



BULLET POINT SUMMARY FOR DEVELOPMENTS ON FIRST NATION LAND

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Workshop A - Getting Down to Business: The Low-Down on Doing Deals on First Nation Land

This summary consists of the following parts:

- Part A - General Principles for Developments on First Nation Land
- Part B - Project Checklist for Developments on First Nation Land
- Schedule - Comparison of Real Estate Projects under Provincial Fee Simple, First Nation *Indian Act* and First Nation *FNLMA* Land Code Regimes

A. GENERAL PRINCIPLES FOR DEVELOPMENTS ON FIRST NATION LAND

Leasehold Developments on First Nation Land are Common.

- There have been countless successful developments carried out under leases of First Nation land.
- Developers of First Nation land can obtain valid, enforceable leases.
- Leasehold interests can be mortgaged to support financing of the development.

Different First Nation Governing Regimes.

- There are a number of different regimes applicable to First Nations.
- Some First Nations are governed only by the *Indian Act* (Canada) and any bylaws developed by the First Nation.
- Some First Nations have developed their own Land Codes under the *First Nations Land Management Act* (Canada) (the “*FNLMA*”) and related Framework Agreement and Individual Agreements, with broader recognized law-making powers.
- Some First Nations have developed their own constitutions or entered into treaties with the federal and provincial governments.

Title to First Nation Land.

- Title to most First Nation land is held by Her Majesty the Queen in right of Canada (“**Canada**”) on behalf of the First Nation and its members.
- Much First Nation land is held by Canada on behalf of the First Nation community as a whole.
- Some First Nation land has been specifically allotted to individual members for their own use and benefit.

Granting of Leases.

- Leases of *Indian Act* land are granted by Canada on behalf of the First Nation or individual member, as applicable.

- Canada is represented by the Department of Indigenous Services Canada (“ISC”).
- Where a Land Code applies, certain sections of the *Indian Act* are replaced by Land Code provisions, and leases are granted directly by the First Nation or member.

Leases of First Nation Community Land Must be Approved by a Vote of the First Nation’s Members.

- Under the *Indian Act*, community land must be “designated” for leasing purposes by a referendum vote before the land can be leased.
- Under the *FNLMA*, the *Indian Act* designation provisions are replaced by the requirements established by the First Nation under its Land Code.
- For some projects, the required designation or other membership approval may be in place before the developer becomes involved.

The Designation Process.

- Designation votes can take 6 to 12 months or more if not already in place.
- Some designations provide that a further member approval at a community meeting is required for each specific lease that is granted.

Designation Terms.

- The terms and conditions of any applicable designation or other approval are critical.
- For community property, lease terms are often limited to 99 years, sometimes starting from the effective date of the designation.
- The lessee likely will be required to pay fair market rent, and an appraisal typically is required.
- The market rent requirement may create challenges in some cases, such as for the structuring of joint ventures with First Nations or members – since market rent must be paid, it may not be possible for a First Nation to “contribute” a lease of the land to a partnership or joint venture in the usual way.
- Some designations require payment of periodic rent, with rent reviews every five years, which can create challenges for developers and lenders and limit investment in the project.

Leases of Individually Held Land.

- Designation votes are not required for leases of individually held First Nation land.
- Leases of individually held land are granted by Canada at the direction of the member, or, in the case of Land Code land, directly by the member.
- Lease terms greater than 99 years may be possible in some cases.
- A First Nation Council Resolution often is required in order to show the Council’s support for the lease.

Leasehold Considerations.

- Structuring any leasehold development presents certain challenges.
- Tenants and subtenants often require non-disturbance agreements from the land owner.
- Lenders will require lender consent agreements with the land owner.
- The terms and conditions of the lease will be critical. For example:

- What are the approved uses?
 - Are assignments, subleases and mortgages permitted?
 - For leasehold residential projects, Canada Mortgage and Housing Corporation has specific insured borrowing requirements.
- Developments providing for more remote interests, such as sub-subleases, are more complicated and generally less desirable.
 - Leases of First Nation land can provide additional challenges, as set out below, but Canada and First Nations are often willing to provide standard protections through non-disturbance agreements and lender consent agreements.

Developer is Vulnerable Until Lease is Granted.

- A developer generally will not have a valid interest in First Nation land unless and until the lease is granted.
- Options to lease and conditional leases generally are not possible under the *Indian Act*.

Indian Act Exemptions from Pledge and Seizure.

- Under section 89 of the *Indian Act*, the real and personal property of First Nations and their members are exempt from pledge and seizure.
- This protection only applies to the interests of First Nations and their members, and does not prevent the granting of valid leases or mortgages of lease.
- The *Indian Act* also provides an exemption for leases of designated land so that First Nations and members can obtain valid leasehold interests, and Land Codes typically provide for similar exemptions.

What are the Applicable Laws?

- Use of First Nation land is governed by federal laws, First Nation laws and the terms of the lease.
- Most provincial laws do not apply.
- The federal *Impact Assessment Act* (the “**IAA**”) applies to many projects and an IAA approval process is often required contractually in *Indian Act* leases.
- The *IAA* is administered by ISC, often with involvement of the First Nation. Land Code First Nations may administer the *IAA* under First Nation laws.
- Many First Nations have their own property tax laws, overseen by the federal First Nations Tax Commission under the *First Nations Fiscal Management Act*.
- First Nations also may have their own development approval processes and other applicable laws and bylaws, including property transfer tax laws.

First Nation Land Registries are Only Recording Systems.

- Title to *Indian Act* land is recorded in the Indian Lands Registry and title to Land Code land is recorded in the First Nation Land Registry.
- Those Registries do not provide the assurances as to title or priority of registration that are provided by provincial land registry systems.

- However, some Land Codes provide for priority of registration and require instruments to be registered in order to be valid.
- Title is not conclusive and may be subject to unregistered encumbrances.
- Additional due diligence is often recommended.
- Title insurance is common and is often required by lenders.

B. PROJECT CHECKLIST FOR DEVELOPMENTS ON FIRST NATION LAND

What is the Applicable First Nation?

- Identify the jurisdiction – what is the applicable First Nation?
- What is the applicable regime?:
 - Indian Act, Land Code, other?
- Review any applicable Land Code, constitution or treaty.

Who is the Land Owner?

- Is the subject property community land or individually held land?
- On-line geo-web parcel map searches can be carried out through the Electronic Registry Index Plan (“ERIP”) service.
- Indian Land Registry or First Nations Land Registry searches can be carried out and you can obtain the following:
 - A parcel abstract report (“PAR”) listing recorded instruments.
 - Copies of instruments recorded on the PAR and related PARs.
 - Copies of applicable Canada Lands Survey Records (“CLSR”) plans.
 - A general reserve abstract report, which shows registrations relating to the entire reserve.

For Community Property – Is a Designation or Other Applicable Approval in Place?

- Review terms and conditions of any applicable designation or other member approval.
- If a designation or other member approval is still required, investigate the First Nation’s designation process and consider timing. Provide input into the approval process if possible.
- Investigate the process and timing for the negotiation of the lease terms and the granting of the lease.
- Is a new survey required?

What is the Nature of the Proposed Transaction and What Interests in Land are Required?

- Leasehold project:
 - Single tenant and use or multiple tenants / subtenants?
 - Consider fair market rent requirements, leasehold structuring and any applicable restrictions in the designation or other approval.

- Partnership or joint venture:
 - Consider structuring and tax, including any available First Nation tax exemptions.
- Project financing:
 - Introduce your lender to the project as early as possible.
 - Determine the lender's due diligence and security requirements.
- What other interests in land are required?
 - Access licenses or permits?
 - Easement rights to utility providers?
 - Restrictive covenants, cost-sharing arrangements, etc.?

Who are the Relevant Officials and Advisors?

- First Nation officials and advisors.
- ISC officials.
 - Who are the ISC contacts and what will be the scope of ISC's role (can vary with each First Nation).
- Legal counsel for:
 - First Nation and/or any applicable individual land owner.
 - ISC (Justice Canada).
- Developer consultants – environmental, survey, construction, etc.

Due Diligence and Other Considerations.

- Review any applicable Land Code, constitution or treaty.
- Review any applicable designation or other member approval.
- Carry out title, plan and encumbrance searches in the applicable Registry – see above.
 - Consider digging deeper when appropriate.
- Investigate road access – on-reserve and off-reserve.
- Investigate availability of local services:
 - Water, sanitary sewer, storm sewer.
 - Police, fire and ambulance.
 - Review applicable contracts with adjacent municipalities.
 - Existing arrangements likely will not be guaranteed for the term of the lease.
- Investigate availability of utilities:

- Hydro, gas, telecommunications, cable, etc.
- Some utilities may have specific requirements for rights of way or other interests.
- Review applicable First Nation laws and bylaws, including property tax laws – available from the First Nation, on the First Nation’s website or from the on-line First Nations Gazette (www.fng.ca).
- Investigate any applicable construction and occupancy approval requirements.

Basic Steps for Granting of a Lease.

- For community property – obtain a successful designation vote or Land Code approval, if the required approval is not yet in place.
- Strictly follow any requirements of the designation or other approval.
- Negotiate your lease terms and any other applicable agreements or requirements.
- Submit your IAA project description to the First Nation and/or ISC and obtain any required environmental screening or assessment, which will set out any required mitigation measures.
- If required, obtain fair market rent appraisal, in consultation with your First Nation partner.
- Obtain a federal Canada Lands survey, if it is a lease of a new parcel.
- Obtain a First Nation Council Resolution approving of the lease.
- Register your lease and any mortgage security.

Keep it Simple and Agree on Business Terms First.

- Whether the transaction involves First Nation community land or individually held land, developers negotiating leases should consider first negotiating a simple term sheet or letter of intent to reach agreement on business terms before pursuing more formal steps and final legal documents.
- Remember that term sheets and letters of intent are not binding instruments and your investment will not be protected until the lease is granted.

Build Your Relationship

- Learn about your First Nation partner.
- Start building a relationship of mutual respect and trust from the very beginning!

Key Contacts



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SCHEDULE A

Comparison of Real Estate Projects Under Provincial Fee Simple, First Nation *Indian Act* and First Nation *FNLMA* Land Code Regimes

[Note: There are other First Nation title regimes, where the First Nation has its own constitution or treaty.]

Item	Provincial Fee Simple	<i>Indian Act</i> Reserve Land	<i>FNLMA</i> Reserve Land
<u>A. Title and Granting of Interests in Land</u>			
Title System and Assurances	<ul style="list-style-type: none"> • Registration in the applicable Land Registry System. • Registration systems typically provide statutory assurances as to title, encumbrances and priority of registration. • Electronic registrations and searches. • Title insurance is not as common. 	<ul style="list-style-type: none"> • Indian Lands Registry (ILR) recording system. • No assurance as to title or encumbrances. • Priority only given to a registered assignment vs. an unregistered assignment (s. 55(4) <i>Indian Act</i>). • Registrations done through Indigenous Services Canada (ISC), the ILR or the First Nation. • Some on-line searches possible, but not conclusive. • Title insurance may be required by lenders. 	<ul style="list-style-type: none"> • Similar – <i>First Nations Land Management Act (FNLMA)</i> provides no assurance as to title or encumbrances. • First Nations Lands Registry (FNLRL) Regulations provide priority for post-Land Code registrations of interests in land – but not for licenses. • Registrations done through First Nation, and a mirror First Nation Registry may be established by a First Nation. • Some on-line searches possible, but not conclusive. • Some Land Codes provide for priority of registration and require instruments to be registered in order to be valid. • Title insurance may be required by lenders.
Ownership	<ul style="list-style-type: none"> • Fee simple title registered in the name of the owner. 	<ul style="list-style-type: none"> • Title held by Canada as fiduciary in accordance with <i>Indian Act</i>. 	<ul style="list-style-type: none"> • Canada still technically holds title, but ISC is no longer involved in land interests.

Item	Provincial Fee Simple	<i>Indian Act Reserve Land</i>	<i>FNLMA Reserve Land</i>
		<ul style="list-style-type: none"> • ILR Parcel Abstract Reports show First Nations and individual members holding Certificates of Possession (CPs). The individual members are referred to as “Locatees” or “CP Holders”. 	<ul style="list-style-type: none"> • FNL parcel abstract shows First Nation and individual members holding individual possessory interests (similar to CPs and defined differently in different Land Codes, and referred to herein as “IPIs”). • First Nations, and often members, are authorized to grant interests and rights directly.
Individual Ownership	<ul style="list-style-type: none"> • Fee simple. 	<ul style="list-style-type: none"> • CP is the greatest individual interest. • CPs can be assigned to First Nation members and new CPs can be issued to First Nation members under the <i>Indian Act</i>. 	<ul style="list-style-type: none"> • CPs are continued as IPIs for First Nation members upon adoption of Land Code. • Land Code will define the IPIs and may provide for issuance of new IPIs to members and the transfer or IPIs to other members. • Restrictions and requirements may apply to IPIs under Land Code.
Greatest Interest in Land	<ul style="list-style-type: none"> • Fee Simple. 	<ul style="list-style-type: none"> • Lease. • Maximum term is established by ISC policy - typically 99 years for leases of community property – and the terms of the applicable designation. • Previous ISC policy limited CP leases to 49 years, but now it is up to the CP holder. Lease terms may exceed 99 years in some cases. 	<ul style="list-style-type: none"> • Lease. • Maximum term, if any, prescribed by Land Code. • Terms longer than 99 years are not uncommon, particularly for leases granted by members.

Item	Provincial Fee Simple	<i>Indian Act</i> Reserve Land	<i>FNLMA</i> Reserve Land
Membership Approval	<ul style="list-style-type: none"> • Not applicable. 	<ul style="list-style-type: none"> • For community reserve land, the land must be "designated" for leasing by an affirmative referendum vote of the First Nation's electors in accordance with sections 38(2) and 39.1 of the <i>Indian Act</i>. • The designation document is a key document – its terms and conditions must be followed. • Designations sometimes provide for a further member approval of actual lease terms. • Reserve land held under CP does not require community approval – see section 58(3) <i>Indian Act</i>, but ISC still requires a Council Resolution evidencing support of the lease. 	<ul style="list-style-type: none"> • Membership approval requirements and processes are provided for in the Land Code. • Typically, community approval will be required for a long term lease of community reserve – approval requirements vary. • Need to carefully review what type of approval is required under the Land Code - approval of the full lease, approval of the key terms of the lease or just approval for the grant of the lease? • Typically, community approval is not required for leasing of IPI land, but there may be other requirements, such as approval by Council.
Parties to Sale / Lease	<ul style="list-style-type: none"> • Sales or Leases are possible. • Sale contract or lease is entered into by registered owner. • Purchaser / Tenant. • Condominium corporation, for fee simple condominium projects. • Condominium corporation, for leasehold condominium projects, where applicable. 	<ul style="list-style-type: none"> • Only leases are possible. • Leases are granted by Canada on behalf of the First Nation or individual CP Holder in favour of tenant. • First Nation sometimes is a party. • An owner association may be a party or an assignee in some situations, to create contractual condominium regime and for protection of subtenants and lenders. 	<ul style="list-style-type: none"> • Only leases are possible. • Leases are granted directly by First Nation or IPI holders in favour of tenant. • An owner association may be a party or an assignee in some situations, to create contractual condominium regime and for protection of subtenants and lenders.

Item	Provincial Fee Simple	<i>Indian Act Reserve Land</i>	<i>FNLMA Reserve Land</i>
Sale / Lease Process and Terms	<ul style="list-style-type: none"> Owner negotiates directly 	<ul style="list-style-type: none"> For community property, lease terms must be within scope of terms of the applicable designation. ISC standard lease form used. ISC has varying levels of involvement, but most often ultimately approves of the lease. ISC policy makes it difficult to negotiate significant changes to standard lease form. Rent reviews sometimes mandated under the designation. 	<ul style="list-style-type: none"> First Nation or IPI holders can negotiate directly. No ISC involvement and no requirement to follow a standard form of lease. First Nation council sometimes involved in lease of IPI land.
Typical Prerequisites.	<ul style="list-style-type: none"> None. 	<ul style="list-style-type: none"> Survey prepared by Canada Lands Surveyor (federal requirements), if required. Market value appraisal (may not be required for lease of CP Land where there is independent legal advice). Development plan (conceptual). Confirmation of availability of services – fire protection, water, sewer. Environmental impact assessment, or environmental screening required and a mitigation measures table is appended to the lease. 	<ul style="list-style-type: none"> Survey prepared by Canada Lands Surveyor (federal requirements). Environmental impact assessment or environmental screening is typically required. Applicable Land Code may have other requirements. Otherwise up to First Nation or IPI holders.
Final Sale / Lease Approval	<ul style="list-style-type: none"> Owner approves directly. 	<ul style="list-style-type: none"> Some designations require subsequent member approval of lease terms. 	<ul style="list-style-type: none"> Governed entirely by Land Code. For community property, Council approval is typically required.

Item	Provincial Fee Simple	<i>Indian Act</i> Reserve Land	<i>FNLMA</i> Reserve Land
		<ul style="list-style-type: none"> For designated land, a First Nation Council resolution is required. For CP land, CP holder's consent and certificate of independent legal advice are required. Typically, a Council resolution indicating approval of the granting of the lease is also required. 	<ul style="list-style-type: none"> Sometimes, approval by a Land Committee is also required. For IPIs, members grant leases directly. Council approval is sometimes required. Applicable Land Code may have other requirements.
Other Available Interests in Land	<ul style="list-style-type: none"> All recognized interests in land are permitted. Some provincial legislation provides for statutory instruments, such as rights of way. 	<ul style="list-style-type: none"> S. 28(2) <i>Indian Act</i> permit – essentially a license - not an interest in land. S. 53(1) <i>Indian Act</i> interests – if specifically permitted under terms of designation. S. 35 <i>Indian Act</i> rights of way/easement. 	<ul style="list-style-type: none"> Wider range of interests and rights typically are permitted under Land Codes. Land Code requirements must be followed.
“Tying up” the Land in Advance	<ul style="list-style-type: none"> Conditional purchase agreements or options to purchase or lease are possible. Registration in provincial land registry is possible. 	<ul style="list-style-type: none"> Generally not possible, as rights and interests in respect of reserve land can only be granted in accordance with the <i>Indian Act</i>. Conditional leases are generally not supported by ISC. Non-binding letters of intent or term sheets between the developer and the First Nation or member (but ISC will not be a party) can be used. The lessee will need to incur significant costs before its interest is assured by the granting of a lease at the end of the process. 	<ul style="list-style-type: none"> Pre-lease contract could be enforced against a First Nation or member. Options to lease and conditional leases may be possible and may be registrable – need to review terms of the applicable Land Code.

Item	Provincial Fee Simple	<i>Indian Act</i> Reserve Land	<i>FNLMA</i> Reserve Land
B. <u>Financing</u>			
Security for Financing	<ul style="list-style-type: none"> • Mortgage. 	<ul style="list-style-type: none"> • Mortgage of Lease or Sublease. • Minister’s consent likely will be required – particularly for mortgages of Head Lease. 	<ul style="list-style-type: none"> • Mortgage of Lease. • First Nation Council approval is required under some Land Codes. • Land Code may have some restrictions or requirements for mortgaging or enforcement by lenders.
Section 89 of <i>Indian Act</i> exemptions from mortgaging or pledging real or personal property of a band or member on reserve.	<ul style="list-style-type: none"> • Not applicable. 	<ul style="list-style-type: none"> • Applicable – real and personal property of First Nation or member on reserve land is exempt from pledge or seizure. • Section 89(1.1) <i>Indian Act</i> exception for leases of designated land. 	<ul style="list-style-type: none"> • Applicable. • Section 89(1.1) <i>Indian Act</i> exception continues for previously designated land. • Application of s. 89(1.1) may be extended by the applicable Land Code.
C. <u>Applicable Laws</u>			
Principal Governing Legislation	<ul style="list-style-type: none"> • Provincial land registry, property law, development, condominium, marketing and consumer protection legislation. • Applicable local government bylaws. 	<ul style="list-style-type: none"> • <i>Indian Act</i>. • Applicable First Nation laws and bylaws. 	<ul style="list-style-type: none"> • <i>FNLMA</i> and Framework Agreement between participating First Nations and Canada. • Individual Agreement between each <i>FNLMA</i> First Nation and Canada. • Land Code. • Applicable First Nation laws and bylaws.
Applicable Laws - General	<ul style="list-style-type: none"> • Provincial and local government laws apply. 	<ul style="list-style-type: none"> • Federal laws prevail and only some provincial laws apply. 	<ul style="list-style-type: none"> • Same.

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		<ul style="list-style-type: none"> • Generally, provincial laws relating to the user of land apply, but laws relating to the use of land do not. • Regulatory gaps exist due to the absence of provincial laws – Leases intend to cover some gaps – eg. development approvals and environmental approvals. 	
Real estate disclosure and marketing and legislation disclosure and presale requirements.	<ul style="list-style-type: none"> • Provincial laws apply. 	<ul style="list-style-type: none"> • To be considered in each province 	<ul style="list-style-type: none"> • Same.
D. <u>Property Taxes and Development Cost Charges</u>			
Property Tax Laws and Laws	<ul style="list-style-type: none"> • Provincial assessment and property tax system of legislation and bylaws. 	<ul style="list-style-type: none"> • Many First Nations have property tax bylaws or laws. • S. 83(1) <i>Indian Act</i> bylaws or s. 5(1) <i>First Nations Fiscal Management Act (FNFMA)</i> laws. • Provincial Assessment Authority is often used. 	<ul style="list-style-type: none"> • Same.
Development Cost Charge (DCC) or Offsite Levy (OSL) Laws	<ul style="list-style-type: none"> • City or local government DCC or OSL bylaws in place. 	<ul style="list-style-type: none"> • Some DCC bylaws or systems, but there is no clear <i>Indian Act</i> authority. • <i>FNFMA</i> provides clear authority and some DCC laws have been developed by some <i>FNFMA</i> First Nations. 	<ul style="list-style-type: none"> • Most Land Code First Nations are under the <i>FNFMA</i> system, which provides clear DCC authority, and some DCC laws have been developed.

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E. <u>Land Development Regime</u>			
Official Community Plans / Community Development Plans	<ul style="list-style-type: none"> Typically in place. 	<ul style="list-style-type: none"> Sometimes in place. 	<ul style="list-style-type: none"> Sometimes in place.
Zoning Laws	<ul style="list-style-type: none"> Detailed zoning bylaws typically in place. 	<ul style="list-style-type: none"> First Nation authorized to enact zoning bylaws - s. 81(1) of <i>Indian Act</i>. Sometimes in place. 	<ul style="list-style-type: none"> First Nation has authority to enact zoning laws. Sometimes in place.
Surveys and Subdivision Laws	<ul style="list-style-type: none"> Provincial land registry legislation applies. Detailed subdivision bylaws typically in place. Provincial survey standards to meet land registry requirements. 	<ul style="list-style-type: none"> Federal survey standards. General <i>Indian Act</i> First Nation bylaw authority. 	<ul style="list-style-type: none"> Federal survey standards. First Nation has express authority to enact subdivision laws. Not as common.
Development and Building Approvals Laws	<ul style="list-style-type: none"> Local government bylaws and regulations. Local government agreements regularly used – Works and Services Agreements (Subdivision Servicing Agreements), Development Works Agreements, Latecomer Agreements. 	<ul style="list-style-type: none"> No comparable federal regime. Standard ISC lease requires approval of landlord for development plan and commencement of construction. First Nations sometimes pass <i>Indian Act</i> bylaws. Similar agreements occasionally used. 	<ul style="list-style-type: none"> First Nation has specific authority in <i>FNLMA</i> to enact development and building approval laws. Similar agreements occasionally used.
Environmental Regime	<ul style="list-style-type: none"> Provincial and applicable federal regimes and systems apply. 	<ul style="list-style-type: none"> <i>Impact Assessment Act</i> (Canada) (“<i>IAA</i>”), <i>Species at Risk Act</i>. <i>IAA</i> applies to many projects and ISC leases incorporate requirements by contract. 	<ul style="list-style-type: none"> First Nation has authority to enact own environmental assessment and protection laws. Not yet common.

Item	Provincial Fee Simple	<i>Indian Act Reserve Land</i>	<i>FNLMA Reserve Land</i>
		<ul style="list-style-type: none"> Standard ISC lease requires a mitigation measures table to be included as part of lease. 	<ul style="list-style-type: none"> Until First Nation laws are in place, First Nation is required to follow environmental assessment process in <i>IAA</i>.
Multi-Family Developments - Condominium Legislation	<ul style="list-style-type: none"> Provincial condominium legislation applies for fee simple condominium developments and certain ground lease developments. 	<ul style="list-style-type: none"> Provincial condominium legislation does not apply. As a result, head lease/sublease model is often used. Owners' association, having the responsibility of a condominium corporation, can be a standard requirement of ISC's standard form residential development head lease. CMHC will have specific requirements for insured residential leasehold mortgages. ISC and CMHC requirements change over time. 	<ul style="list-style-type: none"> Same, although the requirement for an owners' association in head lease is up to the parties or CMHC (ISC is not involved).