

Nisga'a Landholding Transition Act

Documents and Instructions

For Nisga'a citizens who have a Nisga'a Village entitlement or Nisga'a Nation entitlement

What you need to know

The *Nisga'a Landholding Transition Act* provides a way for a Village government to offer fee simple title to the holder of a Nisga'a Village entitlement or Nisga'a Nation entitlement. Although the first grant of fee simple title must be to a Nisga'a citizen, that citizen can then transfer the title to anyone without restriction. The Village government cannot charge you a fee for the fee simple title to the parcel where you hold an entitlement.

There are some conditions that must be met:

- The holder or holders of the entitlement must be Nisga'a citizens
- The parcel must be no larger than ½ acre (.2 ha)
- The parcel must be zoned for residential use in a zoning law enacted by the Village government
- There can be no mortgage of the existing Entitlement registered in the Nisga'a Land Title Office



If the Village government offers you fee simple title to your parcel

The Village government may offer you fee simple title by sending you a letter of offer with forms and instructions that you can use to accept or decline the offer.

If you want to accept the offer, you will need to fill out the form that is enclosed with the offer and submit it to the Nisga'a Land Title Office so that the title can be registered in your name. You do not have to pay a fee for the registration.

You do not need to accept the offer of fee simple title. If you wish, you can keep your existing entitlement.

If you do not want to accept the offer, you can either fill out a form declining the offer, or simply do nothing. If you do nothing, the offer will expire in 90 days.

If the Village government does not offer you fee simple title to your parcel

If the Village government does not offer you fee simple title, you can request it. The request is made by filling out *Nisga'a Landholding Transition Regulation Form 3* and submitting it to the Village government. The Village government must consider your request as soon as practicable, and cannot unreasonably refuse your request.

If the Village government grants your request, it will send you a letter of offer with forms and instructions that you can use to accept or decline the offer.

If the Village government denies your request it must give written reasons, and those reasons are reviewable under the *Nisga'a Administrative Decisions Review Act*. (Please note that the existence of a debt to the Village or Nation is considered to be sufficient reason to refuse a request.)

What is the process?

If the Village government offers you the fee simple title to the parcel where you have an entitlement, it will send you a letter of offer, enclosing a copy of *Nisga'a Landholding Transition Regulation Form 1*. The purpose of sending you Form 1 is to show you that notice of the offer has been registered in the Nisga'a Land Title Office.

If you want to accept the offer:

- Fill out a *Nisga'a Landholding Transition Regulation Form 5* (which will be included with the offer) and submit it to the Nisga'a Land Title Office. Staff of the Land Title Office can assist you to fill out the form.
- The Registrar will register the grant of fee simple title to the lot, and provide a title search to both you and the Village government so that you can see that the title has transferred to you.

If you do not want to accept the offer:

- Fill out a *Nisga'a Landholding Transition Regulation Form 6* (which will be included with the offer) and submit it to the Nisga'a Land Title Office. Staff of the Nisga'a Land Title Office can assist you to fill out the form.
- The Registrar will cancel the notice of the offer, and you will retain your existing entitlement.

If you do nothing:

- The offer will expire in 90 days and you will retain your existing entitlement.

Documents

To request a grant of fee simple title, you will need the Form 3 (attached). All the information that you need to fill out the Form 3 is on the title search for the lot where you have your entitlement. You can obtain the title search from the Nisga'a Land Title Office for no charge.

If the Village government offers you the fee simple title, it will provide you with the required documents at the time of the offer.



For further information, please feel free to contact us and we will do our best to help you.

Nisga'a Land Title Office
PO Box 231
Gitlax't'amiks, BC V0J 1A0
Telephone 250 633 3028
Toll free 1 866 633 0888
Email land.title@nisgaa.net
Website www.nisgalandtitle.ca

Nisga'a Landholding Transition Act

Form 1

(Section 2(1))

**RESOLUTION BY NISGA'A VILLAGE GOVERNMENT
OF OFFER TO NISGA'A CITIZEN(S)**

MOVED THAT under section 2(1) of the *Nisga'a Landholding Transition Act* the Nisga'a Village Government of _____ [*name of Nisga'a Village*] offer the estate in fee simple to the following parcel of Nisga'a Lands to the following Nisga'a citizen(s), who currently hold(s) an entitlement to the parcel:

Parcel Identification Number (PIN)

Legal Description of Parcel

Nisga'a Citizen(s)

[Full name(s), Nisga'a citizenship number(s) and, if applicable, undivided fractional or joint tenancy interest(s)]

MOVED BY: _____

SECONDED BY: _____

VOTE: Yes _____ No _____ Abstain _____

DATED the _____ day of _____, 20 _____.

**Authorized Signatory of Resolution for
Nisga'a Village Government**

SIGNATURE

FULL NAME

POSITION

NOTES TO FORM 1

A separate form must be used for each parcel.

The parcel identification number (PIN), the legal description of the parcel, and the name of the Nisga'a citizen(s) holding the entitlement to the parcel, must be reproduced from the register of the Nisga'a land title office.