

**Chippewas of Nawash Unceded First Nation
Matrimonial Real Property Law Committee
Council Chambers
Tuesday, June 29, 2021**

MINUTES OF MEETING

PRESENT: Shelley Cornelius, Tina Hill, Barney Keeshig, Teena Millette, Gail Nadjiwon, Nuala Robinson (recorder)

REGRETS:Carolynn Wright

OPENING: Barney Keeshig called the meeting to order 10:14 am. Tina Hill offered an opening prayer.

1. AGENDA

The agenda was briefly reviewed.

Moved by Tina Hill

Seconded by Shelley Cornelius

THAT the Matrimonial Real Property Law Committee hereby approve of the agenda as presented.

CARRIED unanimously.

2. FINANCIAL REPORT

2.1. Category 2 Funding Request

Nuala Robinson reminded the group that the Category 1 Funding had been fully spent and that our final report had been accepted by NALMA. She highlighted the requested changes that were made to the Category 2 funding request.

Moved by Gail Nadjiwon

Seconded by Tina Hill

THAT the Matrimonial Real Property Law Committee hereby approve the revised Category 2 Funding Request and make a recommendation to Council to approve and sign it.

CARRIED unanimously.

RECOMMENDATION NO. 1

THAT the Chippewas of Nawash Unceded First Nation hereby approve the Application for Category 2 Funding from Centre of Excellence for Matrimonial Real Property and direct Chief Nadjiwon to sign.

3. SURVEYS

Before discussion on the surveys started, Nuala asked members to consider a very nice thank-you gift that will be given to members who vote once we get to that point. She showed the “inside-out” umbrella, and passed screenshots of other suggestions around to the group. Some items included two different throws/blankets, a plant in a recycled box, and a metal water bottle. It was decided that a water bottle would not be considered. Nuala stated she would like to give two very nice gifts to each person who comes out to vote. The umbrella would cost around \$20 per item. Nuala noted that the MRP logo is five colours, but since the outside of the umbrella is already black, we would not need to print that colour as four is the maximum that can be printed.

Shelley noted that someone had posted a picture of the MRP thank-you gifts on the Nawash Facebook page and stated they were grateful to receive them.

Nuala Robinson reported that the following surveys have been received:

- Part 1 – 124 responses
- Part 2 – 93 responses
- Part 3 – 94 responses
- Part 4 – 93 responses

There are so many more Part 1 due to individuals who attended the Fall meetings having filled out that part at the meetings and some individuals filling out part 1 on the website after our flyers blitz in October.

Nuala, with assistance from Larissa Johnston, was able to get all replies on the paper copies entered into Survey Monkey. As a result, Nuala was able to print off some statistical data to assist with distilling the responses. She noted that Q1 appears to be missing because it contains respondents’ names and band numbers. She removed all identifying information from the statistics. Nuala showed the members a response that was received from a member who had many comments, but whose notes overall were somewhat difficult to put into context. She did not share the person’s name, but offered to try to make sense of the comments and bring to the next meeting.

The group started reviewing the results from the first part of the survey.

Question	Response & Committee Determination
Q2 – Do you want to grant non-member married spouses real property rights under this law?	The results were divided. 54 said “no” and 38 said “yes”, with 32 saying “partial”. Considerable took place with it finally being determined that some respondents may have felt this question was a little ambiguous. As a result, it was decided that 75% of the “partial” would be added to the “yes” and 25% would be added to “no”. This resulted in a tie with 62 responses each for yes and no. This question will be revisited later.
Q3 – Do you want to grant non-member common-law spouses real property rights under this law?	The responses were 59% for “no”. The committee determined that “no” is the response.
Q4 – How long do people have to live together to be considered common-law spouses for purposes of this matrimonial law?	The majority of responses were 29.75% for “3 years” and 47.93% for “over 3 years”. After discussion, the committee decided on 4 years.
Q5 – Do you agree that the primary residence of the spouses during the relationship should be considered the matrimonial home?	A full 86.13% replied “yes”. The committee determined that “yes” is the response.
Q6 – Would other real property besides the home (i.e., vacant land, businesses, cottages, etc.) be covered under this law as matrimonial real property?	The responses were 60.66% “yes”. One of the comments said “only if it was obtained during the relationship” and this will be considered when writing the law. The committee determined that “yes” is the response.
Q7 – A spouse would like to sell land, mortgage it, or dispose of it. Should the other spouse have to give consent for this to happen?	The responses were 79% “yes”. The committee determined that “yes” is the response.

Q8 – If yes, what should happen if the spouse sells, mortgages, or disposes of land without their spouse's consent?	83% responded "Declare the transaction invalid". The committee agreed with this response.
Q9 – In the situation that spouses cannot agree on the value of the property, should that value be determined by an independent appraisal?	The response was 92% "yes". Comments included that the appraisal should be done by someone aware of the value of crown land. The committee determined that "yes" is the response.
Q10 – The current federal law allows a non-member spouse to claim ½ value of investments into the construction and maintenance of the home during marriage. Should this arrangement be made into our law?	68.85% responded "yes". One commenter noted "should be based on actual investments each person made". The committee determined that "yes" is the response.
Q11 – For relationships where both spouses are band members, do you want the First Nation to be able to order the transfer of the home to one of the two spouses to carry out property division?	59% responded "yes". One commenter was concerned about involving the band or council for reasons of nepotism. Another commenter stated that impartial judgement is needed. The committee determined that "yes" is the response.
Q12 – In the event of a relationship breakup, how long will a spouse have to make a claim for matrimonial real property?	42% felt that 12 months was sufficient. The committee decided to go with 12 months, allowing for the potential of extensions being granted.

4. NEXT MEETING

July 13, 2021 at 10:00 a.m. in council chambers

5. ADJOURNMENT

There being no further business, Shelley Cornelius moved that the meeting be adjourned at 12:07 p.m.