

Plebiscite to decide land sales



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Eligible voters will go to the polls May 9 to decide if their municipality can have the right to sell its land.

NNSL file photo

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CURRENT LEASING OPTIONS:

- Standard Lease**
 - Annual cost for land
 - Do not own the land, one only has the right to use the land for a set amount of time
 - Do not accumulate equity (value)
- Equity lease**
 - Lease payments contribute to the value of one's house
 - Once the total equity price is paid in full, lease payments will be \$1 per year
 - Do not own the land, one only has the right to use the land

Source: Community and Government Services

Municipality would be able to sell rather than lease lots

by Michele LeTourneau
Northern News Services
Nunavut

Voters will head to the polls May 9 to answer a plebiscite question that will determine whether or not their municipality can sell land rather than only have the option to lease it.

A "yes" vote would indicate a municipality has the option to sell but it can choose not to do so.

The Nunavut-wide vote stems from article 14.8 of the Nunavut Land Claims Agreement. A vote held in 1995 saw a majority "no" decision, meaning since then municipalities have only leased land. The agreement also states that another plebiscite can be held 20 years later to remove the restriction on municipal sale of lands.

The Department of Community and Government Services initiated the plebiscite, while Elections Nunavut is responsible for the process, and assistant deputy minister Darren Flynn says the most important message his department, which is neutral on the matter, wants to communicate is to get out and vote.

"(The plebiscite) is being conducted under the rules of the Nunavut Plebiscite Act and in that it says 50 per cent of those that vote, plus one, will determine the question," said Flynn.

"So let's say, for instance you've got a community of 100 eligible voters, if only 20 of those people show up regardless of what the outcome is, only 20 per cent of the community showed up and they made a decision for the whole community. So we'd really like to see a strong turnout."

Each community decides independently. Another referendum cannot be held, although "a municipal council could decide to adopt a lease-only policy, even though council would still have the authority to sell land," according to the official refer-

endum website.

To that end – a strong voter turnout – Community and Government Services has had four teams out since January hosting information meetings in each Nunavut community. Those are now complete. Flynn says the meetings have been well attended in most places.

"On average we seem to be getting about 50 people showing up to the public events. It's not bad. It's not often you get people out to public events in large numbers," he said.

Iqaluit had low attendance, with about 30 people showing up, while Taloyoak had about 103 people.

Homeowners make up 22 per cent of the population across the territory, or 1,880 of 8,550 occupied dwellings, according to the most up-to-date figures from 2010.

The range from community to community is wide, with Taloyoak at 20 homeowners, Gjoa Haven at 40, Pond Inlet and Pangnirtung at 60 and 70, Baker Lake and Arviat at 120 and 130 and Rankin Inlet and Iqaluit at 230 and 540.

"Our only issue is that we have not tracked new homeownership construction since 2010. Iqaluit would have increased a bit, but not much elsewhere," stated Tim Brown, Nunavut Housing Corporation director of policy and strategic planning, by e-mail.

Sale price depends on development cost

The cost of the lots for leasing is determined according to the cost of development, and that would be the case also if lots were to be sold.

"The municipality can only charge what it cost them to develop the land. If they have a standard lease, obviously they're trying to come up with a figure over 30 years with an annual amount that recovers the cost of developing that land. If it's an equity lease then they charge whatever it

cost for developing that land to the person doing that equity lease," said Flynn.

The municipality is then required to deposit that into a reserve fund that goes to the development of future lands. That won't change either, if the municipality sells land.

Development includes roads, electrification, surveying and titling fees.

Asked what concerns have been raised at the information sessions, Flynn says, "In some of the communities we've had people ask, 'If I'm on a standard lease and the community votes yes and I decide I don't want to buy my land, can I continue to lease it?'"

"And, of course, the answer on that is yes. That lease is, in fact, a contract between the municipality and the lessee. As long as the lessee is in good standing the municipality has no choice but to honour that contract."

In the case of an equity

lease holder – after a "yes" vote and if the municipality chooses to sell – "if they've paid the full amount of the equity lease and other fees, fee simple shall be transferred to the lessee as soon as reasonably possible without the lessee being required to pay any additional fees except for the costs incurred in completing the transfer," according to the website.

Who owns land is complicated

Who actually owns land in each municipality is complicated.

"Any land that has been properly surveyed off and titled over to the municipality, the municipality has outright ownership or fee simple title for those lots. There are lots, such as predated the (1995) referendum that are on a government exempt list, and they were in effect at the time of the ratification of the Nuna-

vut Land Claims Agreement. There may be parcels of land held by the Nunavut Housing Corporation (for public housing) on that list. There may be buildings such as schools, health centres and what not that are also on that list," said Flynn.

"In some communities we have outright ownership of some lands by some entities. Some of the churches, the Hudson's Bay Company, nowadays known as Northmart, have fee simple ownership."

Anything post-1995 would indicate a lease with the municipality.

The government website, www.landreferendum.gov.nu.ca has exhaustive information, an extensive list of frequently asked questions and implications of "yes" vote for people leasing land as well as for municipalities, and maps for each community that show lots titled municipal and untitled lots.

Land Referendum
May 9 2016

In accordance with the Nunavut Land Claims Agreement, the Nunavut Land Referendum will be held on May 9, 2016.

The referendum will determine if you want your municipal council to be able to sell municipal lands.

Each community will vote and decide independently on whether they agree or disagree with the referendum question:

"Do you want the Hamlet of _____ (City of Iqaluit) to be able to sell municipal lands?"

"YES" or "NO"

Community and Government Services (CGS) will be providing information so that Nunavummiut have a full understanding of the question before they vote and the implications of a "YES" or "NO" vote.

For more information about the referendum, please visit: www.landreferendum.gov.nu.ca or contact: landreferendum@gov.nu.ca 1-844-544-7409

RÉFÉRENDUM
SUR L'ALIÉNATION DES
TERRES MUNICIPALES
9 mai 2016

Conformément à l'Accord sur les revendications territoriales du Nunavut, le référendum sur l'aliénation des terres municipales aura lieu le 9 mai 2016.

Le référendum permettra de déterminer si vous acceptez que votre conseil municipal ait le droit de vendre des terres municipales.

Chaque collectivité décidera par vote et de façon indépendante si elle est pour ou contre la proposition :

« Acceptez-vous que la municipalité de _____ (ville d'Iqaluit) ait le droit de vendre des terres municipales? »

« OUI » ou « Non »

Le ministère des Services communautaires et gouvernementaux (SCG) fournira de l'information afin que les Nunavummiut ait suffisamment de temps pour comprendre à fond la question et les conséquences qu'entraînent un « OUI » ou un « NON ».

Pour plus d'information sur le référendum, visitez le : www.landreferendum.gov.nu.ca ou écrivez à : landreferendum@gov.nu.ca 1-844-544-7409