



FREQUENTLY ASKED QUESTIONS

LAND ADMINISTRATION GOVERNANCE MODEL

September 2023

[Where does the Land Governance Model Apply?](#)

[Why is it important?](#)

[Who can apply?](#)

[How do I apply?](#)

[Who is responsible for the cost of developing the land?](#)

[Does the approval include ownership in the land?](#)

[How long is the approval?](#)

[Can I transfer or sell my building?](#)

[Are there any restrictions on applying?](#)

[Can I apply for land outside Dettah and Ndilo?](#)

[How do I keep informed on requests for land use?](#)

[What if I have concerns about a land use proposal?](#)

[Who approves request for land use?](#)

[How long do I have to develop the land?](#)

[When should I apply?](#)

[What happens if the requirements of approval are not followed?](#)

Where does the Land Administration Governance Model (LAGM) apply?

(Dettah, Ndilo, Dettah Road and throughout the Chief Drygeese Territory)

The Yellowknives Dene First Nation (**YKDFN**) Chiefs and Council govern the use and occupancy of land, as it relates to the practice of Treaty and Aboriginal Rights, within Ndilo, Dettah, Dettah Road and throughout the Chief Drygeese Territory.

Why is it important?

(Certifies that the land use is an Inherent Treaty Right undertaken by a YKDFN Member)

The responsibility of the YKDFN, in the administration of land, is to provide for the long term and sustainable use of land on behalf of YKDFN members. This is achieved by first certifying that YKDFN member land use outside communities is in the practice of Treaty and Aboriginal Rights. Second, YKDFN Administration ensures land use within the community service area is orderly and safe.

Who can apply?

(YKDFN Members and Administration and in unique circumstances non-member organizations)

There are two types of requests for access to land that are under the administration of the YKDFN Chiefs and Council. These include:

- YKDFN members and YKDFN Government Administration require access to land within the Chief Drygeese Territory; for residential purposes, to practice Treaty and Aboriginal Rights, and to provide services to the YKDFN Membership.
- Non-YKDFN Member organizations or public governments may request access to land within the built communities of Ndilo, Dettah and the Dettah Road to deliver public services or to undertake activities that will provide direct and obvious educational, social, cultural, or economic benefits to YKDFN members.

How do I apply?

(Give your Application to the YKDFN Department, Lands Management)

All requests for land access are initiated by submission of an application to the YKDFN Department, Lands Management.

- YKDFN members and YKDFN Government Departments will submit a request for Inherent Treaty Right Land Use (**ITRLU**).
- Non-YKDFN member organizations or non-YKDFN government departments will submit a Land Access Request (**LAR**).
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Who is responsible for the cost of developing the land?

(The Applicant is responsible for all costs associated with the land use.)

The applicant is responsible for all costs associated with any required lot improvements and, or restoration of the land. Improvements that must remain in place after removal of structures are not eligible for reimbursement from YKDFN.

Does the approval include ownership in the land?

(No. Land is held in trust for the benefit of all YKDFN Members)

Any issuance under the LAGM does not transfer ownership of the land.

How long is the approval?

(New Construction - 30-year term. Transfers over 20 years - 10-year term. Eligible for renewal)

The duration of an approved ITRLU

- New ITRLU: New Rights-based, and residential land use will be for 30 years with option to renew if the ITRLU is in good standing.
- Existing ITRLU: Transfer of ITRLU will be for the remaining term of the original approval for permanent structures less than 20 years old, with option to renew. Permanent structures older than 20 years will be approved for 10 years with option to renew if the structure remains in good condition.

Can I transfer or sell my building?

(Yes, to another YKDFN member or Non-member when the building will be removed)

ITRLU in good standing are transferrable upon the approval of YKDFN Chiefs and Council to another YKDFN Member. Buildings sold to non-members must be removed.

Note: Renewal or transfer of a ITRLU will not be approved in instances where the land is approved for community use by either a Directive of YKDFN Chiefs and Council, BCR or approved Land Plan.

Are there any restrictions on applying?

(Must be in the practice of Inherent Treaty and Aboriginal Rights, or residential purposes.)

- ITRLU and LAR do not include commercial or industrial activities that do not support the exercise of Treaty and Aboriginal Rights.
- ITRLU located outside the YKDFN service area may not be leased or rented to a non YKDFN member.
- Applicants may not have more than one ITRLU except when in accordance with this LAGM.
- Only YKDFN Member and YKDFN Government Department Applicants can apply for an ITRLU.
- YKDFN Member applicants must be 19 years of age or older.
- YKDFN Member applications must not include non-YKDFN Members as co-applicants.

Can I apply for land outside Dettah and Ndilo?

(Yes, YKDFN member Treaty and Aboriginal Rights extend beyond community boundaries)

ITRLU applications for Rights based off-grid land use activities or land use proposed outside the service area and along the Dettah Road will be, at your own risk and required to include the Release and Waiver of Liability form.

How do I keep informed on requests for land use?

(Public Notices will be posted comment)

Unless exempted from the requirement for Public Notice under the LAGM, applications will be posted publicly and YKDFN members will have up to **10 business days to provide comments** to the Department, Lands Management.

What if I have concerns about a land use proposal?

(Submit an Appeal to the YKDFN Department, Lands Management **within 10 business days**)

YKDFN members who consider themselves to be aggrieved* because of a proposed land use may submit a written appeal to the YKDFN Lands Committee.

*NOTE:

- The written appeal must clearly describe how allowing the ITRLU or LAR proposal will cause them injury, financial loss or damage the use of their property.
- The YKDFN Lands Committee will hear the appeal and evaluate whether the appellant is aggrieved and if YKDFN Chiefs and Council will benefit from a presentation from the aggrieved YKDFN member(s).

Written Appeals and the YKDFN Lands Committee suggestions will be provided to YKDFN Chiefs and Council for consideration. A decision of the YKDFN Chiefs and Council on the YKDFN Lands Committee suggestions shall be final and binding.

A YKDFN member may only submit a single appeal per any request and the appellant may be required to present to YKDFN Chiefs and Council.

Who approves request for land use?

(Chiefs and Council approve requests by Band Council Resolution (BCR))

A Committee of Council reviews applications and provide suggestions to Chief and Council. All ITRLU and LAR must be approved by YKDFN Chiefs and Council and formally authorized by BCR.

How long do I have to develop the land?

(2 years to start and 3 years to complete the proposed development)

A YKDFN member with an approved ITRLU will have 2 years to commence construction and must be completed within 3 years of the date the BCR was approved.

When should I apply?

(90 days in advance of regularly scheduled meetings of Chiefs and Council)

Applications for ITRLU and LAR should be submitted to the YKDFN Department, Lands Management no less than 90 calendar days in advance of a regularly scheduled Council meeting to allow adequate time for the review, public input, and formal consideration of the request.

Applications that remain incomplete for a period of 7 calendar days following a request for information will be returned to the applicant.

What happens if the requirements of approval are not followed?

(Enforcement varies from; a letter, to legal action, removal of belongings and cost recovery.)

YKDFN Chiefs and Council may be required to enforce the Terms and Conditions of a BCR, ITRLU, LAR or Land Plan. The enforcement action taken, and the procedure followed will depend on which provision of the approval has not been followed. Some instances will be resolved with a formal letter of non-compliance, while others may require legal action, removal, and disposal of a YKDFN members belongings.

NOTE: All expenses, charges and fees incurred because of YKDFN Enforcement Action will be subject to 100% cost recovery from the applicant.