



# Mississauga First Nation

*(also known as; Mississauga River #8, Mississagi First Nation)*

## LAND CODE

June 2, 2009

TABLE OF CONTENTS

Preamble .....	1
PART 1 .....	1
PRELIMINARY MATTERS .....	1
1. Title .....	1
2. Interpretation .....	1
3. Authority to Govern .....	5
4. Purpose .....	5
5. Description of First Nation land .....	6
PART 2 .....	7
FIRST NATION LEGISLATION .....	7
6. Law-Making Powers .....	7
7. Law-Making Procedure .....	8
8. Publication of Laws .....	9
9. Commencement of Laws .....	9
PART 3 .....	10
COMMUNITY APPROVALS .....	10
10. Rights of Eligible Voters .....	10
11. Community Input .....	10
12. Community Approval at a Membership Meeting .....	11
13. Procedure at a Membership Meeting .....	11
14. Ratification Votes .....	13
PART 4 .....	14
PROTECTION OF LAND .....	14
15. Expropriation .....	14
16. Heritage Sites .....	17
17. Voluntary Land Exchanges and Protections .....	17
PART 5 .....	19
ACCOUNTABILITY .....	19
18. Conflict of Interest .....	19
19. Financial Management .....	21
20. Financial Records .....	23
21. Audit .....	24
22. Annual Report .....	25
23. Access to Information .....	26
PART 6 .....	26
LAND ADMINISTRATION .....	26
24. Lands Committee .....	26
25. Membership of the Lands Committee .....	28
26. Chairperson of the Lands Committee .....	30
27. Revenue From Lands .....	30
28. Registration of Interests and Licences .....	30
29. Duplicate Lands Register .....	31

---

# Mississauga First Nation Land Code

---

PART 7	32
INTERESTS AND LICENCES IN LAND	32
30. Limits on Interests and Licences	32
31. Existing Interests	32
32. New Interests and Licences	33
33. Certificates of Occupation	33
34. Allocation of Land	34
35. Transfer and Assignment of Interests	34
36. Limits on Mortgages and Seizures	35
37. Residency and Access Rights	36
38. Transfers on Death	38
39. Spousal Property Law	39
PART 8	40
APPEALS	40
40. Appeal Board	40
40.1 Panel Established	40
40.2 Appointment of Panel	40
40.3 Selection Process	40
40.4 Duties and Responsibilities	41
40.5 Qualifications	41
40.6 Term of Board Members	42
40.7 Ceasing to be a Board Member	42
40.8 Resigning as Board Member	43
40.9 Training	43
40.10 Resource Persons	43
40.11 Remuneration	43
40.12 Selection of Appeals Board for Hearing	44
40.13 Role and Authority of Appeals Board	44
40.14 Duty of Fairness	45
40.15 Fee for Service	45
40.16 Requesting Appeal Hearing	46
40.17 Time Frames for Appeal	46
40.18 Review and Response to Requests for Appeal Hearing	46
40.19 Notice to Parties	46
40.20 Location of Appeal Hearings	47
40.21 Chairperson and Recorder of Decision	47
40.22 Ground Rules and Procedure	47
40.23 Format and Structure of Appeal Hearing	47
40.24 Attendance at Appeal Hearing	48
40.25 Participation at Appeal Hearings	48
40.26 No Record of Appeal Hearing	48
40.27 Translation Services	48
40.28 Exchange of Written Information	48
40.29 Witnesses at Appeal Hearing	48
40.30 Moral Support Person	49
40.31 Representative or Legal Counsel	49
40.32 Interveners	49
40.33 Termination of Appeals Board	50
40.34 Decisions of Appeals Board	50
40.35 No Appeal of Appeals Board Decision	50
40.36 Waiver of Liability by Parties	50
40.37 No Compellability	51

---

# Mississauga First Nation Land Code

---

40.38	Not Produced as Evidence .....	51
PART 9	.....	51
OTHER MATTERS	.....	51
41.	Liability .....	51
42.	Offences .....	52
43.	Amendments to Land Code .....	52
44.	Commencement .....	52
INDEX	.....	54
SCHEDULE A	.....	59

## Preamble

Whereas the Mississauga First Nation has a strong relationship with the land;

Whereas the Mississauga First Nation has entered into the *Framework Agreement on First Nation Land Management* with Canada dated February 12, 1996, as amended, and which was ratified on behalf of the Government of Canada by the *First Nations Land Management Act*;

And Whereas the Mississauga First Nation wishes to manage its lands and resources, rather than having its lands and resources managed in accordance with the *Indian Act*:

**NOW THEREFORE, THIS LAND CODE IS HEREBY ENACTED AS THE FUNDAMENTAL LAND LAW OF MISSISSAUGA FIRST NATION.**

## PART 1 PRELIMINARY MATTERS

### 1. Title

Title

1.1 The title of this enactment is the *Mississauga First Nation Land Code*.

### 2. Interpretation

Definitions

2.1 The following definitions apply in this Land Code:

“Abrogate” means to abolish by authoritative action; annul

“Certificate of Occupation” means documentary evidence of a First Nation member’s right to lawful occupation of land described therein

“Common-Law Partnership” means the relationship between two (2) persons who are cohabiting in a conjugal relationship;

“Community land” means any First Nation land in which all members have a common interest.

“Council” means the Chief and Council of Mississauga First Nation.

“Derogate” means to take away a part so as to impair, detract;

“Duplicate Land Register” means the duplicate register maintained by the Mississauga First Nation under section 29.

“Easements” means a right enjoyed by one land owner over the land of another and is obtained for a special purpose rather than for general use and occupation of the land.

“Eligible Voter” means, for the purpose of voting in respect of land matters under this Land Code, a member who has attained the age of eighteen (18) years of age on or before the day of the vote.

“Expropriation” means the taking of an interest or licence in First Nation Land, or in any building or other structure on those lands for a community purpose in accordance with a law enacted pursuant to Section 15.3 of this Land Code.

“First Nation” means the Mississauga First Nation.

“First Nation Land” means any portion of a reserve that is subject to this Land Code under Section 5.

“First Nation Land Register” means the register maintained by the Department of Indian Affairs and Northern Development under the *Framework Agreement*.

“*Framework Agreement*” means the *Framework Agreement on First Nation Land Management* entered into between the Minister of Indian Affairs and Northern Development and the Chiefs of fourteen First Nations on February 12, 1996, as amended and by the Mississauga First Nation on March 31, 2003.

“Her Majesty” means Her Majesty the Queen in right of Canada

“Immediate family”, in respect of a person, means the person’s parent, sister, brother, child or spouse.

“Individual Agreement” means the Individual Agreement made between Mississauga First Nation and Her Majesty the Queen in right of Canada, dated June 1, 2009.

“Lands Committee” means the Lands & Natural Resources Committee established under this Land Code.

“Law” means a law enacted pursuant to this Land Code.

“Market Value” means an expropriated interest or licence that is equal to the amount that would have been paid for the interest or licence if it had been sold on First Nation land by a willing seller to a willing buyer under no duress.

“Membership meeting” means a meeting under Section 13 to which the members are entitled to attend.

“Member” means a person whose name appears or is entitled to appear on the Mississauga First Nation Band Membership List.

“Panel” means the Appeals Board established under Section 40.

“Public Buildings” means any community buildings on the Mississauga First Nation.

“Ratification Vote” means a vote of eligible voters under Section 14.

“Resolution” means a resolution of the Council enacted under this Land Code.

“Right of Way” means the right to one land owner to pass over the land of another, whether for general or special purposes.

“Riparian Rights” means the legal rights of a owner of land bordering on a river or other body of water.

“Spouse” means a person who is married to another, whether by a traditional, religious or civil ceremony and includes any person who is cohabiting with an individual in a conjugal relationship for a continuous period of no less than one year immediately prior to the time a common-law marriage is claimed.

Paramountcy

2.2 If there is an inconsistency between this Land Code and any other enactment of the Mississauga First Nation, this Land Code prevails to the extent of the inconsistency.

Culture and traditions

2.3 The structures, organizations and procedures established by or under this Land Code shall be interpreted in accordance with the culture, traditions and customs of the Mississauga First Nation, unless otherwise provided.

Language

2.4 The language of the Mississauga First Nation may be used to clarify the meaning of any provision in this Land Code, if the meaning of that provision is not clear in English.

Non-abrogation

2.5 This Land Code does not abrogate or derogate from any Aboriginal, treaty or other rights or freedoms that pertain to the Mississauga First Nation or its members.

Fair interpretation

2.6 This Land Code shall be interpreted in a fair and reasonable manner.

Fiduciary Relationship

2.7 This Land Code does not abrogate the fiduciary relationship between Her Majesty the Queen in right of Canada and the Mississauga First Nation and its members.



Lands and interests  
affected

- 2.8 A reference to "Land" in this Land Code means all rights and resources that belong to the land, and includes;
- (a) the water, beds underlying water, riparian rights, and renewable and non-renewable natural resources belonging to that land, to the extent that these are under the jurisdiction of Canada; and
  - (b) all the interests and licences granted to Mississauga First Nation by Her Majesty the Queen in right of Canada listed in the Individual Agreement.

### **3. Authority to Govern**

Origin of authority

- 3.1 The traditional teachings of the Mississauga First Nation speak of the obligation of the people of the Mississauga First Nation to care for and respect the land and the magnificent wonders of Nature created on the land. By enacting this Land Code, the Mississauga First Nation is re-assuming this special responsibility which is believed to be part of its inherent right to self-government.

Flow of authority

- 3.2 The authority of the Mississauga First Nation to govern its lands and resources flows from the Creator to the people of the Mississauga First Nation, and from the people to the Chief and Council according to the culture, traditions, customs and laws of our First Nation.

### **4. Purpose**

Purpose

- 4.1 The purpose of this Land Code is to set out the principles and administrative structures that apply to First Nation lands and by which Mississauga First Nation will exercise authority over those lands.

Ratification

- 4.2 The *Framework Agreement* is ratified and confirmed when this Land Code is ratified by the community.

**5. Description of Mississauga First Nation land**

First Nation land

- 5.1 The Mississauga First Nation land that is subject to this Land Code is the Indian Reserve known as Reserve # 8 described as;

Reserve lands within the Province of Ontario, Canada in the District of Algoma,

All that portion of Mississauga River Indian Reserve No. 8, as shown on Plan 90495 recorded in the Canada Lands Surveys Records (CLSR), including mines and minerals, containing 658 square metres (0.160 acres) more or less.

Additional lands

- 5.2 The following lands may be made subject to this Land Code after the applicable conditions are met:
- (a) any land or interest acquired by Mississauga First Nation after this Land Code takes effect, whether by land claim, purchase or other process, when an environmental assessment declares it free of environmental hazard and safe for community use, and;
  - (b) must meet with requirements of Additions to Reserve Policy.

Land exchange

- 5.3 For greater certainty, Section 5.2 does not apply to land acquired by land exchange, which is governed by the process in Section 17.

Inclusion of land or interest

- 5.4 When the relevant conditions in Sections 5.2 are met, the Council shall call a Membership Meeting in accordance with Section 11 and, after receiving the membership's input, may by enacting a law declare the land or interest to be subject to this Land Code.

## **PART 2 FIRST NATION LEGISLATION**

### **6. Law-Making Powers**

Council may make laws

- 6.1 The Council may, in accordance with this Land Code, make laws respecting the development, conservation, protection, management, use and possession of Mississauga First Nation lands, and interests and licences in relation to those lands. This power includes the power to make laws in relation to any matter necessary or ancillary to the making of laws in relation to Mississauga First Nation land.

Examples of laws

- 6.2 The following examples illustrate some of the laws that may be enacted:
- (a) laws on the regulation, control and prohibition of zoning, land use, subdivision control and land development;
  - (b) laws on the creation, regulation and prohibition of interests and licences in relation to Mississauga First Nation land;
  - (c) laws on environmental assessment and protection;
  - (d) laws on the provision of local services in relation to Mississauga First Nation land and the imposition of equitable user charges; and
  - (e) laws on the provision of services for the resolution, outside the courts, of disputes in relation to Mississauga First Nation land.

## 7. Law-Making Procedure

### Introduction of laws

- 7.1 A proposed law may be introduced at a duly convened meeting of the Council by
- (a) the Chief or a Councillor;
  - (b) the representative of any body or authority composed of members that may be authorized by Council to do so, or;
  - (c) any member over the age of eighteen (18) with fifty (50) witnessed signatures of eligible voters.
  - (d) Council may reject a submission under Section (c) above if it is of the opinion that the Council has dealt with a similar submission within the last eighteen (18) months.

### Tabling and posting of proposed laws

- 7.2 Before a proposed law may be enacted by the Council, it must first be
- (a) tabled at a meeting of the Council held at least twenty-eight (28) days before the law is to be enacted,
  - (b) posted in public buildings on Mississauga First Nation land at least twenty-one (21) days before the law is to be enacted; and
  - (c) deposited with the chair of the Lands Committee at least twenty-one (21) days before the law is to be enacted.

### Urgent matters

- 7.3 The Council may enact a law without the preliminary steps required under Section 7.2, if the Council is of the opinion that the law is needed urgently to protect Mississauga First Nation land or the members, but

the law expires twenty-eight (28) days after its enactment, unless re-enacted in accordance with Section 7.2.

Approval of law by Council

- 7.4 A law is enacted if it is approved by a majority of the Council at a duly convened Meeting of Council where a quorum of Council is present and the meeting is open to members.

Certification of laws

- 7.5 The original copy of any law or resolution concerning First Nation land shall be signed by a quorum of the Council present at the meeting at which it was enacted.

## 8. Publication of Laws

Publication

- 8.1 All laws shall be published in the minutes of the Council.

Posting laws

- 8.2 Within 7 days after a law has been enacted, the Council shall post a copy of the law in the administrative offices of Mississauga First Nation.

Registry of laws

- 8.3 The Council shall cause to be kept, at the administrative offices of Mississauga First Nation, a register of the original copy of all laws and resolutions, including laws and resolutions that have been repealed or are no longer in force.

Copies for any person

- 8.4 Any person may obtain a copy of a law or resolution on payment of a reasonable fee set by the Council, or a body designated by Council.

## 9. Commencement of Laws

Laws taking effect

- 9.1 A law enacted by the Council takes effect on the date of its enactment or such later date as specified by or under the law.

## **PART 3 COMMUNITY APPROVALS**

### **10. Rights of Eligible Voters**

Rights of eligible voters

- 10.1 Every eligible voter is eligible to vote at a Membership Meeting and a ratification vote.

### **11. Community Input**

Prior Membership Meeting

- 11.1 The Council shall convene a Membership Meeting to receive their input prior to the introduction of laws:
- (a) respecting a community plan or subdivision plan;
  - (b) declaring land or an interest referred to in Section 5.2 or 5.3 to be subject to this Land Code;
  - (c) affecting land previously defined by the First Nation as a heritage site or as environmentally sensitive property;
  - (d) respecting environmental assessment;
  - (e) respecting the transfer and assignment of interests in land;
  - (f) respecting the rate and criteria for the payment of fees or rent for land; and
  - (g) respecting any other law or class of law that Council, by resolution, declares to be subject to this Section.

Process to  
Implement Laws

11.2 Subject to Section 39, the Lands and Resources Committee shall, within a reasonable time after this Land Code takes effect, establish a community process to develop and implement the laws referred to in Section 11.1.

## **12. Community Approval at a Membership Meeting**

Community approval  
by meeting

12.1 Community approval at a Membership Meeting must be obtained for the following:

- (a) any land use plan;
- (b) any grant or disposition of an interest or licence in any First Nation land exceeding a term of twenty-five (25) years
- (c) any renewal of a grant or disposition of an interest or licence in any First Nation land that extends the original term beyond twenty-five (25) years;
- (d) any grant or disposition of any natural resources on any First Nation lands exceeding a term of 5 years;
- (e) any law on spousal separation that may be enacted under Section 39; and
- (f) any law or class of law that Council, by resolution, declares to be subject to this Section.

## **13. Procedure at a Membership Meeting**

Voting

13.1 Decisions at a Membership Meeting are to be made by a majority vote of the eligible voters present at the meeting, including mail-in ballots received.

Notice of meeting

13.2 The Council shall give written notice of the Membership Meeting that

- (a) specifies the date, time and place of the meeting; and
- (b) contains a brief description of the matters to be discussed and decided on at the meeting.

Manner of notice

13.3 Written notice of a Membership Meeting must be given to the eligible voters by

- (a) posting the notice in public buildings on Mississauga First Nation land at least twenty-one (21) days before the meeting;
- (b) mailing the notice to eligible voters and including a mail-in ballot;
- (c) publishing the notice in the community newsletter at least 10 working days before the meeting; and
- (d) such additional method as the Council may consider appropriate in the circumstances.

Who may attend

13.4 All members have a right to attend a Membership Meeting, and other persons who, in sole discretion of Council have a vested interest in the Mississauga First Nation land which may be affected by the matters being considered at the Membership Meeting, may peacefully and respectfully attend and be heard only on that matter in which it has been determined that they have a vested interest.

Other meetings

13.5 The Council may schedule more than one Membership Meeting to discuss and decide on a matter that requires a Membership Meeting.

Other laws



13.6 For greater certainty, the Council may make laws respecting Membership Meetings and the counting of ballots.

## 14. Ratification Votes

Community approval  
by ratification vote

14.1 Community approval by a ratification vote must be obtained for the following:

- (a) any development on a heritage site referred to in Section 16;
- (b) any amendment to a Land Use Plan to delete a heritage site;
- (c) any voluntary exchange of First Nation land;
- (d) any amendment to the Individual Agreement that reduces the amount of funding provided by Canada;
- (e) an expropriation of a member's interest in First Nation land;
- (f) any amendment to this Land Code ; and
- (g) any law or class of law that Council, by resolution, declares to be subject to this Section.

Individual Agreement  
with Canada

14.2 An amendment to, or renewal of, the Individual Agreement does not require community approval by a ratification vote, unless the amendment or renewal reduces the amount of funding provided by Canada.

Ratification Process

14.3 Any ratification vote required under this Land Code shall be conducted in substantially the same manner as the *Mississauga First Nation*

*Community Ratification Process*, which was used to ratify this Land Code.

No verifier

14.4 A verifier is not needed in any ratification vote, except a vote on an amendment to this Land Code.

Minimum requirements for approval

14.5 A matter shall be considered approved at a ratification vote if fifty percent plus one (50% + 1) of thirty-five percent (35%) of all eligible voters cast a vote in favour of the matter.

Other laws

14.6 For greater certainty, the Council may make laws respecting ratification votes.

## **PART 4 PROTECTION OF LAND**

### **15. Expropriation**

Rights and interest that may be expropriated

15.1 An interest or licence in First Nation land, or in any building or other structure on those lands, may only be expropriated by Mississauga First Nation in accordance with the *Framework Agreement* and any land law enacted for the purpose of establishing the rights and procedures for community expropriations.

Community purposes

15.2 A community expropriation may only be made for a necessary community purpose or works of Mississauga First Nation, including but not limited to: a fire hall, sewage or water treatment facility, community

centre, public works, roads, schools, day-care facility, hospitals, health-care facility, and retirement home, housing of members and economic development.

**Expropriation laws**

**15.3** Before proceeding to make any community expropriations in accordance with this Land Code, the Council shall enact a law respecting the rights and procedures for community expropriations, including provisions respecting:

- (a) the taking of possession of the interest or licence;
- (b) transfer of the interest or licence;
- (c) notice of expropriation and service of the notice of expropriation;
- (d) entitlement to compensation;
- (e) determination of the amount of compensation; and
- (f) the method of payment of compensation.

**Public report**

**15.4** Before Mississauga First Nation decides to expropriate an interest or licence, it shall make a public report on the reasons justifying the expropriation.

**Rights that may not be expropriated**

**15.5** An interest of Her Majesty the Queen in right of Canada or the province of Ontario is not subject to expropriation by Mississauga First Nation.

**Exercise of a good faith effort**

**15.6** The right of Mississauga First Nation to expropriate can only be exercised after a good faith effort to acquire, by mutual agreement, the interest or licence in First Nation land.

**Community approval**

15.7 In the case of an expropriation of a member's interest of licence in First Nation land, the expropriation must first receive community approval by ratification vote.

Compensation for  
rights and interests

15.8 The First Nation shall, in accordance with its laws and the *Framework Agreement*,

- (a) serve reasonable notice of the expropriation on each affected holder of the interest or licence to be expropriated; and
- (b) pay fair and reasonable compensation to the holders of the interest or licence being expropriated.

Compensation  
calculations

15.9 The total value of the compensation under this Section will be based on the following:

- (a) the market value of the interest or licence that is being expropriated;
- (b) the replacement value of any improvement to the land that is being expropriated;
- (c) the damages attributable to any disturbance; and
- (d) damages for any reduction in the value of a remaining interest.

Neutral evaluation to  
resolve disputes

15.10 The resolution of disputes concerning the right of Mississauga First Nation to expropriate shall be determined by arbitration, in the same manner as provided in Part IX of the *Framework Agreement*, and the sixty (60) day period referred to in clause 32.6 of the *Framework Agreement* shall be applied, as appropriate in the circumstances, by the neutral evaluator.

Arbitration to resolve  
disputes

15.11 The resolution of the following disputes shall be determined by arbitration, in the same manner as provided in Part IX of the *Framework Agreement*:

- (a) disputes concerning the right of the holder of an expropriated interest or licence to compensation; and
- (b) disputes concerning the amount of the compensation.

## 16. Heritage Sites

Community approval  
of development

16.1 No development shall be allowed on any site designated as a heritage site under the land use plan, unless the development receives community approval by a ratification vote.

Land Use Plan

16.2 No amendment may be made to a land use plan to delete a heritage site unless the amendment receives community approval by a ratification vote.

## 17. Voluntary Land Exchanges and Protections

Conditions for a land  
exchange

17.1 Mississauga First Nation may agree with another party to exchange a parcel of First Nation land for a parcel of land from that other party in accordance with this Land Code and the *Framework Agreement*.

No effect

17.2 A land exchange is of no effect unless it receives community approval by a ratification vote.

Land to be received

17.3 No land exchange may occur unless the land to be received in the exchange meets the following conditions:

- (a) it must be equal to or greater than the area of First Nation land to be exchanged, or
- (b) it must be no less than the appraised value of the First Nation land.

Negotiators

17.4 The persons who will have authority to negotiate a land exchange agreement on behalf of Mississauga First Nation must be designated by resolution.

Additional land

17.5 Mississauga First Nation may negotiate to receive other compensation, such as money or one or more other parcels of land, in addition to the parcel referred to above which is intended to become a reserve. Such other parcels of land may be held by Mississauga First Nation in fee simple or some other manner.

Federal consent

17.6 Before Mississauga First Nation concludes a land exchange agreement, it must receive a written statement from Canada clearly stating that Her Majesty the Queen in right of Canada

- (a) consents to set apart as a reserve the land to be received in exchange, as of the date of the land exchange or such later date as the Council may specify by resolution; and
- (b) consents to the manner and form of the exchange as set out in the exchange agreement.

Community notice

17.7 Once negotiations on the land exchange agreement are concluded, the Council shall provide the following information to eligible voters at least twenty-one (21) days before the vote:

- (a) a description of the First Nation land to be exchanged;
- (b) a description of the land to be received in the exchange;
- (c) a description of any other compensation to be exchanged;
- (d) a report of a certified land appraiser setting out that the conditions in Section 17.3 have been met;
- (e) a copy or summary of the exchange agreement; and,
- (f) a copy of the consent referred to in Section 17.6.

Process of land  
exchange

17.8 The land exchange agreement shall provide that

- (a) the other party to the exchange must transfer to Canada the title to the land which is to be set apart as a reserve;
- (b) the Council must pass a resolution authorizing Canada to transfer title to the First Nation land being exchanged, in accordance with the exchange agreement; and
- (c) a copy of the instruments transferring title to the relevant parcels of land must be registered in the First Nation Lands Register.

## **PART 5 ACCOUNTABILITY**

### **18. Conflict of Interest**

Application of rules

18.1 The rules in Section 18.2 apply to the following persons:

- (a) each member of the Council who is dealing with any matter before Council that is related to First Nation land;

- (b) each person who is an employee of Mississauga First Nation dealing with any matter that is related to First Nation land; and
- (c) each person who is a member of a board, committee or other body of Mississauga First Nation dealing with any matter that is related to First Nation land.

Duty to report and  
abstain

18.2 If there is any interest, financial or otherwise, in the matter being dealt with that might involve the person or his or her immediate family, the person

- (a) shall disclose the interest to the Council, or the board, committee or other body as the case may be; and
- (b) shall not take part in any deliberations on that matter or vote on that matter.

Common interests

18.3 Section 18.2 does not apply to any interest that is held by a member in common with every other member.

Meeting of eligible  
voters

18.4 If the Council is unable to vote on a proposed law or resolution due to a conflict of interest, the Council may refer the matter to a Membership Meeting as per Section 13.

Inability to act

18.5 If the board, committee or other body is unable to act due to a conflict of interest, the matter shall be referred to the Council.

Specific Conflict  
Situations



- 18.6 Because of the unusual conflicts of interest possible in the community, not more than two members from the same immediate family may be members on the same board, committee or other body dealing with any matter that is related to First Nation land.

Disputes

- 18.7 Questions about whether a breach of this Section have occurred may be referred to the Panel.

Other laws

- 18.8 For greater certainty, the Council may enact laws to further implement this Section.

## **19. Financial Management**

Application

- 19.1 This Section applies only to financial matters relating to First Nation land.

Establishment of  
bank accounts

- 19.2 The Mississauga First Nation shall maintain one or more financial accounts in a financial institution and shall deposit in those accounts
- (a) transfer payments received from Canada for the management and administration of First Nation land;
  - (b) moneys received by Mississauga First Nation from the grant or disposition of any interests or licences in First Nation land;
  - (c) all fees, fines, charges and levies collected under a land law or land resolution;
  - (d) all capital and revenue moneys received from Canada from the grant or disposition of any interests and licences in First Nation land; and

- (e) any other land revenue received by Mississauga First Nation.

Signing officers

19.3 The Council shall authorize at least six persons, one of whom shall be a member of the Council, to sign cheques and other bills of exchange or transfer drawn on the account.

Bonding

19.4 Every signing officer must be bondable.

Two signatures

19.5 To be valid, a cheque or other bill of exchange or transfer drawn on the account must be signed by two signing officers.

Fiscal year

19.6 The fiscal year of Mississauga First Nation begins on April 1 of each year and ends on March 31 of the following year.

Adoption of budget

19.7 The Council shall, by resolution, prior to the beginning of each fiscal year, adopt a land management budget for that fiscal year and may, if the Council deems it necessary in the course of the fiscal year, adopt supplementary budgets for that fiscal year.

Procedure

19.8 After adopting the land management budget or supplementary budget, the Council shall, without undue delay

- (a) explain the budget or supplementary budget to the members at an annual community meeting; and
- (b) make a copy of the budget or supplementary budget available at the administrative offices of Mississauga First Nation for inspection by members at reasonable hours.

If no budget

- 19.9 If the Council fails to adopt a land management budget for a fiscal year prior to the beginning of that fiscal year, the budget and any supplementary budgets of the previous fiscal year apply until a new budget is adopted.

Budget rules

- 19.10 The Council may make rules respecting the preparation and implementation of land management budgets.

Expenditures

- 19.11 The Council may not expend moneys related to land or commit itself, by contract or otherwise, to expend moneys related to land, unless the expenditure is authorized by or under a law or an approved budget.

Financial Policy

- 19.12 The Mississauga First Nation may, in accordance with this Land Code, adopt a financial policy to further manage moneys related to Mississauga First Nation land.

## **20. Financial Records**

Financial records

- 20.1 Mississauga First Nation shall keep financial records related to land in accordance with generally accepted accounting principles.

Offences

- 20.2 A person is guilty of an offence if the person
- (a) impedes or obstructs anyone from exercising their right to inspect the financial records of Mississauga First Nation; or
  - (b) has control of the books or account or financial records of Mississauga First Nation and fails to give all reasonable assistance to anyone exercising their right to inspect the financial records.

Preparation of  
financial statement

20.3 Within 120 days after the end of each fiscal year, the Council on behalf of the Mississauga First Nation shall prepare a financial statement in comparative form, containing at a minimum

- (a) a balance sheet;
- (b) a statement of revenues and expenditures and a comparison of these with the amounts stated in the land management budget and any supplementary budget; and
- (c) any other information necessary for a fair presentation of the financial position of Mississauga First Nation.

Consolidated  
accounts, etc.

20.4 The accounting, auditing and reporting requirements of this Land Code may be done together with, and consolidated with, the other accounts, audits and reports of Mississauga First Nation.

## 21. Audit

Appointment of  
auditor

21.1 For each fiscal year, a duly accredited auditor shall be appointed to audit the land related financial records of Mississauga First Nation.

Holding office

21.2 The auditor appointed under this Section holds office until reappointed, or replaced.

Vacancy in office

21.3 Where a vacancy occurs during the term of an auditor, the Council shall, without delay, appoint a new auditor for the remainder of the former auditor's term.

Remuneration

21.4 The auditor's remuneration shall be fixed by the Council.

Duty of auditor

21.5 The auditor shall, within one hundred twenty (120) days after the end of Mississauga First Nation's fiscal year, prepare and submit to the Council, a report on Mississauga First Nation's financial statement, stating whether, in the opinion of the auditor, the financial statement presents fairly the financial position of Mississauga First Nation in accordance with generally accepted accounting principles applied on a basis consistent with that applied in the previous fiscal year.

Access to records

21.6 In order to prepare the report on Mississauga First Nation's financial statement, the auditor may at all reasonable times inspect any financial records of Mississauga First Nation and any person or body who administers money on behalf of Mississauga First Nation.

Explanation of auditor's report

21.7 The Council shall present the auditor's report to the members at a Membership Meeting.

## 22. Annual Report

Publish annual report

22.1 The Council, on behalf of the Mississauga First Nation, shall publish an annual report on lands issues within one month of receipt of the community's audit.

Contents

22.2 The annual report will include

- (a) an annual review of land management;
- (b) a copy and explanation of the audit as it applies to lands;  
and

- (c) any other matter determined by the Council or Lands and Resources Committee.

## **23. Access to Information**

### Access

23.1 Any person may, during normal business hours at the main administrative office of Mississauga First Nation, have reasonable access to

- (a) the register of laws;
- (b) the auditor's report; and
- (c) the annual report on lands issues.

### Copies for members

23.2 Any member may obtain a copy of the auditor's report or annual report on payment of a reasonable fee set by or under resolution of the Council.

### Access to records

23.3 Any person authorized by the Council may, at any reasonable time, inspect the financial records of Mississauga First Nation related to First Nation land.

## **PART 6 LAND ADMINISTRATION**

## **24. Lands and Resources Committee**

Lands and  
Resources  
Committee  
established

24.1 The Lands and Resources Committee is hereby established to

- (a) assist with the development of the land administration system;
- (b) advise the Council and its staff on matters respecting Mississauga First Nation land;
- (c) recommend laws, resolutions, policies and practices respecting the management of Mississauga First Nation land to the Council;
- (d) hold regular and special meetings of members to discuss land issues and make recommendations to Council on the resolution of these land issues;
- (e) to assist in the flow of information on land issues between members and the Council; and
- (f) oversee community approvals under this Land Code.

Development of land  
related rules and  
procedures

24.2 Within a reasonable time after this Land Code takes effect, the Lands and Resources Committee shall, in consultation with the community, ensure that rules and procedures are developed that address the following matters:

- (a) environmental protection and assessment in relation to First Nation land;
- (b) any outstanding issues on the resolution of disputes in relation to First Nation land; and
- (c) land use planning and zoning; and
- (d) Section 39 respecting spousal separation and whether any change should be made to the policy upon which that Section is based.

Implementation of  
policies

24.3 The rules and procedures, once developed, shall be presented to the Council for consideration and possible implementation as policies, laws or amendments to this Land Code, whichever is most appropriate.

Internal procedures

24.4 The Lands and Resources Committee may establish rules for the procedure at its meetings and generally for the conduct of its affairs, not inconsistent with those established by the Council.

## **25. Membership of the Lands and Resources Committee**

Composition

25.1 The Lands and Resources Committee shall be composed of 9 members, all of whom must be over the age of sixteen (16).

Eligibility to be  
appointed as a  
Lands and  
Resources  
Committee member

25.2 Any member over the age of sixteen (16) years, whether resident on or off First Nation land, is eligible for appointment to the Lands and Resources Committee upon application, except for the following persons:

- (a) any person convicted of an offence that was prosecuted by way of indictment under the Criminal Code of Canada;
- (b) any undischarged bankrupt person; and
- (c) any person convicted of a corrupt practice including accepting a bribe, dishonesty or wrongful conduct.

Selection of Lands  
and Resources  
Committee members

25.3 The members of the Lands and Resources Committee are to be selected as follows:



- (a) one member of Council is to be appointed by the Council, and;
- (b) the other members are to be selected and appointed by Council.

Term of office

25.4 The length of the term of office for members of the Lands and Resources Committee is 4 years.

Vacancy on Lands and Resources Committee

25.5 The office of a member of the Lands and Resources Committee becomes vacant if the person, while holding office,

- (a) is or becomes ineligible to hold office under Section 25.2;
- (b) is or becomes ineligible because of a transfer of membership from the Mississauga First Nation; or
- (c) is absent for 3 consecutive meetings of the Lands and Resources Committee for a reason other than illness or incapacity, and without being authorized to do so by the Lands and Resources Committee
- (d) is removed from the Lands and Resources Committee by Resolution.

Vacancy in term

25.6 Where the office of an appointed member of the Lands and Resources Committee becomes vacant for more than ninety (90) days before the date when another appointment would ordinarily be made, an appointment may be made in accordance with this Land Code, as the case may be, to fill the vacancy.

Balance of term of office

25.7 A member of the Lands and Resources Committee appointed to fill a vacancy remains in office for the balance of the term in respect of which the vacancy occurred.

## **26. Chairperson of the Lands and Resources Committee**

### Selection of the Chairperson

26.1 After each appointment or from time to time as they deem necessary and in a manner they determine, the Lands and Resources Committee may select from amongst their members a Chairperson and an Alternate Chairperson to act when the Chairperson is unable to perform the functions of the office.

### Functions of Chairperson

26.2 The functions of the Chairperson are to

- (a) report to the Mississauga First Nation Council, and Membership on the activities of the Lands and Resources Committee; and
- (b) ensure the audited annual financial statements are published pursuant to Section 21.

## **27. Revenue From Lands**

### Determination of fees, and rent

27.1 The Lands and Resources Committee shall, subject to the approval of the Council, establish the process for determining

- (a) the fees and rent for interests and licences in community land; and
- (b) the fees for services provided in relation to any First Nation land.

## **28. Registration of Interests and Licences**

Enforcement of  
interests and  
licences

28.1 An interest or licence in First Nation land created or granted after this Land Code takes effect is not enforceable unless it is registered in the First Nations Lands Register.

Registration of  
consent or approval

28.2 No instrument that requires the consent of the Council, or community approval, may be registered unless a certified copy of the document that records the consent or approval is attached.

- (a) for the purpose of this sub-clause, a copy is certified if it is signed by the Lands Manager and one of the First Nation signing officers.

Duty to deposit

28.3 The Council shall ensure that an original copy of the following instruments are deposited in the First Nation Land Register:

- (a) any grant of an interest or licence in First Nation land;
- (b) any transfer or assignment of an interest in First Nation land;
- (c) every land use plan, subdivision plan or resource use plan;  
and
- (d) this Land Code and any amendment to this Land Code.

## 29. Duplicate Lands Register

Duty to maintain  
duplicate register

29.1 The Council shall maintain a Duplicate Land Register in the same form and with the same content as the First Nation Land Register.

Duty of member to  
deposit

- 29.2 Every person who receives an interest or licence in First Nation land from a member shall deposit an original copy of the relevant instrument in the Duplicate Land Register.

## **PART 7 INTERESTS AND LICENCES IN LAND**

### **30. Limits on Interests and Licences**

All dispositions in writing

- 30.1 An interest in, or licence to use, First Nation land may only be created, granted, disposed of, assigned or transferred by a written document in accordance with this Land Code.

Standards

- 30.2 The Council may establish mandatory standards, criteria and forms for interests and licences in First Nation land.

Improper transactions void

- 30.3 A deed, lease, contract, instrument, document or agreement of any kind, whether written or oral, by which Mississauga First Nation, a member or any other person purports to grant, dispose of, transfer or assign an interest or licence in First Nation land after the date this Land Code takes effect is void if it contravenes this Land Code.

Non-members

- 30.4 A person who is not a member may only hold a lease, licence or permit in First Nation land.

Grants to non-members

- 30.5 The written consent of the Council must be obtained for any grant or disposition of a lease, licence or permit in First Nation land to a person who is not a member.

### **31. Existing Interests**

Continuation of  
existing interests

31.1 Any interest or licence in First Nation land that existed when this Land Code takes effect will, subject to this Land Code, continue in force in accordance with its terms and conditions.

## **32. New Interests and Licences**

Authority to make  
dispositions

32.1 Subject to Section 12.1, the Council may, on behalf of Mississauga First Nation, grant

- (a) interests and licences in community lands, including certificates of occupation, leases, permits, easements and rights-of-ways; and
- (b) permits to take resources from community lands, including cutting timber or removing minerals, stone, sand, gravel, clay, soil or other substances.

Conditional grant

32.2 The grant of an interest, licence or permit may be made subject to the satisfaction of written conditions.

Role of the Lands  
and Resources  
Committee

32.3 The Lands and Resources Committee shall advise Council on the granting of interests, licences and permits and may be authorized to act as a delegate of the Council under this Section. Such delegation requires a Resolution from Council.

## **33. Certificates of Occupation**

Application

33.1 This Section codifies the rights attaching to certificates of occupation, issued under this Land Code.

Nature of interest in  
CO

33.2 Subject to Section 28, a certificate of occupation in respect of a parcel of land is an interest that entitles the member holding it to

- (a) permanent occupation of the land; and,
- (b) transfer, devise or otherwise dispose of the land to another member.

### **34. Allocation of Land**

Allocation of lots

34.1 The Council may allocate residential lots of available community land to members in accordance with procedures established by the Council.

Community Approval

34.2 No community approval is required for

- (a) the allocation of First Nation land to members; or
- (b) the issuance of certificates of occupation to members.

No allocation of lots  
to non-members

34.3 A person who is not a member is not entitled to be allocated a lot or to hold a permanent interest in First Nation land.

Issuance of CO

34.4 The Council may issue a certificate of the interest to a member for a lot allocated to that member.

### **35. Transfer and Assignment of Interests**

Transfer of CO's

35.1 A member may transfer or assign an interest in First Nation land to another member without the need for any community approval.

Consent of Council

35.2 Except for transfers under Section 35.1 and transfers that occur by operation of law,

- (a) there shall be no transfer or assignment of an interest in First Nation land without the written consent of the Council; and,
- (b) the grant of an interest or licence is deemed to include Section 35.2(a) as a condition on any subsequent transfers or assignments.

## 36. Limits on Mortgages and Seizures

Protections

36.1 In accordance with the *Framework Agreement*, Section 29, Section 87 and subSections 89(1) and (2) of the *Indian Act* continue to apply to First Nation land.

Mortgage of CO

36.2 The interest of a member in First Nation land may be subject to a mortgage or charge, but only to the Mississauga First Nation with the written consent of the Council.

Mortgages of  
leasehold interests  
with consent

36.3 A leasehold interest may be subject to charge or mortgage, but only with the written consent of the Council.

Time limit

36.4 The term of any charge or mortgage of a leasehold interest shall not exceed the lesser of

- (a) the term of the lease; or

- (b) Twenty five (25) years, or such longer period as may receive community approval.

Default in mortgage

36.5 In the event of default in the terms of a charge or mortgage of a leasehold interest, the leasehold interest is not subject to possession by the chargee or mortgagee, foreclosure, power of sale or any other form of execution or seizure, unless

- (a) the charge or mortgage received the written consent of the Council;
- (b) the charge or mortgage received community approval where required;
- (c) charge or mortgage was registered in the First Nation Land Register; and
- (d) a reasonable opportunity to redeem the charge or mortgage is given to the Council on behalf of Mississauga First Nation.

Power of redemption

36.6 If the Council exercises its power of redemption with respect to a leasehold interest, Mississauga First Nation becomes the lessee of the land and takes the position of the chargor or mortgagor for all purposes after the date of the redemption.

## **37. Residency and Access Rights**

Right of residence

37.1 The following persons have a right to reside on First Nation lands:

- (a) members, who have been allocated a residential lot by Council, and their spouses and children;
- (b) members with a registered interest in First Nation land;



- (c) any invitee of a member referred to in clause (a) or (b); and
- (d) lessees and permittees, in accordance with the provisions of the instrument granting the lease or permit.

Right of Access

37.2 The following persons have a right of access to First Nation lands:

- (a) a lessee and his or her invitees;
- (b) permittees and those granted a right of access under the permit;
- (c) Mississauga First Nation members and their spouses and children;
- (d) a person who is authorized by a government body or any other public body, established by or under an enactment of Mississauga First Nation, Parliament or the province to establish, operate or administer a public service, to construct or operate a public institution or to conduct a technical survey; or
- (e) a person authorized in writing by the Council or by a Mississauga First Nation law,

Public access

37.3 Any individual may have access to First Nation land for any social or business purposes, if

- (a) The individual does not trespass on occupied land and does not interfere with any interest in land;
- (b) the individual complies with all applicable laws; and
- (c) no resolution has been enacted barring that individual.

Private Access

37.4 Any owner identified in schedule "A" including their successors, agents or invitees may have access to that property over the Chiblow Lake Road.

Trespass

37.5 Any person who resides on, enters or remains on First Nation land other than in accordance with a residence or access right under this Land Code is guilty of an offence.

Civil remedies

37.6 All civil remedies for trespass are preserved.

## **38. Transfers on Death**

Transfer from Estate

38.1 A person who claims to be entitled to occupation of First Nation Land in accordance with the provisions of the Indian Act relating to the estate of an Indian shall be deemed not to be in lawful occupation of the interest unless a transfer to that person is approved by the minister and by the Council.

Purchase from  
Estate

38.2 The purchaser of a right to occupation of First Nation Land under the provisions of Section 50 of the Indian Act shall be deemed not in lawful occupation of that interest unless a transfer to that person is approved by the Minister and by the Council.

Ministerial Request

38.3 The Minister or his/her delegate may make application to Council requesting that a transfer under this Section be approved and, if the Minister has approved it as well, request that a Certificate of Occupation evidencing a valid transfer be authorized and provided.

Issuance of CO

38.4 Council shall, upon approval by resolution of a request pursuant to Section 38.3 of this Land Code, authorize and direct a Certificate of Occupation be issued.

## **39. Spousal Property Law**

### Development of rules and procedures

- 39.1 The Council shall enact a spousal property law providing rules and procedures applicable on the breakdown of a marriage, to
- (a) the use and occupancy of First Nation land; and
  - (b) the division of interests in that land.

### Enactment of rules and procedures

- 39.2 The rules and procedures contained in the spousal property law shall be developed by the Lands and Resources Committee in consultation with the community.

### Enactment deadline

- 39.3 The spousal property law must be enacted within twelve (12) months from the date this Land Code takes effect.

### General principles

- 39.4 For greater certainty, the rules and procedures developed by the Lands and Resources Committee under this Section must respect the following general principles:
- (a) each spouse shall have an equal right to occupation of their matrimonial home;
  - (b) each spouse should be entitled to an undivided half interest in their matrimonial home and its contents,
  - (c) the rules and procedures shall not discriminate on the basis of sex; and
  - (d) only members are entitled to hold a permanent interest in First Nation land or a charge against a permanent interest in First Nation land.

Immediate rules

39.5 In order that members benefit immediately from the legislative authority of the Council to address the issue of spousal property under this Land Code, the Council may enact a spousal property law as soon as this Land Code comes into force. As this law would be enacted before the work of the Lands and Resources Committee and the community consultation is complete, the law will expire at the end of the twelve (12) month period after the coming into force of this Land Code, unless re-enacted, replaced or amended.

## **PART 8 APPEALS**

### **40. Appeals Board**

Panel established

40.1 The Appeals Board is hereby established to render final decisions in appeals under this Code. If an appeals body is developed for the Anishinabek Nation, that appeals body shall be responsible for conducting the appeal services under this Code. A Band Council Resolution of the Council will grant the delegation of these powers to the appeal body.

Appointment of  
Panel

40.2 The Appeals Board shall have a minimum of three (3) members from First Nations of the Anishinabek Nation other than from Mississauga First Nation.

Selection Process

40.3 Board members of the Appeals board shall be selected through an application and interview process in which his or her skills and qualifications will be assessed, which will be delegated to a body independent of Mississauga First Nation by Band Council Resolution of the Council.

Duties and  
Responsibilities

**40.4 The Appeals Board shall:**

- (a) Enforce this Code;
- (b) Provide appeal services;
- (c) Act fairly to persons who use its services;
- (d) Participating in training, workshops, and conferences for the Appeals Board;
- (e) Other such duties and responsibilities as may be required.

**QUALIFICATIONS**

**40.5 To be eligible to serve as a board member of the Appeals Board, a person shall:**

- (a) Be a Member of a First Nation of the Anishinabek Nation other than a Member of the Mississauga First Nation;
- (b) Not hold elected office in the capacity of a Chief or Councillor;
- (c) Demonstrate knowledge and understanding of dispute resolution and relationship building;
- (d) Have the ability to think strategically and holistically;
- (e) Have knowledge in the customs, tradition, and language of the Anishinabek;
- (f) Possess excellent judgment, analytical, and communication skills;
- (g) Be impartial, empathetic, work collaboratively, and foster discussion;

- (h) Have training or experience in such fields as human resources, law, or management would be an asset;
- (i) Have experience working as a member of a committee or board;
- (j) Demonstrate a willingness to participate in training and to travel, as required;
- (k) Provide three letters of recommendation from an employer, personal, and other reference;
- (l) Not have been convicted of an offence by way of indictment within the past ten (10) years;
- (m) Not be convicted of a corrupt practice in connection with an election, including the acceptance of a bribe, dishonesty, or wilfully wrongful misconduct; and
- (n) Be a minimum of eighteen (18) years of age or older.

TERM OF BOARD MEMBERS

40.6 Board members of the Appeals Board shall serve for a term of three (3) years. Incumbent board members of the Appeals Board, if qualified, may be eligible for re-selection following the expiring of his or her term.

CEASING TO BE A BOARD MEMBER

40.7 A person shall immediately cease to be a board member of the Appeals Board if he or she:

- (a) Is not a Member of a First Nation of the Anishinabek Nation;
- (b) Is a Member of the Mississauga First Nation;
- (c) Becomes an elected member of Chief or Council during his or her

- (d) Is of unsound mind and has been so found by a court in Canada or elsewhere;
- (e) Is convicted of an offence by way of indictment;
- (f) Is convicted of a corrupt practice in connection with an election, including the acceptance of a bribe, dishonesty, or willfully wrongful conduct;
- (g) Is unable to fulfill his or her duties as a Member of the Appeals Board, and is removed by a quorum of the Appeals Board;
- (h) Resigns as a member of the Appeals Board in accordance with Section 40.8 of this Code; or
- (i) Dies.

RESIGNING AS BOARD MEMBER

40.8 A board member of the Appeals Board may resign from his or her position upon giving a written resignation to the Council, and such resignation becomes effective when received by the Council or at the time specified in the resignation, whichever is later.

TRAINING

40.9 Board members of the Appeals Board shall participate in such training as arbitration, certification in mediation, interpretation and analysis of policies and codes, and best practices of First Nations.

RESOURCE PERSONS

40.10 The Appeals Board may retain or consult with resources persons such as traditional healers, Elders, legal professionals, and other professional services, as may be required to fulfill their duties and responsibilities in providing appeal services. The Appeals Board must receive the written approval of the Council prior to retaining such resource persons, as the Mississauga First Nation shall be responsible for paying for the cost of such resource persons.

REMUNERATION

40.11 Board members of the Appeals Board shall receive an honorarium and shall be paid reasonable expenses incurred by him or her in the performance of his or her duties in providing appeal services and attending meetings of the Appeals Board.

SELECTION OF APPEALS BOARD FOR HEARING

40.12 Where an appeal is referred to the Appeals Board, the Appeals Board shall select amongst them three (3) board members to conduct a hearing in the matter, based on their availability and that they are not in a Conflict of Interest.

ROLE AND AUTHORITY OF APPEALS BOARD

40.13 The Appeals Board shall hear the presentation of evidence and arguments of the parties, and shall render a final decision on the appeal.

The Appeals Board has the authority to:

- (a) Hear appeals in accordance with this Code;
- (b) Accept evidence for the hearing of appeals;
- (c) Reject appeals without a hearing if it determines that:
  - (i) The appeal is not within the mandate of the Appeals Board, in accordance with this Code;
  - (ii) The appeal is frivolous, vexatious, or an abuse of process; or
  - (iii) A party to the appeal acted or attempted to act in a way to improperly influence the decision of the Appeals Board.
- (d) Issue recommendations to Mississauga First Nation on such matters as the development, suspension, reconsideration, amendment, or appeal of the Code;
- (e) Confirm or reverse a decision made under this Code, in whole or in part;



- (f) Substitute its own decision for the decision made under this Code in appeal;
- (g) Make an order to give effect to its decision;
- (h) Render interim decisions where it deems it necessary as a matter of urgency to preserve the rights of the parties to the appeal or to preserve or protect an interest in Mississauga First Nation; and
- (i) Other such powers as may be prescribed by this Code or by Mississauga First Nation.

DUTY OF FAIRNESS

40.14 Parties who request and/or utilize the appeal services of the Appeals Board are entitled to:

- (a) Be treated fairly by the Appeals Board;
- (b) Be advised of his or her right to utilize the appeal services under this Code in a timely manner and provided with sufficient information to reasonably determine whether to utilize the Appeal services of the Appeals Board;
- (c) Be provided with an opportunity to present his or her position, arguments, and evidence through the appeal services of the Appeals Board in a timely manner;
- (d) Be provided with fair and impartial appeal services of the Appeals Board in a timely manner; and
- (e) Where applicable, be provided with written reasons for a decision made by the Appeals Board in a timely manner.

FEES FOR SERVICE

40.15 The party or parties requesting an appeal hearing by the Appeals Board will be required to pay a non-refundable fees for service of one hundred dollars (\$100.00) in the form of cash or a money order made payable to Mississauga First Nation and may be

deposited directly with the Appeals Board. A receipt will be provided for all deposits received, which shall include the name of the person who paid the deposit, the date it was received, and the signature of the board member of the Appeal Board who received the deposit. Funds received as deposits shall be placed in the general account of Mississauga First Nation and will be used for the appeal services of the Appeals Board. Notwithstanding this Section, the Council reserves the right to increase the Appeal Board fees for service upon reasonable notice to Mississauga First Nation through a Band Council Resolution.

REQUESTING APPEAL HEARING

40.16 Requests for an appeal hearing by the Appeals Board and supporting documentation shall be submitted in writing to the Appeals Board.

TIMEFRAMES FOR APPEAL

40.17 Timeframes for submitting an appeal to the Appeals Board shall be:

- (a) 30 days after the day the decision, act or omission being referred was made;
- (b) in the case of an estate dispute under Section 38.4, 18 months after the date of the death; or

REVIEW AND RESPONSE TO REQUESTS FOR APPEAL HEARING

40.18 The Appeals Board shall review and provide a written response to requests for an appeal hearing within fifteen (15) consecutive days upon receipt to determine if the request comes within the mandate and authority of the Appeals Board. The written response will state whether or not the request is suitable and within the mandate of the Appeals Board to consider, and if so, the process in which the appeal services shall be provided.

NOTICE TO PARTIES

40.19 The Appeals Board shall provide written notice to the other party, or parties to an appeal, that a request for an appeal hearing has

been submitted to and will be considered by the Appeals Board, the evidence provided, and the notice of appeal.

LOCATION OF APPEAL HEARINGS

40.20 Based on the preferences of the parties, the appeal hearing of the Appeals Board may be conducted in person, by written submission, or by telephone. If the parties cannot agree to the format of how the appeal hearing will be conducted, the Appeals Board shall decide. Where the appeal hearing of the Appeals Board is to occur in person, the appeal hearing shall take place in Mississauga First Nation.

CHAIRPERSON AND RECORDER OF DECISION

40.21 The Board members of the Appeals Board shall determine amongst themselves as to who will serve as the Chairperson in an appeal hearing and who will be responsible for writing the final decision of the Appeals Board. The Chairperson shall be responsible for such duties as reviewing the ground rules and procedures of the appeal hearing with the parties and overseeing the process.

GROUND RULES AND PROCEDURES

40.22 The appeal hearings by the Appeals Board are to be offered in a comfortable, relaxed and inviting atmosphere to ensure that all Parties have the opportunity to present their arguments, to be heard, and to be respected. The Appeals Board will provide written information to the Parties as to what the ground rules and procedures of the appeal hearing will be prior to the occurrence of the appeal hearing and these ground rules and procedures will be reviewed again at the start of the appeal hearing.

FORMAT AND STRUCTURE OF APPEAL HEARING

40.23 In addition to the ground rules and procedures that will be established, the format and structure of the appeal hearing will include such aspects as an opening and closing prayer, arranging seating in a circle, providing light refreshments, having the opportunity to take breaks, and other such steps that will assist in the parties and the Appeals Board to work together as co-operatively as possible.

ATTENDANCE AT APPEAL HEARING

40.24 Appeal hearings of the Appeals Board shall be open to Members of Mississauga First Nation.

PARTICIPATION AT APPEAL HEARINGS

40.25 If a party or parties to an appeal refuse to participate in an appeal hearing by the Appeals Board, the process will continue without his or her participation.

NO RECORDING OF APPEAL HEARING

40.26 Appeal hearings of the Appeals Board will not be recorded audio, visually, or by transcription.

TRANSLATION SERVICES

40.27 Where a party or party to the appeal is hearing impaired, visually impaired, or does not speak English, the Appeals Board will provide translation services for its appeal hearing. Mississauga First Nation shall pay the cost for such services.

EXCHANGE OF WRITTEN INFORMATION

40.28 Any written information or documentation that is to be relied upon or used by a party in the appeal hearing, including a list of all witnesses, shall be sent to the Appeals Board at least fifteen (15) consecutive days in advance of the appeal hearing occurring and such information or document shall be treated as non-confidential. Upon receipt of such information or documentation, the Appeals Board shall immediately send a copy of the information or documentation to the other party or parties. The party submitting such information shall include enough copies for the number of Board members of the Appeals Board that will be participating in the appeal hearing, and the other party or parties. Failure to provide the written information or documentation in advance of the appeal services process may render the information or documentation inadmissible.

WITNESSES AT APPEAL HEARING

40.29 The parties to an appeal may request that a witness be allowed to present direct information or evidence on the matter at an appeal hearing. Parties who wish to call witnesses must provide a written

list of the name(s) of the individual(s) who will be called as a witness and a summary of the information that he or she is to present on. The costs for witnesses to present shall be borne by the party requesting their attendance. The Appeals Board maintains the right to determine whether a witness will or will not be allowed to present at the appeal hearing.

MORAL SUPPORT PERSON

40.30 The parties to an appeal may request in writing to the Appeals Board within five (5) consecutive days before the appeal hearing that a person who will provide moral support to them attend the appeal hearing of the Appeals Board. The costs for the moral support person attending the appeal hearing shall be borne by the party requesting his or her attendance.

REPRESENTATIVE OR LEGAL COUNSEL

40.31 As the intent of the appeal hearing is to provide the parties with the opportunity to personally present and resolve their appeal through a process that is less formal, restrictive, or limiting as a court system, requests for representatives or legal counsel to attend and/or present at an appeal hearing, shall be considered by the Appeals Board on a case-by-case basis. If representatives or legal counsel are permitted, their costs shall be borne by the party requesting his or her attendance.

INTERVENERS

40.32 Interveners may be granted permission to present evidence and submissions at appeal hearings where the greater interests of the Mississauga First Nation warrant and where the Appeals Board permit them to do so. Individuals or public interest groups who wish to present at an appeal hearing must submit a written application to the Appeals Board and the parties at least fifteen (15) consecutive days before the appeal hearing is to occur, stating the reasons and information to be presented should they be permitted to present. The parties to the appeal hearing may make written submissions to the Appeals Board as to whether the interveners should be given standing at least six (6) consecutive days before the appeal hearing is to occur. The Appeals Board will consider the application, written submissions of the parties on the

granting of status to the intervener, if any, and advise the intervener in writing at least four (4) consecutive days before the appeal hearing is to occur as to whether he, she, or they will be permitted to present at the appeal hearing. Should an intervener be permitted to present at the appeal hearing, the intervener will be granted a limited time in which to present his, her, or their information and will not be allowed to attend the entire process.

TERMINATION OF APPEAL SERVICES

- 40.33 The appeal services set forth in this Code shall be terminated upon:
- (a) The parties to the appeal reaching written agreement to resolve the appeal;
  - (b) The written request of a party to the appeal to discontinue the appeal services; or
  - (c) The Appeals Board rendering a written decision on the appeal

DECISIONS OF APPEALS BOARD

- 40.34 The Appeals Board through an in-camera process shall deliberate on the matter immediately following the hearing. The Appeals Board shall render and deliver a written decision to the parties within ten (10) consecutive days following the appeal hearing. Decisions of the Appeals Board are open to the public, and are final on the parties, with the exception of recommendations that may be issued in accordance with this Code.

NO APPEAL OF APPEALS BOARD DECISIONS

- 40.35 Decisions of the Appeals Board are final and may not be appealed to any court, or subject to judicial review of any kind.

WAIVER OF LIABILITY BY PARTIES

- 40.36 Parties to an appeal who utilize the appeal services of the Appeals Board shall be requested to consent in writing that the Board members of the Appeals Board who provide or assist in the provision of an appeal hearing under this Code shall not be liable

to the parties for any act or omission in connection with the appeal hearing provided, unless the act or omission is fraudulent or involves willful misconduct.

NO COMPELLABILITY

40.37 The parties and the Appeals Board are not compellable to give testimony or to produce documents in a civil proceeding with respect to matters relating to or prepared or exchanged during the appeal hearing of the Appeals Board.

NOT PRODUCED AS EVIDENCE

40.38 Representations, statements or admissions made, or documents prepared or exchanged during the appeal hearing of the Appeals Board cannot be used in evidence or produced in a civil proceeding, subject to the following exceptions:

- (a) Where there are reasonable grounds to believe that the disclosure is necessary to address a real or perceived threat to a person's life or physical safety
- (b) A party consents to the disclosure of his or her own personal information; or
- (c) The terms of an agreement, memorandum of understanding or plan arising from the appeal hearing to a court and all parties to the appeal hearing.

## **PART 9 OTHER MATTERS**

### **41. Liability**

Liability Coverage

41.1 The Council shall arrange, maintain and pay, out of the transfer payments received from Canada, insurance coverage for its officers and employees engaged in carrying out any matter related to First Nation land to indemnify them against personal liability arising from the performance of those duties.

Extent of coverage

41.2 The extent of the insurance coverage shall be determined by the Council.

Bonding

41.3 Every employee of the First Nation whose responsibilities include land administration or collecting or accounting for land revenue must be bondable.

## 42. Offences

Application of the Criminal Code

42.1 Unless some other procedure is provided for by a law, the summary conviction procedures of Part XXVII of the *Criminal Code*, as amended from time to time, apply to offences under this Land Code or under a law.

## 43. Amendments to Land Code

Community approval

43.1 All amendments to this Land Code must receive community approval by ratification vote to be effective.

Verifier

43.2 A verifier is required in a ratification vote on an amendment.

## 44. Commencement

Preconditions

44.1 This Land Code shall not take effect unless

- (a) the Council has enacted a resolution confirming that adequate funding for land management has been identified and assured by Canada under the Individual Agreement, and
  
- (b) the community approves this Land Code and the Individual Agreement with Canada and this Land Code has been



certified by the verifier pursuant to the *Framework Agreement*.

Commencement  
date

44.2 Subject to Section 44.1, this Land Code shall take effect on the first day of the month following the certification of this Land Code by the verifier.

# INDEX

Access to Information .....	26
Access .....	26
Access to records .....	26
Copies for members .....	26
Allocation of Land .....	34
Allocation of lots .....	34
community approval .....	34
Issuance of CO .....	34
No allocation of lots to non-members .....	34
Amendments to Land Code .....	52
Community approval .....	52
Verifier .....	52
Annual Report .....	25
Contents .....	25
Publish annual report .....	25
Appeals .....	40
Appeal Board .....	40
Panel Established .....	40
Appointment of Panel .....	40
Selection Process .....	40
Duties and Responsibilities .....	41
Qualifications .....	41
Term of Board Members .....	42
Ceasing to be a Board Member .....	42
Resigning as Board Member .....	43
Training .....	43
Resource Persons .....	43
Remuneration .....	43
Selection of Appeals Board for Hearing .....	44
Role and Authority of Appeals Board .....	44
Duty of Fairness .....	45
Fee for Service .....	45
Requesting Appeal Hearing .....	46
Time Frames for Appeal .....	46
Review and Response to Requests for Appeal Hearing .....	46
Notice to Parties .....	46
Location of Appeal Hearings .....	47
Chairperson and Recorder of Decision .....	47
Ground Rules and Procedure .....	47
Format and Structure of Appeal Hearing .....	47
Attendance at Appeal Hearing .....	48
Participation at Appeal Hearings .....	48
No Record of Appeal Hearing .....	48
Translation Services .....	48
Exchange of Written Information .....	48
Witnesses at Appeal Hearing .....	48
Moral Support Person .....	49
Representative or Legal Counsel .....	49
Interveners .....	49
Termination of Appeals Board .....	50
Decisions of Appeals Board .....	50
No Appeal of Appeals Board Decision .....	50
Waiver of Liability by Parties .....	50
No Compellability .....	51
Not Produced as Evidence .....	51
Audit .....	24
Access to records .....	25
Appointment of auditor .....	24
Holding office .....	24
Remuneration .....	24
Duty of auditor .....	25
Explanation of auditor's report .....	25
Vacancy in office .....	24
Authority to Govern .....	5
Flow of authority .....	5
Origin of authority .....	5

# Mississauga First Nation Land Code

---

Certificates of Occupation	33
Application	33
Nature of interest in CO	34
Commencement	52
Commencement date	53
Preconditions	52
Commencement of Laws	9
Laws taking effect	9
Community Approvals	10
Amendments to Land Code	52
Community approval by meeting	11
Prior Membership Meeting	10
Procedure at a Membership Meeting	11
Ratification Vote	13
Conflict of Interest	19
Application of rules	19
Common interests	20
Disputes	21
Duty to report and abstain	20
Inability to act	20
Other laws	21
Specific Conflict Situations	20
Definitions	1
Abrogate	1
Certificate of Occupation	1
Common-Law partnership	2
community land	2
Council	2
Derogate	2
Duplicate Land Register	2
easements	2
eligible voter	2
expropriation	2
First Nation	2
First Nation land	2
First Nation Land Register	2
Framework Agreement	2
Her Majesty	3
immediate family	3
Individual Agreement	3
Lands and Resources Committee	3
law	3
market value	3
Membership Meeting	3
member	3
Panel	3
public buildings	3
ratification vote	3
resolution	3
right of way	3
riparian rights	3
spouse	4
Duplicate Lands Register	31
Duty of member to deposit	31
Duty to maintain duplicate register	31
Existing Interests	32
Continuation of existing interests	32
Expropriation	14
Fiduciary Relationship	4
Financial Management	21
Annual Report	25
Audit	24
Expenditures	23

# Mississauga First Nation Land Code

---

Financial Policy	23
Financial Records	23
Consolidated accounts	24
Offences	23
Preparation of financial statement	24
First Nation Land Register	31
Duty to deposit	31
Framework Agreement	2, 6
definition	2
Ratification	6
Heritage Sites	17
Community approval of development	17
Land Use Plan	17
Improper transactions	32
Interpretation	1
Definitions	1
Fair interpretation	4
Fiduciary Relationship	4
Culture and Traditions	4
Lands and interests	5
Language	4
Non-abrogation	4
Paramountcy	4
Purpose	5
Land Code	1
Enactment	1
Land Administration	
Development of land related rules and procedures	27
Implementation of policies	27
Internal procedures	28
on the granting of interests, licences and permits	32
Land Administration : Chairperson	30
Selection of Chairperson	30
Functions	30
Land Administration : Membership	28
Appointments by Council	28
Balance of term of office	39
Composition	28
Eligibility to be Committee member	28
Selection of Committee members	28
Term of office	29
Vacancy in term	29
Vacancy on Committee	29
Law-Making	7
Approval of law by Council	9
Certification of laws	9
Commencement of Laws	9
Examples of laws	7
Introduction of laws	8
Powers	7
Procedure	8
Publication of Laws	9
Tabling and posting of proposed laws	8
Urgent matters	8
Law-Making Powers	7
Law-Making Procedure	8
Limits on Interests and Licences	32
All dispositions in writing	32
Grants to non-members	32
Improper transactions void	32
Non-members	32
Standards	32
Limits on Mortgages and Seizures	35

# Mississauga First Nation Land Code

---

Certificate of occupation	33
Default in mortgage	36
Indian Act protections	35
Mortgages of leasehold interests with consent	35
Power of redemption	36
Time limit	35
Mississauga First Nation Land	6
Additional lands	6
Excluded Lands	6
Inclusion of land	6
Mississauga First Nation Land	6
New Interests and Licences	33
Authority to make dispositions	33
Conditional grant	33
Role of the Lands and Resources Committee	33
Offences	52
Application of the Criminal Code	52
Prior Membership Meeting	10
Community input at a meeting	10
Process to Implement Laws	11
Procedure at a Membership Meeting	11
Manner of notice	12
Notice of meeting	12
Other laws	13
Other meetings	12
Voting	11
Who may attend	12
Publication of Laws	9
Copies for any person	9
Posting laws	9
Publication	9
Registry of laws	9
Ratification Votes	13
Community approval required	13
Minimum requirements for approval	14
Other laws	14
Ratification Process	13
re: Individual Agreement with Canada	13
No verifier	14
Registration of Interests and Licences	30
Duty to deposit	31
Enforcement of interests and licences	31
Registration of consent or approval	31
Registry of laws	9
Residency and Access Rights	36
Civil remedies	38
Private Access	37
Public Access	37
Right of Access	37
Right of residence	36
Trespass	38
Revenue From Lands	30
Determination of fees, and rent	30
Rights of Eligible Voters	10
Rights	10
Spousal Property Law	39
Staff Liability Coverage	51
Bonding	52
Extent of coverage	52
Individual Agreement	5
Definition	3
Transfer and Assignment of Interests	34
Exceptions	35
Transfers on Death	38
Issuance of CO	38

# Mississauga First Nation Land Code

---

Ministerial Request .....	38
Purchase from Estate .....	38
Transfer from Estate .....	38
Trespass .....	38
Civil remedies .....	38
Voluntary Land Exchanges .....	17
Additional land .....	18
Community notice .....	18
Conditions for a land exchange .....	17
Federal consent .....	18
Negotiators .....	18
Process .....	19
ratification vote .....	17

**LAND CODE**  
**SCHEDULE A**

Parcel 3096, Algoma Centre Section, part of broken Lot 3, Concession 6, designated for reference purposes as Summer Resort Location CK 220, Township of Patton, District of Algoma

Parcel 716, Algoma Centre Section, being the North Part of broken Lot 4, Concession 6, Township of Patton, District of Algoma

Parcel 1737, Algoma Centre Section, part of broken Lot 5, Concession 6, Township of Patton, District of Algoma

Parcel 1349-4604, Algoma Centre Section, being the North Part of broken Lot 8, Concession 4, Township of Patton, District of Algoma

Parcel 3335, Algoma Centre Section, part of broken Lot 7, Concession 6, Township of Patton, District of Algoma

Parcel 3093, Algoma Centre Section, part of broken Lot 7, Concession 6, Township of Patton, District of Algoma

Parcel 3012-2957, Algoma Centre Section, part of broken Lot 6 & 7, Concession 6, Township of Patton, District of Algoma

Parcel 2818, Algoma Centre Section, Lot 6 & 7, Concession 6, Township of Patton, District of Algoma

Parcel 8111, Algoma Centre Section, Lot 6, Concession 6, Township of Patton, District of Algoma

Parcel 6722, Algoma Centre Section, part of broken Lot 6, Concession 6, Township of Patton, District of Algoma

Parcel 7235, Algoma Centre Section, being the West half and South half of broken Lot 8, Concession 5, Township of Patton, District of Algoma

Parcel 199, Algoma Centre Section, being the West half of broken Lot 8, Concession 5, Township of Patton, District of Algoma

Parcel 1727, Algoma Centre Section, Chiblow Island, Township of Patton, District of Algoma

Parcel 1925, Algoma Centre Section, Island A PT CL58, Chiblow Island, Montgomery Township, District of Algoma

## Mississauga First Nation Land Code

---

Parcel 2652, Algoma Centre Section, CRL CL61, Chiblow Island, Montgomery Township, District of Algoma

Parcel 2651, Algoma Centre Section, CRL CL59, Chiblow Island, Montgomery Township, District of Algoma

Parcel 2645, Algoma Centre Section, Island A PT CL60, Chiblow Island, Montgomery Township, District of Algoma

Parcel 2992, Algoma Centre Section, designated for reference purposes as Summer Resort Location CL62, Montgomery Township, District of Algoma

Parcel 3939, Algoma Centre Section, SRL GH18, Montgomery Township, District of Algoma

Parcel 2644, Algoma Centre Section, CL56, Montgomery Township, District of Algoma

Parcel 2451, Algoma Centre Section, Island C, Montgomery Township, District of Algoma

Parcel 1799, Algoma Centre Section, Island D, Montgomery Township, District of Algoma