



POLICY

23.05

Limitation of Land Sales Policy

1. Statement of Policy

The Government of the Northwest Territories shall limit the Sale of Public Land in areas of the Northwest Territories where Comprehensive Land Claim Agreement and Treaty Settlement Agreement negotiations are not concluded.

2. Principles

The Government of the Northwest Territories shall adhere to the following principles when implementing this Policy:

- (1) The Government of the Northwest Territories should ensure that Public Land is available for selection by Indigenous Governments during negotiations.
- (2) Land-management decision-making should recognize and respects Aboriginal and/or Treaty rights, as well as third-party land interests and legal rights.
- (3) The Government of the Northwest Territories' land-management policies and decisions should be adaptable to new information and changing environmental, economic, and social conditions.
- (4) The Government of the Northwest Territories should support opportunities for growth within communities in the Northwest Territories.

3. Scope

This Policy applies to the Sale of any Public Land by the Government of the Northwest Territories' Departments, where Comprehensive Land Claim Agreement or Treaty Settlement Agreement negotiations are not concluded, with the following exclusions:

- (a) Sales of Public Land within a Community Boundary to a Community Governments with an approved Land Administration By-Law; or



POLICY

23.05

Limitation of Land Sales Policy

(b) Sales of Public Land to the holder of a Lease as of the date of this Policy, whose lease is within a Community Boundary where the Community Government also has a Land administration By-Law. The lease must also be in good standing, the land must be surveyed, contain a fully constructed building/s, and Development Control/s apply are present and the lessee is compliant with all Development Control/s.

4. Definitions

Community Boundary – a line defining the area in and around a community within which the Community Government has jurisdiction.

Development Control – Either a zoning by-law or any other by-law and/or plan of a Community Government which governs the orderly use/s and development within a Community Boundary.

Sale – The act of conveying or an instrument that conveys an interest in fee simple or an equivalent estate in Public Land.

Community Government – A municipal corporation or, in the absence of a municipal corporation, a community governing authority recognised by the Minister of Municipal and Community Affairs as the prime public authority responsible for the provision of municipal services.

Indigenous Government - For the purposes of this Policy, Indigenous governments are those governments that have negotiated, or are in the process of negotiating, Comprehensive Land Claim Agreements and Treaty Settlement Agreements with the Government of the Northwest Territories and the Government of Canada.

Land Administration By-Law - A by-law that provides for procedures and terms and conditions for making acquisitions, dispositions or other activities in relation to real property owned by a municipal corporation.

Public Land – For the purpose of this Policy, all land administered and/or controlled by a Department of the Government of the Northwest Territories.



POLICY

23.05

Limitation of Land Sales Policy

5. Authority and Accountability

(1) General

This Policy is issued under the authority of the Executive Council. The authority to make exceptions and approve revisions to the Policy rests with the Executive Council. Authority and accountability is further defined as follows:

(a) Minister

The Minister of Environment and Climate Change (the Minister) is accountable to the Executive Council for the implementation of this Policy.

(b) Deputy Minister

The Deputy Minister of Environment and Climate Change (the Deputy Minister) is accountable to the Minister and responsible to the Minister for the administration of this Policy.

(2) Specific

(a) Executive Council

The Executive Council may approve sales not meeting the criteria outlined in this policy that have been recommended by the Minister.

(b) Minister

The Minister:

- (i) ensures this policy is applied.
- (ii) may recommend, to Executive Council, Sales not meeting the criteria outlined in this policy for Executive Council consideration.



POLICY

23.05

Limitation of Land Sales Policy

(c) Deputy Minister

The Deputy Minister:

- (i) may approve of a Sales which meets the criteria detailed in Section 6(4); and
- (ii) may recommend, to the Minister, Sales which do not meet the criteria outlined in this Policy.

6. Provisions

(1) Applicability

This Policy, and its provisions, applies to all Public Land within areas where Comprehensive Land Claim Agreement and Treaty Settlement Agreement negotiations are not concluded, other than those excluded in section 3 of this Policy.

(2) Consultation with Indigenous Governments and Indigenous Organizations

No Sale may be made under this policy unless the GNWT's Duty to Consult and Accommodate has been fulfilled.

(3) Engagement with Community Governments

No Sale may be made unless engagement with the appropriate Community Government has been fulfilled.

(4) Criteria

The following Sales may be permissible under the following exceptions:

- (a) Sales of Public Land where an executed sale agreement exists between the Government of the Northwest Territories and a third party on the date of this Policy;
- (b) Sales to the holder of an existing Equity Lease on the date of this Policy.



POLICY

23.05

Limitation of Land Sales Policy

- (c) Sales of Public Land which is required by a Crown Corporation or Government of the Northwest Territories' department, board, and agency for the delivery of public services.
- (d) Sales of Public Land to assist a housing project of Housing NWT or an Indigenous Government.

7. Prerogative of the Executive Council

Nothing in this Policy shall in any way be construed to limit the prerogative of the Executive Council to make decisions or take action respecting the Department of Environment and Climate Change outside the provisions of this Policy.

Premier and Chair of the
Executive Council