

Kitselas Policy Manual
Land Grants to Members

Unit	Policy	Approved
General	This policy deals with the granting of a right of possession and occupation to a member. It is important to remember that a right does not exist until it is granted by the Band Council. It is only after the Grant has been finalized does the right come into existence.	Policy approved by KBC by Band Council motion February-09
Authority	The <i>Kitselas “Land Interests Law K.B.C. 2007 No 1”</i> section 6.02 states: Council may by Order grant an interest or license in Community Land, including but not limited to the following <ol style="list-style-type: none"> a) A right of possession and occupation to a member. b) an easement: c) a right of way: d) a permit: or e) a lease. 	
Member	For the purposes of the “ <i>Kitselas Land Interests Law</i> ” Only a band member registered under section 6 of the Indian Act, and is a registered member of the Kitselas Band is eligible to be granted a right of possession and occupation in Kitselas lands.	
Criteria	The following is the criteria approved in this policy: <ol style="list-style-type: none"> 1. Residential lots in either Kulspai or Gitaus, 2. Lot must be surveyed and have a recorded legal description. 3. No money is to be owed to the band for the house. 4. House is no longer under a mortgage through CMHC 5. If there is to be more than one owner, both or all owners must agree to either a joint tenants to tenants in common. 	
Rights of owners	The right of possession and occupation includes: <ol style="list-style-type: none"> 1. The right to “will” the home and lot to another band member, the band cannot transfer ownership of land to a non band member. 2. The right to sell it to another band member, 3. To lease or rent 4. To give it to another band member 5. The right to benefit from the resources on the land. 6. The right to benefit from improvements made after transfer of ownership. 7. Neither the Band Council nor the Department of Indian Affairs has the authority to cancel a right of possession 	

	<p>and occupation.</p> <p>8. Council cannot add owners to the land without the consent of the present owner.</p>
Rights do not include	<p>Ownership rights do not include:</p> <ol style="list-style-type: none"> 1. Starting a business without a business license issued by the Kitselas Band Office. 2. Using the land for anything that may be hazardous to the health and safety of others, 3. Owners and all persons are subject to all of the laws of Kitselas including zoning laws,
Obligations of owners	<p>The owner's obligations and responsibilities include:</p> <ol style="list-style-type: none"> 1. Since it is no longer a band house, the owner is responsible for all maintenance and repairs. 2. The owner is responsible for fire insurance, the Council has no obligation to replace a house. 3. To prepare a "will" and register the will in the Kitselas Land registry office. 4. Inform the Kitselas Lands Office of any changes to ownership.
Council will approve	<p>The following will be approved by Council;</p> <ol style="list-style-type: none"> 1. All documentation is complete and checked by legal counsel.
Council will not approve	<p>The following will not be approved by council under "<i>Land Interests Law K.B.C. 2007 No 1</i>":</p> <ol style="list-style-type: none"> 1. Transfers to non Band members. 2. Incomplete Documentation