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## NEWS RELEASE

For Immediate Release  
2024IRR0013-000460  
April 2, 2024

Ministry of Indigenous Relations and Reconciliation

### **New legislation will eliminate discriminatory barriers for First Nations**

VICTORIA – The Province of British Columbia has introduced legislative amendments that will provide administrative changes to the ways First Nations can acquire, hold and register fee simple land in B.C., reducing discriminatory and racist barriers.

If passed by the legislature, Bill 13 – Land Title and Property Law Amendment Act, 2024, will specify that First Nations recognized as legal entities under federal law (e.g., Indian Act bands) will have the legal capacity and ability to register and hold fee simple land in the B.C. land title office.

“Our policies and laws are often built on past colonial ideas and practices, which have created hurdles and roadblocks for First Nations,” said Murray Rankin, Minister of Indigenous Relations and Reconciliation. “With these new provisions, First Nations will have the ability to purchase and hold fee simple land directly, just as individuals and corporations have long been able to do. We are taking action to remove this long-standing and discriminatory barrier.”

Currently, unless enabled by specific legislation, such as through treaties or other federal legislation, the majority of First Nations in B.C. are unable to acquire, hold and dispose of land, such as fee simple land and leaseholds in their own names. To buy or hold land, most First Nations must undertake the additional administrative processes of setting up a corporation or use alternative arrangements, for example, proxies, federal trust, societies and individual members.

This administrative change will reduce barriers currently facing First Nations that are recognized as legal entities under federal law (e.g., Indian Act bands), and align with the administrative steps that First Nations must take with that of corporations and Modern Treaty Nations.

The proposed act includes amendments, administrative and enabling in nature, to the Property Law Act and to the Land Title Act. The amendments to the Property Law Act will expand the category of entities in property law that may acquire, hold and dispose of land in B.C. by including First Nations that are recognized as a federal legal entity. The amendments to the Land Title Act will introduce the administrative requirements related to the registration of land, such as witnessing and execution of documents by First Nations, and the reliance on such documents by the registrar and third parties dealing in good faith with the First Nation.

These enabling provisions do not address additional governance powers, immunities or limitations of liability for First Nation governments or officials, nor do they affect relationships with local governments, which are currently addressed in Modern Treaties.

Since December 2023, the Province has been engaging with First Nations, Modern Treaty

Nations, the federal government, local governments, and industry and business organizations to gain feedback about these proposed legislative amendments. The Province heard a variety of perspectives and ideas about the proposed legislative amendments, which are documented in a “what we heard” report.

**Quick Facts:**

- The Province released a “what we heard” report that details feedback from recent discussions about the proposed legislative amendments.
- The intended changes would support the Province’s commitments to reconciliation by:
  - advancing the Declaration Act Action Plan commitment 4.25 (Work with Indigenous Peoples to build more on and off-reserve housing and pursue new federal contributions);
  - supporting the Truth and Reconciliation Commission Call to Action No. 45, which calls upon the federal government to reconcile Aboriginal and Crown constitutional and legal orders to ensure Aboriginal people are full partners in confederation; and
  - supporting the implementation of the United Nations Declaration on the Rights of Indigenous Peoples, including Articles 3, 4, 5, 18 and 26 (2).

**Learn More:**

To learn more about these proposed legislative changes and read the “what we heard” report, visit: <https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/consulting-with-first-nations/first-nations-and-land-registration>

For more information about B.C. legislation, visit: <https://strongerbc.gov.bc.ca/Legislation>

A backgrounder follows.

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## BACKGROUND

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### **What people are saying about the proposed amendments**

Updated on April 3, 2024

#### **Quotes:**

##### **Chief Rudy Paquette, Sauteau First Nation –**

“This change to provincial law is a small but important step. It might come as a surprise for Canadians to learn that for over 150 years, First Nations could not hold private lands in the same way as other governments and organizations. Today, we are removing one of the discriminatory barriers to our shared prosperity. First Nations make huge contributions to the culture and economy of this province. There is more work to be done. We can do it together and we’re happy to be involved in bringing forward this solution.”

##### **Jack Woodward, KC, Indigenous law specialist –**

“This bill corrects a long-standing injustice in the law. For at least 46 years, since the Afton decision in Nova Scotia [85 DLR (3d) 454], the federal government and all provincial governments have known about this impediment to Indian Act bands owning real estate. Court decisions from almost every province have noticed this problem. Academics have written about it. I noted the problem in my book in 1989. But until today, no government, federal or provincial, ever bothered to do something about it. It is a simple change that will allow First Nations to participate in the off-reserve mainstream economy on the same footing as everyone else and reduce the time and legal fees involved in land transactions. I congratulate the government of B.C. for its leadership in taking this step and urge other provinces to follow.”

##### **Michael J. McDonald, KC, Indigenous law expert –**

“After over 35 years of painstakingly establishing and managing corporations and limited partnerships for First Nations, even chasing down signatures after every on-reserve election, First Nations are finally recognized as legal entities and able to own real estate, lands within their own territories. Think about that: until now, an imposed legal system would not permit an Indigenous Nation to own lands in its own territories because it was not recognized as a legal entity capable of owning lands. You could even sign a treaty and settle a land claim but not hold a piece of land without specific legislation. This is so very long overdue.”

##### **Trevor Koot, CEO of the British Columbia Real Estate Association –**

“The BC Real Estate Association recognizes the robust and comprehensive engagement process that resulted in these proposed amendments. We appreciated being part of the consultation and strongly support the outcome. First Nations in B.C., as federally recognized legal entities, will now be able to acquire, hold and dispose of land interests, which moves us along our

collective path to reconciliation.”

**Regional Chief Terry Teegee, British Columbia Assembly of First Nations –**

“The colonial legacy of B.C.’s property and land title laws have created systemic socio-economic barriers for First Nations through the ongoing displacement and dispossession of our lands in what we now call British Columbia. These legislative amendments are an important step towards addressing the racist legacy of the Property Law Act and Land Title Act. First Nations will now have the discretion to hold fee-simple land ownership on our inherent lands, which serves as a vital tool for our continued Nation rebuilding efforts. We uphold the Province of B.C. for its commitment to land registration and ownership reform in a step towards alignment with the United Nations Declaration on the Rights of Indigenous Peoples.”

**Grand Chief Stewart Phillip, Union of British Columbia Indian Chiefs president –**

“First Nations have inherent, human and Aboriginal rights and title to their lands and territories, including the right to own, use, develop, and control those lands and territories. Under the Declaration on the Rights of Indigenous Peoples Act, the Province has an obligation to take all measures necessary to ensure the laws of British Columbia are consistent with the United Nations Declaration on the Rights of Indigenous Peoples. The proposed amendments to the Property Law Act and the Land Title Act fall well short of fulfilling this requirement. However, we welcome the proposed and long called for amendments as they address an arbitrary, discriminatory and racist legislative barrier which has barred First Nations from directly holding and registering fee simple land in B.C.’s Land Title System.”

**Hugh Braker, political executive, First Nations Summit –**

“The existing Property Law Act and the Land Title Act are yet further examples of outdated colonial and racist legislation predicated on the repudiated doctrine of discovery and terra nullius and which create systemic barriers for First Nations within provincial processes. First Nations have been forced to undertake onerous administrative processes, including the creation of separate legal entities like corporations, for the purpose of registering and holding fee-simple lands. We commend the provincial government for taking the necessary steps to ensure the flexibility for First Nations to now register fee simple lands in the name of the First Nation, if they so choose. This is a small but very meaningful step to clear unnecessary and often invisible interference, barriers and hurdles that exist for First Nations in carrying out the basic functions of governance.”

**Jeff Guthrie, president and CEO, Canadian Credit Union Association –**

“Canadian credit unions are strongly committed to fostering Indigenous Nations’ prosperity and advancing reconciliation. We support initiatives that aim to empower Indigenous communities by removing barriers and creating equitable opportunities. We applaud any efforts that contribute to these critical goals and stand ready to support funding mechanisms for Indigenous Nations seeking to acquire fee simple land. This is a crucial step toward greater autonomy and economic development for these communities.”

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