to obtain insurance coverage if they own land directly?

- The proposal does not address insurance coverage. First Nations could consider and seek insurance coverage for land they own directly.

Is it an issue that named insurance policy holder could be different from the provincial registry owners?

- Yes, this is an issue.
- When acquiring a property, a First Nation should also ensure that the First Nation has insurance coverage.

Would a *Land Owner Transparency Act* exemption be possible for a First Nation-only owned limited partnership?

- That is not part of this proposal.

The Province has received and will consider this question.

Implications on treaty negotiations

What would happen if a First Nation ratified a Modern Treaty with lands registered in their own name?

- Under this proposal a First Nation could directly acquire land prior to the effective date of a treaty or self-government agreement.
- Modern treaties generally provide that assets owned by a First Nation would continue to be owned by the First Nation upon their effective date.
- Provisions in the *Land Title Act* and other laws specifically consider Modern Treaty First Nations — those laws would apply to a new Modern Treaty First Nation once the effective date of a treaty occurs.

Conclusions and Next Steps

This document is intended to provide transparency and raise awareness to the proposed legislative amendments. All comments, questions, and concerns raised through consultation and engagement have been taken into account.

The Province aims to introduce legislation for debate and decision in the spring 2024 legislative session.

For more information, please visit gov.bc.ca/FirstNationsLandRegistration.

If you have any questions, comments or would like more information, please email LTI@gov.bc.ca.