



Mathias Colomb Cree Nation

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RESIDENCY LAW

2025

Enacted on **May 15, 2025**

Preamble

- A. Mathias Colomb Cree Nation wishes to exercise, through this law, its inherent rights of self-governance as well as its by-law powers under s. 81 of the *Indian Act*, RSC 1985, c I-5; and
- B. The Council of Mathias Colomb Cree Nation wishes to pass this law, and repeal its predecessors, in the best interests of Mathias Colomb Cree Nation;

NOW THEREFORE the Council of Mathias Colomb Cree Nation enacts as follows:

Citation

1. This law may be cited as the *Mathias Colomb Cree Nation Residency Law, 2025*

Definitions

2. In this law,
 - a. “**Council**” means the duly elected Council of the Mathias Colomb Cree Nation, and includes the Chief and Councillors.
 - b. “**Dependent Family Member**” means a natural or adopted child, including a child adopted under Indigenous custom; or a parent, grandparent, or sibling if any such person is dependent on the resident member for care or financial support.
 - c. “**Dwelling**” means any house, apartment, mobile home, or a room located therein in which a person lives or could live, or any similar lodging suitable for habitation.

- d. **“Elders’ Committee”** means a group of Mathias Colomb Cree Nation Elder’s who provide guidance, cultural knowledge, and traditional wisdom to support decision making, community events, and programs.
- e. **“Mathias Colomb Citizen”** means a person whose name appears on the Mathias Colomb Cree Nation membership list or citizenship list, or who is entitled to have his or her name appear on the Mathias Colomb Cree Nation membership or citizenship list, as determined by such law of Mathias Colomb Cree Nation with respect to membership or citizenship as may be in force from time to time, or if none, as determined by Mathias Colomb Cree Nation.
- f. **“Mathias Colomb Law”** means any law of Mathias Colomb Cree Nation, including but not limited to laws that in whole or in part have the status of by-laws under the *Indian Act*.
- g. **“Mathias Colomb Reserves”** means the Pukawatagan Indian Reserve and all other reserves set aside the benefit of Mathias Colomb Cree Nation, and **“Mathias Colomb Reserve”** means any of them.
- h. **“Officer”** means a police officer, peace officer, First Nation constable authorized by Mathias Colomb Cree Nation, or other enforcement officer appointed by Mathias Colomb Cree Nation.
- i. **“Principal Residence”** means the place at which a person resides on a more permanent basis than at any other place at which the person may reside from time to time.
- j. **“Reside”** and **“Residence”** means to live in dwelling, otherwise than as a visitor.
- k. **“Residency Law”** means this law, the *Mathias Colomb Cree Nation Residency Law, 2025*.
- l. **“Resident”** means a person who is entitled to reside on a Mathias Colomb Reserve as provided by Section 3.
- m. **“Trespass Law”** means the *Mathias Colomb Cree Nation Trespass Law, 2025*, as may be amended or replaced.
- n. **“Spouse”** means a person in a married or common law relationship with a resident of Mathias Colomb Cree Nation.

Entitlement to Residency

3. A person is entitled to Reside on a Mathias Colomb Reserve only if the person:
 - a. has his or her Residence on a Mathias Colomb Reserve at the time this *Residency Law* comes into force and only until he or she ceases to have a Principal Residence on a Mathias Colomb Reserve;
 - b. is authorized to Reside on a Mathias Colomb Reserve pursuant to one of the following provisions of the *Indian Act*: Sections 18.1, 20, 24, 28(2) or 58(3); or
 - c. has the permission of the Council pursuant to Section 15 or Section 38 of this *Residency Law* to be a Resident of a Mathias Colomb Reserve.
4. A Spouse or Dependant Family member of a person who is entitled to Reside on a Mathias Colomb Reserve under Section 3, and who Resides with that person, may Reside on that Mathias Colomb Reserve until the latter of:
 - a. 3 months after the Spousal or Dependant Family relation ends;
 - b. Such other time set by Mathias Colomb Law; or
 - c. If applicable, under the *Family Homes on Reserves and Matrimonial Interests or Rights Act*, SC 2013, c 20.
5. A person who was granted permission, in writing, to Reside on a Mathias Colomb Reserve under a previous Mathias Colomb Law is deemed to have the permission of the Council under Section 15 of this *Residency Law* to Reside on that Mathias Colomb Reserve according to the terms of that prior permission.

Residents List and Registrar of Residents

6. The Council will appoint a Registrar of Residents to provide for the administration of applications, petitions and appeals made under this *Residency Law*, and to maintain records related to the Residents of Mathias Colomb Reserves.
7. The Registrar of Residents will maintain a Residents List with the following information:
 - a. the name of each Resident;
 - b. whether each Resident is a Resident for an indefinite or defined period;
 - c. the length of any defined period of Residence; and
 - d. the location of each Resident's Dwelling.

Application for Residency

8. Any person not entitled to Reside on a Mathias Colomb Reserve under Section 3, or who is only entitled to Reside on a Mathias Colomb Reserve for a defined period, may apply to Council for permission to become a Resident, or to extend any defined period for which permission was previously granted to the person. The Application for Residency must be filed with the Registrar of the Residents along with payment of the fee attached under Schedule "A", and must include:
 - a. the applicant's reasons for applying to be a Resident;
 - b. if the applicant proposes to Reside on the reserve for a limited time, the anticipated duration of the proposed residence;
 - c. the location which the applicant proposes to Reside; and
 - d. the name of the applicant's Spouse and Dependent Family Members, if any; and
 - e. any additional information the applicant wishes to provide relating to the considerations listed in Section 14.
9. Within 90 days of filing a completed Application for Residency, the Council will hold a hearing with respect to the application.
10. At least 14 days prior to the Application for Residency hearing, the Registrar of Residents will:
 - a. give written notice to the applicant of the date, time and place of the hearing and inform the applicant that he or she has a right to appear at the hearing and be heard in support of the application; and
 - b. post a copy of the notice in a public manner.
11. At the Application for Residency hearing, the Council will:
 - a. provide the applicant with an opportunity to present evidence, and to make oral or written submissions, or both, in support of their application;
 - b. provide any Resident present at the hearing with an opportunity to be heard.
12. The Council may make rules or decisions as required on the procedure governing the hearing of Applications for Residency and will keep records of its proceedings.
13. After Council has heard all of the evidence and submissions for a Application for Residency, Council will meet in private to consider the application.

14. In determining whether an Application for Residency should be granted, Council will take into consideration all of the following factors for non-Mathias Colomb Citizen applicants, and factors (a) and (b) for Mathias Colomb citizen applicants:
 - a. whether the applicant has arranged for a place to Reside on a Mathias Colomb Reserve;
 - b. the availability of adequate housing, land and services on Mathias Colomb Reserves;
 - c. whether the applicant's residence on a Mathias Colomb Reserve would be compatible with the culture, society and welfare of the Mathias Colomb Citizens;
 - d. whether the applicant is of good moral character;
 - e. the extent to which the applicant is prepared to commit his or her personal and economic resources to the welfare and advancement of Mathias Colomb Cree Nation; and
 - f. whether the applicant is or will be employed on a Mathias Colomb Reserve.
15. Within 10 days after the Application for Residency hearing, the Council will dispose of the application by either:
 - a. granting the applicant permission to be a Resident of Mathias Colomb Reserves for an indefinite period;
 - b. granting the applicant permission to be a Resident of Mathias Colomb Reserves for a defined period, in which case the defined period will be stated;
 - c. extending any defined period for which permission was previously granted, in which case a new defined period will be stated or the period will be stated to become indefinite; or
 - d. refusing the application.

Any permission granted may specify a particular Mathias Colomb Reserve, if Council chooses.
16. Council will, without delay, give written notice of its decision to the applicant, with reasons, indicating the process for appeal under Section 29.
17. Within one week after disposing of the application and notifying the applicant, Council will post a notice of its decision in a public manner.
18. After a Council decision under Section 15 is made, an applicant is prohibited to make a new application for one year. An applicant may submit a new application within a year if there has been a material change in the circumstances.

Petition

19. On the petition of any 10 Residents, using the Petition to Revoke Residency form attached under Schedule “B”, Council may revoke the entitlement of a person to Reside on a Mathias Colomb Reserve who is not:
 - a. a Mathias Colomb citizen;
 - b. a person entitled to Reside on a Mathias Colomb Reserve under Subsection 3.b); or
 - c. a Spouse or Dependent Family Member,where, after a hearing, it has been shown that the person, while a Resident of a Mathias Colomb Reserve, has been convicted of an indictable offence under the *Criminal Code* (Canada) for which a pardon has not been granted and that it would be detrimental to the best interests of Mathias Colomb Cree Nation to permit the person to continue to be a Resident of Mathias Colomb Reserves.
20. Within 30 days after receiving a petition referred to in Section 19, along with payment of the fee set out in Schedule “D”, the Council will hold a hearing into the matter.
21. At least 14 days prior to the hearing, the Registrar of Residents will:
 - a. give written notice to each petitioner and to the affected Resident of the date, time and place of the hearing and informing the petitioner and the affected Resident that he or she has a right to appear at the hearing and to be heard; and
 - b. post a copy of the notice in a public manner.
22. At the hearing, the Council will:
 - a. provide each petitioner and the affected Resident with an opportunity to present evidence, and to make oral and written submissions, or both, on the petition; and
 - b. provide any Resident at the hearing with an opportunity to be heard.
23. Council may make rules and decisions on the procedure governing the hearing of petitions under this section and will keep records of its proceedings.
24. After it has heard all of the evidence and submissions, the Council will meet in private to consider the petition.
25. Any revocation of entitlement of a person to Reside on a Mathias Colomb Reserve will require the approval of a quorum of Council voting in favour of the petition, which must include the Chief.

26. Within 10 days after the hearing, Council will render its decision in writing to the petitioners and the affected Resident, which will include reasons, and notification of the appeal process in Section 29.
27. Within 1 week after Council's decision and after rendering the decision to the petitioners and the affected Resident, the Council will post a notice of the decision in a public manner.
28. If a Resident loses his or her entitlement to Reside on a Mathias Colomb Reserve, the revocation does not affect:
 - a. A Spouse or Dependent Family member who is a Mathias Colomb Citizen, or has their own entitlement to Reside on a Mathias Colomb Reserve; or
 - b. A Spouse who has custody of Dependent Family member(s) who is a Mathias Colomb Citizen or has their own entitlement to Reside on a Mathias Colomb Reserve.

Appeal

29. An applicant whose application is refused by the Council under Section 15, or a Resident whose entitlement to Reside on a Mathias Colomb Reserve has been revoked by the Council under Section 26, may appeal the decision to the Elders' Committee by filing a written Request for Appeal Hearing, attached under Schedule "C" with the Registrar of Residents within 30 days of the Council's decision being publicly posted.
30. All appeals must be referred to the Elders' Committee, and the Elders' Committee will hear appeals pursuant to Section 29 and make recommendations to the Council.
31. The Elders' Committee may govern the conduct of the appeals it hears and will keep records of its proceedings.
32. Within 30 days after the filing of the Request for Appeal Hearing, the Elders' Committee will hold a hearing with respect to the appeal.
33. At least 14 days prior to the date of the hearing, the Registrar of Residents will:
 - a. give written notice to the appellant of the date, time and place of the hearing and will inform the appellant that she/he has the right to appear and make oral or written submissions, or both, at the hearing in support of the appeal; and
 - b. post a copy of the notice in a public manner.
34. At the hearing, the Elders' Committee will:
 - a. provide the appellant with an opportunity to present evidence, and to make oral or written submissions, or both, in support of the appeal; and

- b. provide any Resident present at the hearing with the opportunity to be heard.
35. After the Elders' Committee has heard all of the evidence and submissions, the Elders' Committee will meet in private to consider the appeal.
36. In determining whether an appeal should be allowed, the Elders' Committee will take into consideration the criteria set out in:
- a. Section 14 if a decision under Section 15 is being appealed; or
 - b. Section 19 if a decision under Section 26 is being appealed.
37. Within 10 days after hearing the appeal, the Elders' Committee will make written recommendations to Council, and will give written notice of its recommendations to the appellant.
38. Within 10 days after the Council has received the recommendations of the Elders' Committee, the Council will dispose of the appeal and may vary or maintain its original decision.
39. Council will notify the appellant of its decision without delay.
40. Within 1 week after the decision and notifying the appellant, Council will post a notice of its decision in a public manner.

Enforcement level 1: Violation

41. A person found to be Residing on a Mathias Colomb Reserve without being entitled to do so under this *Residency Law*:
- a. is required to cease Residing on Mathias Colomb Reserves without delay;
 - b. is not eligible for housing benefits or other benefits specifically for Mathias Colomb Residents; and
 - c. may be declared to be trespassing pursuant to the *Trespass Law*, as amended or replaced, and if so may be removed from and prohibited from entering Mathias Colomb Reserves accordingly.

Enforcement level 2: Tickets

42. If a person has been found by an Officer to be Residing on a Mathias Colomb Reserve without being entitled to do so under this *Residency Law*, the Officer may issue the person a ticket in the amount set out in Schedule "D", and:
- a. The person must, within 30 days, either:

- i. pay the ticket fee to Mathias Colomb Cree Nation and file an Application for Residency under Section 8, in which case the person may temporarily Reside on the Mathias Colomb Reserve until the completion of the application process and any appeal process; or
 - ii. cease Residing on Mathias Colomb Reserves.
- b. The Mathias Colomb Cree Nation will issue a receipt upon payment of a ticket.
- c. A person declared to be trespassing pursuant to the *Trespass Law*, as amended or replaced, is not eligible for the option under Section 42(a)(i).

Enforcement level 3: Offences

43. If a person has been issued a ticket under section 42 of this *Residency Law* and has failed to exercise either option under Section 42(a) within 30 days, that person may be charged with an offence for breach of this *Residency Law*, punishable upon summary conviction by a fine of up to \$1,000.00 or up to 30 days imprisonment, or both.

Schedules

44. The Schedules being, the Application for Residency, attached under Schedule "A", the Petition to Revoke Residency, attached under Schedule "B", the Request for Appeal Hearing, attached under Schedule "C" and the Fee's, attached under Schedule "D", form part of this *Residency Law* and may be amended by resolution of the Council of Mathias Colomb Cree Nation.

Repeal

45. All prior residency laws of Mathias Colomb Cree Nation including by-laws are hereby repealed and replaced with this *Residency Law*, including without limitation:
 - a. By-law no. 10, 1997, governing the residence of the Mathias Colomb Cree Nation and other persons on the Mathias Colomb Indian Reserve, passed on November 25, 1997, which came into force on January 4, 1998.

Other

46. If any part of this *Residency Law* is found to be invalid or unenforceable, the section affected will be read down to eliminate the impugned portion, and the remainder of this *Residency Law* will remain in force.

Coming into Force

47. *This Residency Law* comes into force after it is enacted by the Council of Mathias Colomb Cree Nation, on the date it is first published on the Mathias Colomb Cree Nation website,

in the *First Nations Gazette*, or in a newspaper that has general circulation on the Mathias Colomb Reserves, whichever the Council considers appropriate in the circumstances.

SCHEDULE A
APPLICATION FOR RESIDENCE



1. Applicant's Name:

2. Applicant Contact Information:

Phone: _____ Email: _____

3. Location of Residence:

4. Reason for applying for Residency:

5. Duration of Residence:

- Indefinite
- Valid until (DD/MM/YYYY) _____

6. Name of Spouse or Dependant Family Member (if any):

7. Any addition information:

Applicants Signature:

Date:

Thank you for applying for Mathias Colomb Cree Nation Residency. We will contact you within 90 days of reviewing your complete application and your payment of all applicable fees to arrange a meeting of Council to discuss your completed application.

SCHEDULE B

PETITION TO REVOKE RESIDENCY



In accordance with Section 19 of the *Mathias Colomb Residency Law, 2025*, the following 10 petitioners request the Council of Mathias Colomb Cree Nation to revoke the following person's entitlement to Reside on Mathias Colomb Reserves.

Name of Person whose Residency should be revoked:

Reasons:

Petitioners Names and Signatures (minimum of **10** petitioners)

Name:

Representative Applicant Name:

Representative Applicant Contact Information:

Phone: _____ Email: _____

Mailing Address: _____

Thank you for submitting the petition to revoke the Residency entitlement of the person named above. We will contact you within 30 days of reviewing your complete petition and your payment of all applicable fees to arrange a meeting of Council to discuss your completed petition.

SCHEDULE C

REQUEST FOR APPEAL HEARING



Mathias Colomb Cree Nation

TO: Elder's Committee of Mathias Colomb Cree Nation

Pursuant to the *Mathias Colomb Cree Nation Residency Law, 2025*, I am requesting a review by the Elder's Committee of the decision given by Council, dated the ____ day of _____, 20__, which declined my Residency entitlement on Mathias Colomb Reserves.

The Grounds on which I believe the decision must be reviewed include:

- 1.
- 2.
- 3.
- 4.

My contact information is the same as that indicated on my Application for Residency Form.

My contact information has changed to:

Phone: _____

Email: _____

Address: _____

DATED AT _____ this ____ day of _____, 20__.

Printed name of applicant

Applicant's signature

SCHEDULE D

FEES

Fee for filing an Application for Residency under Section 8	\$50.00
Fee for filing a petition under Section 20	\$100.00
Fee for a ticket issued under Section 42	\$200.00

THIS RESIDENCY LAW IS HEREBY ENACTED by Council at a duly convened meeting held on the 15th day of May, 2025.

A quorum of Council consists of 5 members of Council.



Chief Gordie Bear

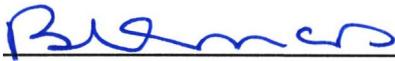


Councillor Wanda Bighetty



Councillor Moses Castel Sr.

Councillor Steven C. Castel



Councillor Brenda Dumas

Councillor Alma Hart



Councillor Arlene T. Caribou



Councillor Selena Castel



Councillor Connie Constant

Councillor Travis Dumas



Councillor Kelly Linklater