



Mississaugas of The New Credit First Nation Residency By-law

No. 2003-07

FINAL: dated July 7, 2003



Mississaugas of The New Credit First Nation
Residency by-Law No. 2003-07

WHEREAS the Council of the Mississaugas of the New Credit First Nation desires to make a By-law for the regulation of residents on the **New Credit Indian Reserve No. 40A**;

AND WHEREAS section 81, paragraphs (1) (p), (p.1), (p.2), (q), and (r) of the *Indian Act* empower the Council of a Band of Indians to pass by-laws to provide for the regulation of the residence of band members and others living on reserve, matters arising out of or ancillary to the exercise of powers under this section, and the imposition of a penalty for the violation of any such by-law;

AND WHEREAS it is deemed expedient to the welfare of the inhabitants of the Mississaugas of the New Credit First Nation to regulate and control residence within the New Credit Indian Reserve #40A;

AND WHEREAS the Residency By-Law shall apply to residency only and does not infer any other right or benefit;

NOW THEREFORE the Council of the Mississaugas of the New Credit First Nation hereby enacts the following Residency By-Law.

SECTION 1.0 - TITLE AND STATUS

- 1.1 This By-law may be cited as the Mississaugas of the New Credit First Nation Residency By-law.
- 1.2 Pursuant to Section 82(2) of the *Indian Act* this By-law shall become effective 40 days after a copy has been mailed to the Minister, unless disallowed, or declared in force by the Minister earlier.

SECTION 2.0 - INTERPRETATION

2.1 In this By-Law:

“Appeal Board” shall consist of Chief and Council.

“Band Member” means a registered person whose name appears on the Mississaugas of the Credit Band List.

“Council” means the duly elected Council established for the Mississaugas of the New Credit First Nation.

“Dependent Child” is a child under the age of 18 years, attending school full-time, or who is physically/mentally disabled and whose one or more natural parents is a Mississaugas of the Credit Band Member.

“Electors” means a person who is (a) registered on the Band List, (b) of the full age of 18 and (c) not disqualified from voting in Band elections.

“First Nation” means the geographical area and populace over which the duly elected Council has authority – Mississaugas of the New Credit First Nation No. 40 A.

“Indian” means a person defined as an Indian pursuant to the provisions of the Indian Act or Mississaugas of the New Credit First Nation Membership Code.

“Mississaugas of the Credit” is the legal name of the First Nation.

“Mississaugas of the New Credit First Nation/Council” is the name Council has adopted by motion.

“New Credit Indian Reserve #40A” is the name of the reserve where we reside.

“Non-Member” means a person who is not a band Member of the Mississaugas of the Credit, residing within the New Credit Indian Reserve #40A

“Spouse” means a person who is either married or living common law.

SECTION 3.0 - ENTITLEMENT TO RESIDE

3.1 Every Mississaugas of the New Credit First Nation Band member has the right to reside on the **New Credit Reserve #40A**.

3.2 All Non-members are required to apply for a residency permit.

SECTION 4.0 - REGISTRAR OF RESIDENTS

4.1 The Registrar of Residents will be the Director of Research/Lands/Membership and will look after all of the applications, appeals and petitions made under this by-law.

4.2 A Resident’s List will be kept and will contain the following:

- a) the name of each resident
- b) where the resident is living
- c) reason resident is residing

SECTION 5.0 - APPLICATION TO BE A RESIDENT

- 5.1 Subject to Section 3.0 any person can apply for a Mississaugas of the New Credit First Nation Residency Permit.
- 5.2 Non Band members may be granted permission to reside on the **New Credit Indian Reserve #40A**: if
- a) S/He is a dependent child of a Mississaugas of the Credit Band member, or;
 - b) S/He is the spouse of a Mississaugas of the Credit Band member or;
 - c) S/He resides with a dependent child who is a member of the Mississaugas of the Credit Band, or;
 - d) S/He is a foster child or in the process of being adopted and resides with one or more members of the Mississaugas of the Credit Band, or;
- 5.3 Prior to being granted a residency permit, successful applicants are required to complete a 6 month probationary period.
- 5.4 The Residency Permit is valid for a period of 5 years. An application for renewal must be sent in and approved before the expiry date on the current Residency Permit.
- 5.5 Council may, subject to Subsection 5.2, grant permission to reside if it deems appropriate in the circumstances having regard to the following:
- a) Why applicant is applying to be resident.
 - b) How long applicant wishes to reside.
 - c) Where applicant will live.
 - d) Name of applicant's spouse.
 - e) Name and age of applicant's dependent children if any.
 - f) Any other pertinent information applicant wishes to provide.
 - g) Date and reason person ceased to be a band member, if applicable.
- 5.6 Council may apply conditions and costs to non-member residency on the New Credit Indian Reserve #40A. Conditions and costs will be determined by MNCFN Council on an annual basis.

- 5.7 It is the responsibility of the Non-Member to notify the Registrar of Residents if he/she is to be absent from the New Credit Indian Reserve #40A for an extended period of time (e.g. due to working away from home).

SECTION 6.0 - REGISTRAR OF RESIDENTS COMMITTEE

- 6.1 The Registrar of Residents Committee shall consist of the Registrar of Residents and two Councillors.
- 6.2 The Committee shall meet as required and establish its own operating procedures.
- 6.3 The Committee will try to reach consensus on approval of application for residency, failing this the Committee shall vote among themselves.

SECTION 7.0 - REVOCATION OF ENTITLEMENT TO RESIDE

- 7.1 Upon receipt of notice of revocation of entitlement to reside, all persons must vacate the New Credit Reserve #40A within 30 days, except as outlined herein.
- 7.2 Subject to Section 3.1, a band member will have his/her residency privileges revoked when he/she ceases, by reason of transfer or loss of entitlement, to be a member of the Mississaugas of the Credit Band.
- 7.3 In accordance with Subsection 5.2 [c], a non-member will have his/her residency permit revoked when he/she no longer has dependant children residing at the same residence.
- 7.4 In accordance with Subsection 5.2 (b), but notwithstanding 5.2 [c], and subject to Subsection 5.5, a non-member will have his/her residency permit revoked upon the death of the band member s/he is residing with.
- 7.5 a) Notwithstanding permits granted under Subsection 5.2 [c], and subject to Subsection 5.4, a non-member will have his/her residency permit revoked upon the death of the band member s/he is residing with.
- b) A non-member who has his/her residency permit revoked under section 7.5 (a) will be given one (1) year to vacate the New Credit Indian Reserve #40A.

- 7.6 If the Council receives a petition from ten electors, the Register of Residents Committee may revoke a person's residency permit/privileges, if it has been shown after a hearing that;
- a) the person has been convicted of an indictable offence under the Criminal Code; or
 - b) the person has been convicted under the Criminal Code for two (2) or more offences (within any 2 year period), against the person or property of another resident; or
 - c) the person has breached the Mississaugas of the New Credit First Nation By-laws and/or
 - d) It can be demonstrated that the actions of that person would be detrimental to the best interests of the First Nation.

SECTION 8.0 - PUBLIC HEARING

- 8.1 Subject to Subsection 7.6, The Registrar of Residents Committee will call a public hearing within 30 days after receiving a petition.
- 8.2 At least fourteen calendar days prior to the meeting/hearing, the Registrar of Residents shall:
- a) notify each petitioner and the resident in writing of the meeting time and place; and
 - b) post a copy of the notice in the Administration Office.
- 8.3 At the hearing, the Registrar of Residents Committee shall:
- a) provide each petitioner and the resident with an opportunity to present evidence and make oral or written submission, or both.
 - b) provide any other resident at the meeting with the opportunity to be heard.
- 8.4 The Registrar of Residents Committee may make rules to govern how the hearings are run and shall keep records of its hearing.

- 8.5 Within fourteen calendar days after all the evidence has been presented, the Registrar of Residents Committee will meet In-Camera to consider the petition.
- 8.6 Within ten days after the In-Camera meeting the Registrar of Residents will notify in writing, the petitioners and resident of its decision and provide reasons for decision.
- 8.7 Within five days of notifying the petitioners and resident, the Registrar of Residents will post a notice in the Administration Office.
- 8.8 A resident whose entitlement to reside on the New Credit Indian Reserve #40A has been revoked by the Registrar of Residents Committee under this section may appeal the decision of the Registrar of Residents Committee to the Appeals Board pursuant to Section 9.
- 8.9 No revocation of a resident's entitlement to reside on the New Credit Indian Reserve #40A shall affect the entitlement of the spouse and children of that resident to continue to reside on the New Credit Indian Reserve #40A.

Section 9.0 - APPEALS BOARD

The Appeals Board will consist of full Council.

Section 10.0 - APPEAL PROCESS

An individual who wishes to submit an appeal must do so in writing to the Registrar of Residents within ten days after receipt of the decision of the Registrar of Residents Committee. Any written evidence or documents shall be submitted by way of affidavit.

Within five days the Registrar of Residents shall verify the information and forward all the documentation to the Appeals Board.

Within seven days the Appeals Board shall consider all evidence filed and render a decision in accordance with the authority confirmed upon it by the Residency By-Law.

Once a decision has been reached, the Registrar of Residents shall notify the appellant and post a public notice within five days.

The final decision rests with the Appeal Board.

SECTION 11.0 – PENALTIES

- 11.1 Any person who contravenes any of the provisions of this by-law commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars (\$1,000.00) or to imprisonment for a term not exceeding thirty (30) days, or both.

Section 12.0 - AMENDMENTS

- 12.1 The Residency By-Law may be amended on an annual basis.
- 12.2 No amendment is valid until:
- a) Appropriate notice of the amendment is given to the membership through the mail and/or local media and Band members will be consulted at a public meeting.

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Mississaugas of the Credit First Nation Council, this _____ day of _____, 2003.

The quorum is set at _____. Number of Band Councillors present at the meeting _____.

I, _____, Chief of the Mississaugas of the Credit First Nation do hereby certify that an original of the foregoing By-law No. _____ was mailed to the Minister of Indian Affairs pursuant to Subsection 82(1) of the Indian Act, this _____ day of _____, 2003.

Chief (Councillor)

(Councillor)

(Councillor)

(Councillor)

(Councillor)

(Councillor)

(Councillor)

(Councillor)

Application for Residency

Name: _____

Band & Registry #: _____ Date of Birth: _____

Name(s) of minor children	Date of Birth	Band & Number
_____	_____	_____
_____	_____	_____
_____	_____	_____

Address of residence: _____

- Reason: S/He is a dependent child of a Mississaugas of the Credit First Nation Band Member
 S/He is the spouse of a Mississaugas of the Credit First Nation Band Member.
 S/He resides with a dependent child who is a member of the Mississaugas of the Credit First Nation.
 S/He is a foster child or in the process of being adopted and resides with one or more members of the Mississaugas of the Credit First Nation.

Length of time wishing to reside: _____

Name of spouse (if applicable): _____

Other information you wish to provide: _____

Signature of applicant

Signature of Band Member

Contact number



Indian and Northern
Affairs Canada

Affaires indiennes
et du Nord Canada

Chronological no. - N° consécutif 2003/2004-25
File reference no. - N° de référence du dossier

**BAND COUNCIL RESOLUTION
RÉSOLUTION DE CONSEIL DE BANDE**

NOTE: The words "from our Band Funds" "capital" or "revenue", whichever is the case, must appear in all resolutions requesting expenditures from Band Funds.
NOTA: Les mots "des fonds de notre bande" "capital" ou "revenu" selon le cas doivent paraître dans toutes les résolutions portant sur des dépenses à même les fonds des bandes.

				Cash free balance - Solde disponible	
The council of the Le conseil de		Mississaugas of the New Credit First Nation		Capital account Compte capital \$ _____	
Date of duly convened meeting Date de l'assemblée dument convoquée		D-J	M	Y-A	Province
		07	07	03	Ontario
				Revenue account Compte revenu \$ _____	

DO HEREBY RESOLVE:
DÉCIDE, PAR LES PRÉSENTES:

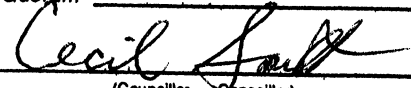
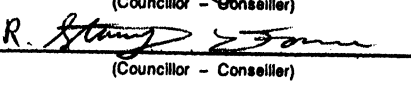
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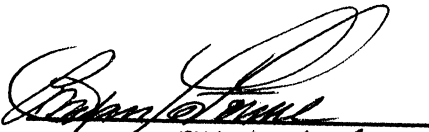
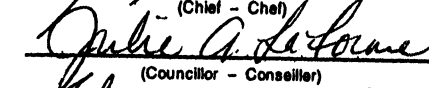

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NOW THEREFORE the Council of the Mississaugas of the New Credit First Nation hereby enacts the attached Residency By-Law No. 2003-07.

Quorum FOUR

 (Councillor - Conseiller)

 (Councillor - Conseiller)


 (Chief - Chef)

 (Councillor - Conseiller)

 (Councillor - Conseiller)

 (Councillor - Conseiller)


 (Councillor - Conseiller)

 (Councillor - Conseiller)

 (Councillor - Conseiller)