

**Minutes**  
**Matrimonial Real Property (MRP) Committee**  
**Bingwi Neyaashi Anishinaabek**  
**February 19, 2015**

**Committee Members Present:**

Audrey Gilbeau (5:00 p.m. – 6:30 p.m.)  
Joe Ladouceur Sr.  
Line Clarke

**Committee Members by Conference:**

No Committee members by conference.

**Committee Members Absent**

Guy Gladu

**Others Present:**

Jeremy Bonhomme	Gord Wickham
Laura Airns	Dominique Nouvet

**Business**

**CALL TO ORDER**

The meeting commenced at 5:00 p.m. with dinner. The business portion of the meeting commenced at 5:35 p.m.

**REVIEW OF AGENDA**

Gord provided an overview of the agenda items to the committee. No changes or additions were made.

**REVIEW OF MINUTES**

Jeremy provided the MRP Committee with a copy of the November 13, 2014 minutes. The Committee reviewed and adopted the November 13, 2014 MRP Committee minutes.

**DECISION:** Move to accept the November 13, 2014 minutes.

**MOVED:** Line Clarke

**SECONDED:** Joe Ladouceur Sr.

**All voted in favour.**

MEETING WITH COMMITTEE TO REVIEW DRAFT #1:

Gord facilitated this session and Jeremy noted all questions, concerns and dialogue. Dominique led the review of the draft law with the Committee. After reviewing each section, the MRP Committee provided feedback and suggested changes.

The following changes were suggested for Draft #1 of the Law:

**WHEREAS:**

~~WHEREAS Bingwi Neyaashi Anishinaabek adopted a Land Code on January 31, 2014, pursuant to the First Nations Land Management Act, and section 42.1 of the Land Code requires Bingwi Neyaashi Anishinaabek to enact a spousal property law;~~

WHEREAS our community's right to self-government in respect of reserve lands is also confirmed by the Bingwi Neyaashi Anishinaabek Land Code, which exists under the First Nations Land Management Act and which took effect on January 31, 2014;

WHEREAS section 42.1 of our Land Code requires Bingwi Neyaashi Anishinaabek First Nation to adopt a spousal property law providing rules and procedures applicable on the breakdown of a marriage and spousal relationship relating to our reserve land;

**DEFINITIONS:**

"Interest in BNA Land" - means any certificate of possession, certificate of entitlement, lease, permit, or any other equivalent instrument, but does not include rental housing agreements for BNA property or recreational leases. For greater certainty, where there is a Matrimonial Home affixed to BNA Land that is the subject of an Interest in BNA Land, the Interest includes both the land and the Matrimonial Home;

**SECTION 5.8**

For the purposes of Sections 5.9 to 5.17 (Exclusive Occupation Orders), "Interest in BNA Land" includes any

- (a) Interest in BNA Land that includes a Matrimonial Home; and
- (b) Certificate of Possession that is being held by BNA pending repayment of a housing loan and that will be transferred to one or both Spouse upon full repayment of the loan.

**SECTION 5.11**

(d.) in the case of an Interest in BNA Land that falls under 5.8(b), the date on which the borrower goes into default on the housing loan.

## **SECTION 6.10**

A person who obtains an Emergency Protection Order may apply to have it renewed once, for a period of up to 90 days.

## **SECTION 6.11**

Renewal applications under section 6.10 must be made with notice to the respondent Spouse, the Council, and the owner of the BNA Land that is subject to the order, in accordance with the applicable rules of Court.

## **SECTION 7.1**

The Council may make amendments to this Law by band council resolution where the amendments that do not change the substance of this Law or are ordered by a court of competent jurisdiction by band council resolution. Non-substantive such revisions include, but are not necessarily limited to:

### **ACTION ITEMS:**

The committee was asked to think about what issues could be flagged as important topics for discussion at the Community Meeting (i.e. Common Law).

### **NEXT MEETING**

The next meeting has been scheduled for Thursday, March 12<sup>th</sup>, 2015 at 5:00 p.m. at the Wickham Consulting office, 1111 Victoria Avenue E. Thunder Bay, ON.

### **MEETING ADJOURNMENT**

The meeting was adjourned at 8:05 p.m.

**MOVED:** Joseph Ladouceur Sr.

**SECONDED:** Line Clarke

**All voted in favour.**