



SETTLEMENT LAND LEASE AND DEVELOPMENT

Why is KDFN developing its settlement land now?

KDFN's *Lands Act* came into force in October 2020. The Act allows the First Nation to manage, develop, protect and enforce laws on settlement land.

Developing settlement land previously identified for revenue generation will allow KDFN to generate revenue for its Beneficiaries and Citizens.

How will settlement land be developed?

Development of settlement land will be guided by KDFN's *Lands Act*, *Regulations* and land use plans.

In 2020, KDFN completed an extensive Community Lands Plan with its Beneficiaries and Citizens. The plan identifies parcels within the City of Whitehorse to be used for residential, conservation or revenue generation - through residential and commercial settlement land leases.

What is a settlement land lease?

A lease guarantees a leaseholder exclusive rights to use and occupy the land for the term and conditions of the agreement.

How will settlement land leases be issued?

KDFN is working with its Development Corporation, Chu Níikwän, to make residential and commercial lots available through a lottery or tender process, or through a real estate agent.

Under the Lands Act, KDFN is required to give its Beneficiaries and Citizens an opportunity to apply for lots, before opening the process to the general public.

How secure are settlement land leases?

Leases will be issued with terms to maintain the value of the property, such as a clause to renew the terms of the agreement.

Banks and other financial institutions may require a Certificate of Leasehold Title to secure mortgage or other financing on the lease. KDFN can register a settlement land lot in the Yukon Land Titles Office (LTO) and provide a Certificate of Leasehold Title to the lessor.

All settlement land leases are required to be registered in KDFN's Land Registry or Yukon's LTO. However, registering the parcel under the LTO registry is guaranteed by the Yukon government, adding additional security to the lease.

What's the difference between a Certificate of Leasehold Title and Fee Simple Title to property?

A Fee Simple Title gives the titleholder ownership of the property, indefinitely, while a Certificate of Leasehold Title gives the leaseholder exclusive rights to use and occupy the land for a set period of time. In the case of a KDFN residential lease, 125 years.

Under the KDFN Constitution, KDFN is unable to sell settlement land and must always retain ownership.

What will settlement land lease terms and opportunity for financing look like?

Settlement land leases will be offered for up to a 125 year term, and may include terms to maintain the value of the property, such as a clause to renew the terms of the lease agreement.

Leaseholders may secure financing through a mortgage from a bank, sell the lease on the open market and hold long-term tenure of the property.

How are leaseholders' rights protected in a lease?

Long-term leases are increasingly common in Canada with terms to protect both the lessor and lessee.

A lease will include a number of specific terms and conditions related to the responsibilities of the lessor and the lessee to protect both parties.

Can a settlement land lease be sold?

Yes, a leaseholder can sell their lease on the open market for the remainder of its term.

Can condominiums be developed on settlement land?

Yes. As long as the development follows KDFN and the City of Whitehorse planning and zoning, condominiums can be developed on settlement land.

Who is responsible for paying insurance, utilities and taxes on settlement land leases?

A leaseholder is responsible to pay property taxes to the City of Whitehorse or the Yukon government, as well as utilities, insurance and building maintenance costs on their leasehold interest.

What land use plans apply to developments on settlement land?

All development on settlement land within city limits needs follow KDFN and the City of Whitehorse land use plans and zoning bylaws, including:

- City of Whitehorse's Official City Plan (OCP);
- KDFN Traditional Territory Land Vision; and
- KDFN Community Lands Plan.

What authority does KDFN have over planning, zoning and development laws on settlement land?

Under the Self-government Agreement, KDFN has broad authority to make planning, zoning and development laws on its settlement land. KDFN works closely with the City of Whitehorse and the Yukon government to ensure land use planning, zoning and development are consistent with overlapping land use plans.