



Teslin Tlingit Council
Department of Lands and Resources

Settlement Land Allocations

Guide to Rights and Responsibilities



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Application of this publication

The information contained within this document is applicable to all parties who undertake activities or developments on Settlement Lands not provided for in the *Teslin Tlingit Council Final Agreement*.

Other publications available

Fish and Wildlife: *Rights and Responsibilities of Teslin Tlingit Council Citizens and Beneficiaries*

Lands and Environment: *Best Practices of Communication*

Lands and Environment: *Land Use Permits*

Lands and Environment: *Land Use and Development Permits Applicant's Guide*

Disclaimer: This booklet is for informational purposes only and is not intended to be a legal interpretation of any act or law. This pamphlet is subject to change without notice.

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Teslin Tlingit Council Department of Lands and Resources



The Teslin Tlingit Council is mandated to cooperatively continue to preserve and develop the social, economic, political and cultural well-being of the Teslin Tlingit First Nation, to maintain our pride and independence based on trust and respect, and to conserve the wildlife habitat and traditional territory for the well-being of our future generations.

Teslin Tlingit Council Mission Statement

Overview

Allocations: the Basics

What is an allocation?

An allocation is the formal and legal disposition of land to an individual permitting the exclusive right to occupy the land.

Who can receive an allocation?

Settlement land may be allocated to a citizen who is 19 years of age or older and who resides in the Yukon or has resided in the Yukon.

What makes an allocation legal?

An allocation is made legally binding when the proper paperwork is filed in the TTC Land Registry. The Certificate and Grant of Allocation is signed in duplicate by the applicant and two members of the Executive Council. Historic use or a letter previously issued by TTC indicating an allocation has limited legal standing, though these may be honoured at the discretion of TTC. If you believe that a parcel of land is “yours”, an official Certificate and Grant of Allocation or a lease is needed. If you do not have a formal allocation issued after 2008, **your rights are unclear and limited.**

Is a legal survey required for an allocation?

A legal survey is **not** required for an allocation (it **is** required for a lease). However, TTC is working to legally survey all parcels.

How are the boundaries of my parcel determined?

The boundaries of each parcel are stored in our computer system, and are approximate. The precise boundaries of your parcel are to be determined with your neighbours and TTC staff.

32. (1) The Executive Council may allocate settlement land to a citizen who is

- a) 19 years of age or older; and
- b) who resides in the Yukon or has resided in the Yukon.

Settlement Lands and Resources Act

Only Citizens 19 years of age or older can be issued an allocation for Settlement Lands.

Application Process

Where will I receive an allocation?

Allocations are made for parcels (lots) of Settlement Lands. You can ask for information about where Settlement Lands are Located from the Department of Lands and Resources. In theory, an allocation of any piece of Settlement Land can be made. You can view Settlement Lands online at <http://maps.giv.yk.ca/imf.jsp?site=miningLands>

It is the responsibility of TTC to responsibly manage Settlement Lands for present and future generations of Citizens. While Settlement Lands represent a very large area, only a small portion are suitable for residential use. Therefore TTC takes the allocation of residential lands very seriously, and may restrict the availability of these lands to Citizens.

How do I apply for an allocation? What is the process?

1. Fill out an application form at TTC Department of Lands and Resources.
2. Your application will be considered by the Lands and Environmental Officer (LEO).
3. The LEO will make recommendations to the Lands Management Committee (LMC) (currently these duties are performed by the Executive Council).
4. The LMC will approve or reject the application. Upon approval, conditions may be set for the allocation.

What types of allocations are available?

Residential, commercial, industrial and traditional use allocation may be issued. Each allows different activities to take place on the land.

Where is the allocation process defined?

TTC Department of Lands and Resources use the *Settlement Lands and Resources Act* (SLRA) (2008), the *Land and Resource Use Regulations* (2000), and the *Land Management Policy* (1999) to guide decision making and the land disposition (allocation) process.

Transfer of Allocation

To whom can I pass on my allocation to?

You can pass your allocation on, through your will, to any Citizen who is eligible to hold an allocation. If the person is too young, the allocation may be held in trust by another person until such time as the child is 19 years old.

Can I transfer my allocation?

There is a special form to be filled out to apply to transfer the allocation. This must be approved by TTC prior to the transfer taking effect.

Can my non-Citizen spouse remain on the allocation after I pass on?

A non-Citizen spouse may reside on the allocation until their death, but cannot hold the allocation. A non-citizen may have a life estate in the allocation as long as the transfer of the allocation remains between two.

How many people can have a single allocation?

More than one person may be on an allocation, although this may not be desirable.

Applications for allocations and for the transfer of an allocation must be made using a form provided by the General Council (...).

Settlement Lands and Resources Act

For an allocation to be legal, the applicant must apply using the proper application form.

My Allocation

How many allocations can I have?

There is no fixed limit to how many allocations you may hold, although TTC has the final decision as to whether an allocation is issued.

How large may an allocation be?

An allocation must be smaller than 3 hectares within 30km of Teslin, although the final decision rests with TTC. TTC must balance the needs of Citizens for useful lots with the responsibility of caring for Settlement Lands for present and future generations of Citizens.

Will I have to pay taxes?

TTC has the ability to charge taxes on Settlement Lands at its discretion. There are currently no taxes being charged, though this can change.

How is the location of my allocation determined?

TTC can use plans to determine where allocations will be situated. TTC reserves the right to reject any application for an allocation.



Rights and Responsibilities

What laws am I subject to?

You are subject to the *TTC Settlement Lands and Resources Act*, and the laws of general application.

What rights do I gain with an allocation?

The allocation holder has the right to exclusive occupation and use of the allocated Settlement Land, subject to any restrictions as may be provided in the allocation and in the regulations.

The allocation is subject to any encumbering rights, as defined in paragraph 5.4.2 of the final agreement, which may apply to the allocated settlement land.

What responsibilities do I have with an allocation?

The allocation holder has the obligation to pay all property taxes or fees levied by the Teslin Tlingit Council for the allocated settlement land.

The allocation holder has the obligation to abide by all applicable Teslin Tlingit, territorial or federal laws.

The allocation holder has the obligation to conserve and protect the allocated settlement land to protect its value and importance to citizens;

Further, you are responsible for any other terms and conditions that may be determined by the Executive Council.

Am I liable for damages to Settlement Land?

Yes. Under Section 11 of SLRA, all persons who damage settlement Lands are liable for the damages. Therefore you could be taken to court if your actions or negligence causes serious damages to the land or environment, or any other damages.

What about timber and mineral resources on my allocation?

The rights to timber and mineral resources remain with TTC.

Can I use my allocation towards a mortgage?

An allocation cannot be used as collateral in a mortgage. For this, a lease is needed.

Can my allocation be revoked?

Should the terms and conditions of your allocation be breached, TTC can revoke the allocation. As well, TTC reserves the right to resume control over any part of the Settlement Land that is deemed by the Executive Council to be necessary.

Damage to Land

11.(1) Except as authorized by a permit or disposition or as provided in the final agreement, no person shall:

cause significant damage to settlement land or to improvements on settlement land;

cause mischief to be committed on settlement land; or

cause significant interference with the use and peaceful enjoyment of settlement land by citizens.

(2) Any person who causes damage, mischief or interference contrary to subsection (1) shall be liable for any damage to property, settlement land or resources resulting from their actions.

Settlement Lands and Resources Act

Damaging Settlement Land may be a crime. You are responsible for your actions, and may be held accountable. Please respect the Land!

TTC Staff

Who is responsible for managing allocations at TTC?

The Lands and Environmental Officer (LEO) of the Department of Lands and Resources will help you with your application and your finalized allocation.



Notice

All persons using, accessing or occupying Settlement Land shall do so in a manner that shows respect to Citizens, Settlement Lands and resources.

Settlement Lands and Resources Act

The purposes of this Act are to:

1. ensure that settlement land and resources are held and managed in trust for all citizens, including future generations of citizens;
2. establish a comprehensive and integrated process for making decisions that considers the importance of environmental, social, cultural and heritage values of citizens and ensures protection and conservation of settlement land and resources for present and future generations;
3. fully consider and use the knowledge and experience of citizens in making decisions about settlement land and resources;
4. enhance control and responsibility for the use and protection of settlement land and resources by citizens; and
5. protect the culture, traditions, health and lifestyle of citizens and to ensure that information about these things is used respectfully and wisely in making decisions about settlement land and resources.



Contact Information

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