

## **DFN COMMUNITY LANDS GNWT DISCUSSION PAPER**

This paper is without prejudice and is solely intended to stimulate discussion.

### **PURPOSE**

The purpose of a community lands chapter is to provide for the transfer most of the land in each community to the local Community Government to provide it with more autonomy in the exercise of its jurisdiction over local services.

### **Note**

The Dehcho Agreement would define the boundaries for each Dehcho community and how those boundaries could be amended.

### **LAND TO BE TRANSFERRED**

- The Dehcho Community Government would be vested with title to unsurveyed Crown lands within the community boundary on Effective Date as listed in an appendix
- The Dehcho Community Government would be vested with title to unsurveyed Commissioner's Land within the community boundary on Effective Date as listed in an appendix
- Canada would transfer title to surveyed Crown land within the community on Effective Date as listed in an appendix
- GNWT would transfer title to surveyed Commissioner's Land within the community on Effective Date as listed in an appendix

### **EXISTING INTERESTS**

- Not all lands within the community would be transferred to the Community Government.
- Existing interests on community land would continue in accordance with their terms and conditions and applicable Legislation.
- Persons who have fee simple title to land on Effective Date would retain that title.
- For persons who have a leasehold interest to land, the land may be transferred to the Community Government but the person's existing interests would continue in accordance with their terms and conditions and applicable Legislation.
- Government may also continue to own or administer specific lots being used for ongoing government purposes after Effective Date.

## **NATURE OF TITLE**

- The Community Government could have fee simple title to the surface only for the lands transferred.
- Community lands can be sold, mortgaged or pledged for security; could be seized or sold under court order; would be subject to the application of legislation; and would be subject to bylaws of the Community Government

## **SURVEYS AND ISSUANCE OF TITLE**

- This chapter would set out the process for surveys and the issuance of title, including by whom and at whose expense.
- Generally, Canada would be responsible before the Effective Date and the Community Government would be responsible after the Effective Date.
- Surveys would be conducted in accordance with the *Canada Lands Surveys Act*.
- A copy of the plan of survey would be deposited with the Lands Titles Office so that a certificate of title could be issued.

## **CONTAMINATED SITES**

- Clauses need to be included which address contaminated sites; who might be responsible for remediation; under what conditions; at whose expense; before and after Effective Date.

## **RIGHT TO ACQUIRE GOVERNMENT LAND**

- After the Effective Date, Government may offer fee simple title to lands that it no longer requires to the Dehcho Community Government first, then to other parties if the Community Government is not interested.
- A Dehcho Community Government would not be liable for payment of any consideration in respect of the value of lands, only for costs incurred to affect the conveyance.
- If improvements are done on the land before conveyance of title to a Dehcho Community Government, Government may grant an interest less than fee simple and the title would be subject to that interest.
- Government would not be obligated to convey title to the land if the land had been acquired by Government from the DFN Community Government upon payment of consideration, unless Government is paid by the Dehcho Community Government for the value of that consideration.
- Disputes to the amount paid to Government might be resolved in accordance with the Dispute Resolution Chapter.