

First Nation Urban Development Area Frequently Asked Questions & Answers

Q1. What is a First Nation Urban Development Area?

A1. A First Nation Urban Development Area is land within a city that has been purchased by a First Nation and has been granted Reserve status by the Federal Government. Lands, once designated as a First Nation Urban Development Area, fall under the jurisdiction of the First Nation.

Q2. What are the benefits of a First Nation Urban Development Area?

A2. Benefits for the First Nations:

- Economic opportunities to create new businesses
- Increased employment opportunities
- A means for the First Nation to create financial resources leading to increased self-sufficiency

Benefits for the Municipality:

- Increases City of Brandon revenue
 - Indirect benefits through job creation and economic spin offs from the resulting new businesses and job creation
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Q3. Does land automatically become a First Nation Urban Development Area when purchased by a First Nation?

A3. No. Reserve status is obtained by the First Nation going through a federally established process, referred to as the “Additions to Reserve Policy” which results in a Federal designation of the land. The process requires that the First Nation approach the municipality in which the land is located to resolve any issues of concern such as compensation for net loss of tax revenue, provision of government services, and compatibility of City By-laws.

Q4. Why are First Nation Urban Development Areas being created?

A4. First Nation Urban Development Areas are a means in which the Federal and Provincial Governments fulfil outstanding obligations to First Nations who did not receive all the Reserve land to which they were entitled under historical treaties from the 1880’s. For the First Nation, First Nation Urban Development Areas offer economic, social, and cultural development opportunities. With increased economic development comes increased autonomy and prosperity.

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Q5. How long does it take to create a First Nation Urban Development Area?

A5. The process to have lands designated as a First Nation Urban Development Area is typically rigorous and lengthy. The average time to complete the process is 4 years, but case studies show this can happen as quickly as 1 year or take as long as 12 years. With willing parties, it is reasonable to expect the process to take approximately 18 months.

Q6. Does City Council have the right to approve or deny a First Nation Urban Development Area?

A6. No, City Council does not have the right to approve or deny a First Nation Urban Development Area as this authority lies solely with the Federal Government. City Council does however have the right to enter into good faith negotiations for a Municipal Services Development Agreement before the lands are designated.

Q7. How does a First Nation Urban Development Area differ from land that is not designated as a First Nation Urban Development Area?

A7. The key difference is the designated land shifts to being under the jurisdiction of the First Nation, rather than the City. For example, City taxes and many City By-laws do not apply to designated land. As a result, before the land becomes a First Nation Urban Development Area, the City and the First Nation sign a legally binding Municipal Development and Services Agreement to address this shift in jurisdiction and protect the interests of the City and the First Nation.

Q8. What is a Municipal Development and Services Agreement?

A8. The Municipal Development and Services Agreement is a legal document that defines: how typical City services will be supplied to the First Nation; how land development will occur; compatibility with and enforcement of City By-laws, reimbursement to the City in lieu of taxes; applicable development costs and a dispute resolution mechanism.

Q9. How is land use, servicing and taxation addressed?

A9. All these items are negotiated between the First Nation and the City and spelled out in a legally binding Municipal Development and Services Agreement. The First Nation is responsible for entering into a separate agreement with the School Board regarding the education portion of the standard property tax bill.

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Q10. What is Fee-for-service?

A10. Fee-for-service is the annual payment which the City receives from the First Nation in lieu of property taxes.

Q11. Are there existing First Nation Urban Development Areas in Brandon?

A11. At the present time there are no First Nation Urban Development Areas in Brandon. There are over 120 located throughout Canada with the vast majority (approximately 90%) of them found in Manitoba and Saskatchewan.

Q12. What does a First Nation Urban Development Area look like?

A12. It looks like any other piece of land in the City. It can be a vacant lot, an office building, a hotel, a house or apartment building, a gas station, a school, a manufacturing facility, etc.

Q13. Can anyone go on a First Nation Urban Development Area?

A13. Yes, a First Nation Urban Development Area is just like any other property with regards to public access on privately owned lands.

Q14. Do you have to be Aboriginal to start a business, be employed or live in a First Nation Urban Development Area?

A14. No.

Additional information can be found at

www.brandon.ca/FirstNationUrbanDevelopmentArea or by contacting

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