



Indian Land Registry System (ILRS)

The Indian Act requires Indigenous Services Canada to maintain a land register for Indian lands - S. 21 and SS.55(1), requires two registers for the purpose of registering transactions affecting reserve lands (ILR).

The Indian Land Registry has evolved over the years to include a more comprehensive check of the documents received, and to establish if the criteria have been met. A necessary part of land management is the registration of the transactions.

What is a transaction?

A transaction affecting reserve land is an act, which creates, change, transfers or terminates an interest in land. It may be:

Internal: involving only the First Nation and its members; or

External: involving the First Nation and/or its members and their parties.

An interest in reserve land is a legal right to occupy, use or otherwise benefit from reserve land.

Transactions affecting reserve land require the approval of one or more of the following:

An individual First Nation member

A First Nation Council

The First Nation membership

The Minister

The Governor-in-Council

What is an instrument?

An instrument is a formal legal document. Also any instrument that grants or claims a right, interest or charge in or transfers, encumbers or affects Indian reserve, designated or surrendered lands, and submitted to the Registrar of Indian Lands in accordance with the ILR Manual may be registered.

Land Registry

Protection of Parties to an agreement:

Agreements should be in writing (land transfers, leases, permits, etc.).

It records the transactions in a permanent way so others can be made aware of it.

Benefits:

Helps to avoid conflict over the same parcels of land and;

Will establish whose agreement came first and therefore takes precedence. A record of transactions and uses of reserve and surrendered lands.

Provides a history of transactions to protect the legal rights of individuals who have, or may acquire, and interest in reserve lands.

Basic Requirements Are:

A written document, (a permanent record available for public scrutiny), and

A standard of quality in the recording process itself.

Indian Land Registry Operations performs the following tasks for Indian Lands:

Examine, register and maintain documents.

Maintain originals and the official, legal record for all documents relating to legal interests.

Respond to user inquiries by searching for and releasing information.

Distribute copies of abstracted records and documents to regional, district and First Nation offices.

Provide access and training for the Indian Land Registry System to regional, district and First Nation offices.

Operate computerized database of records.

Convert data into automated format.

Maintain and update the Indian Land Registry Manual.





Lands

Purpose of the Indian Land Registry:

- To maintain a land register pursuant to the Indian Act requirements.
- To examine, register and maintain documents (leases, allotments, designations, orders in council, etc.)
- To provide service to First Nations, regions and districts in making available copies of abstracted records and documents, both manual and computerized.

Note: Indigenous Services Canada will not register unauthorized transactions. Examples include:

- Custom allotments or land holdings at the pleasure of the Band Council.
- Leases or permits granted by a First Nation outside of the Act. (referred to as Buckshee agreements)
- Conditional assignments prohibited under SS 55(2) of the Indian Act.

Information maintained in the Indian Land Registry

- Crown agreements such as leases, permits, assignments, transfers, etc., which convey an interest in land in a reserve.
- Internal transactions which allot land to Band members
- Transactions involving surrendered lands
- Sales, exchanges, transfers to provinces
- Order in Council, surrenders, Certificates of Title

Information Available in the Indian Land Registry:

- Reserve Identification
- Parcel Identification
- Item number – all items are numbered consecutively
- Type of Instrument – e.g., lease, permit, Certificate of Possession (CP), Order in Council (OIC)
- Date of Instruments shows chronology of the transactions
- Instrument number – number assigned by registry for reference purposes.

Most Forms and Documents associated with collective and individual interest can be obtained from the OKIB Lands Office, if not we can assist in making a request to Indigenous Services Canada.

Please contact our office if you require assistance at 250-542-3444.

Registration of Transaction in the Indian Land Registry 2018	Type of Transaction	Report Ending Dec. 12, 2018 Transactions
	Administrative Transfers	24
	Assignments	118
	BCR Allotments	2
	Cancellation	6
	Certificate of Lis Pendens	1
	Death Certificates	25
	Discharge	20
	Judgment	1
	Lease	5
	Modification	18
	Mortgage	24
	Name Change	3
	Notice	3
	Registrar's Note	14
	Requests ie replacement of title etc	21
	Response to Notice	1
	Right of Way	10
	Sublease	35
	Survey Plans registered	4
	Transfers	59
	Transfers by Superintendent	3
	Transfer by Survivorship	3
	Total	402
	New Initiated transactions pending registration	14

