UNGGIM
Effective Land Administration

Using UN-IGIF to compare Land Tenure Systems in Canada including Indigenous lands

April 2024 - Aguascalientes, Mexico
CANADA is 10 millions sq Km
Distribution of Legislative Powers over Property Rights under the Constitution Act 1867

### Federal Powers
**Section 91**
- Public Property
- Beacons, Buoys, Lighthouses, and Sable Island
- Indigenous Peoples, and Lands reserved for Indigenous Peoples

### Provincial Powers
**Section 92**
- the management and sale of the public lands belonging to the province and of the timber and wood thereon;
- property and civil rights in the province.

The Constitution Act of 1982 (section 35) recognizes and affirms the existing Indigenous and treaty rights of the Indigenous peoples in Canada, including any rights that exist by way of land claims agreements or may be so acquired.
Canada Lands
Federal responsibilities

- First Nation Reserves
- Territorial Lands
- National Parks
- Offshore Area
- International Boundary
Methodology

This questionnaire was developed based on various sources:

- Cadastral Template developed by the Permanent Committee on GIS Infrastructure for Asia and the Pacific (PCGIAP) in collaboration with the International Federation of Surveyors (FIG);
- Framework for costing and Financing land administration services (COFLAS) developed by UN Habitat, including financial aspects;
- Land Administration Systems survey prepared by the Working Party on Land Administration (WPLA) of the United Nations Economic Commission for Europe (UNECE);
- Canadian Council On Geomatics (CCOG) Cadastral Forum sub-committee members.

Perspective

- First time that such comparative analysis of land tenure systems is performed in Canada.
- Information for some provinces is incomplete.
- Living analysis that will be completed and updated in the coming years.
Framework

Questionnaire is divided following the 9 strategic pathways of the Integrated Geospatial Information Framework (IGIF) developed by the UN Group of experts on Geospatial and Information Management (UN-GGIM) :
Legal System

Indigenous Lands (Common law)
<table>
<thead>
<tr>
<th>Provinces &amp; Territories</th>
<th>Type of System</th>
<th>Partnership</th>
<th>Mandatory registration</th>
<th>Adverse possession</th>
<th>Unique ID for registration</th>
<th>Demarcation</th>
<th>% Guaranteed titles by the state</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alberta</td>
<td>Torrens</td>
<td>Data Partnership</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Private: No Public: Yes</td>
<td>100</td>
</tr>
<tr>
<td>British Columbia</td>
<td>Torrens</td>
<td></td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>100</td>
</tr>
<tr>
<td>Manitoba</td>
<td>Torrens</td>
<td>PPP Teranet</td>
<td>T: Yes D: No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>95</td>
</tr>
<tr>
<td>New Brunswick</td>
<td>Mixed</td>
<td></td>
<td>T: Yes D: No</td>
<td>T: No D: Yes</td>
<td>Yes</td>
<td>No</td>
<td>53</td>
</tr>
<tr>
<td>Newfoundland and Labrador</td>
<td>Deed</td>
<td></td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Private: No Public: Yes</td>
<td></td>
</tr>
<tr>
<td>Nova-Scotia</td>
<td>Mixed</td>
<td></td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Ontario</td>
<td>Mixed</td>
<td>PPP Teranet</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>99</td>
</tr>
<tr>
<td>Prince Edward Island</td>
<td>Deed</td>
<td></td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Québec</td>
<td>Deed</td>
<td></td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Private: No Public: Yes</td>
<td>0</td>
</tr>
<tr>
<td>Saskatchewan</td>
<td>Torrens</td>
<td>PPP ISC</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>100</td>
</tr>
<tr>
<td>Northwest Territories</td>
<td>Torrens</td>
<td></td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>100</td>
</tr>
<tr>
<td>Nunavut</td>
<td>Torrens</td>
<td></td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>100</td>
</tr>
<tr>
<td>Yukon</td>
<td>Torrens</td>
<td></td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Private: No Public: Yes</td>
<td>100</td>
</tr>
<tr>
<td>Federal ILR/FNLRC</td>
<td>Deed</td>
<td></td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>0</td>
</tr>
<tr>
<td>Federal CIRNA</td>
<td>Deed</td>
<td></td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>0</td>
</tr>
<tr>
<td>Nisga’a</td>
<td>Torrens</td>
<td></td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>100</td>
</tr>
<tr>
<td>Westbank</td>
<td>Deed</td>
<td></td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>0</td>
</tr>
</tbody>
</table>
Indigenous Lands (mostly Deed)
Private-Public Partnership (PPP)

Indigenous Lands - No
Indigenous Lands - No
Indigenous Lands - No
Indigenous Lands - Mixed
Indigenous Lands - Mixed

Mandatory demarcation

Yes
Mixed
# Governance and Institutions

<table>
<thead>
<tr>
<th>Province/Region</th>
<th>LANDS</th>
<th>Cadastre</th>
<th>PUBLIC LANDS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PRIVATE LANDS</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Newfoundland &amp; Labrador</td>
<td>Service NL</td>
<td>Association of NL Land Surveyors</td>
<td>Ministry of Fisheries and Natural Resources</td>
</tr>
<tr>
<td>New-Brunswick</td>
<td>Service New-Brunswick; self-funded</td>
<td></td>
<td>Ministry of Natural Resources and Energy Development</td>
</tr>
<tr>
<td>Québec</td>
<td>Single self-funded organization: Land Rights Infrastructure and Geospatial Information Sector</td>
<td>Ministry Natural Resources and Forests</td>
<td></td>
</tr>
<tr>
<td>Ontario</td>
<td>Teranet (PPP) under the supervision of Service Ontario (Ministry of Public and Business Service Delivery)</td>
<td>Ministry of Natural Resources and Forestry</td>
<td>Ministry of Natural Resources and Forestry</td>
</tr>
<tr>
<td>Alberta</td>
<td>Service Alberta (Minister of Alberta Environment and Protected Areas)</td>
<td>Ministry of Environment and Protected Areas</td>
<td>Ministry of Environment and Protected Areas</td>
</tr>
<tr>
<td>Saskatchewan</td>
<td>Office of Public Registry Administration (OPRA), Ministry of Justice</td>
<td>Operation of the registers: Information Services Corporation (ISC), a private company (PPP).</td>
<td></td>
</tr>
<tr>
<td>British-Columbia</td>
<td>Land Title and Survey Authority (LTSA); self-funded</td>
<td></td>
<td>Ministry of Forests, Lands, Natural Resource Operations and Rural Development, Lands Branch.</td>
</tr>
<tr>
<td>Yukon</td>
<td>Land Titles Office</td>
<td>Federal Government Surveyor General Branch</td>
<td>Ministry of Energy, Mines and Resources</td>
</tr>
<tr>
<td>North-West Territories</td>
<td>Land Titles Office</td>
<td>Federal Government Surveyor General Branch</td>
<td>Land Titles Office</td>
</tr>
<tr>
<td>Nunavut</td>
<td>Land Titles Office</td>
<td>Federal Government Surveyor General Branch</td>
<td>Land Titles Office</td>
</tr>
</tbody>
</table>

**NOTES:**
- *PPP* stands for Public-Private Partnership.
- *self-funded* indicates a self-funded organization.
Land Surveying Profession in Canada

- Approximately 3000 professional licensed land surveyors
- 11 regulatory authorities
  - one per Province and
  - one for Federal lands.
- Mutual Recognition Agreement on Labour Mobility between all the 11 regulatory bodies
Indigenous Lands – Canadian context

- Indigenous land was initially identified as a federal responsibility
  - Constitution Act 1867 - Indigenous Peoples, and Lands reserved for Indigenous Peoples
  - Indian Act (1876)

- Indigenous rights are constitutionally protected.
  - Constitution Act of 1982 - recognizes and affirms the existing Indigenous and treaty rights of the Indigenous peoples in Canada, including any rights that exist by way of land claims agreements or may be so acquired.

- Government to Government agreements
  - Self-Government agreement (started in 1970’s)
  - Framework agreement on First Nation Land Management (1990’s)

  - In 2021, Canada adopted the United Nations Declaration on the Rights of Indigenous Peoples Act
Agreement on First Nation Land Management

In Canada, 3050 reserves lands are held by approximately 600 First Nations.

More than 1/3 are implementing, developing or have formally expressed interest to operate under their own land code.
Indigenous Lands – Canadian context

- As Indigenous Governments are regaining their inherent rights to self-government, Indigenous Governments decide what aspects of federal legislation they want to incorporate in their self-government agreements:

- Treaties and land claims provide for land management systems
  - Registration system
  - Survey system
INDIGENOUS LANDS

Indian land Registry
• Managed by Canada
• Interests are registered in accordance with the Indian Act

Under Indian Act 64%

First Nation Developing their own land code 16%

Fist Nations Operating under their own land code 19%

Self Government 1%

Self Government First Nations Registries:
• Independent (e.g., Nisga’a Nation)
• Provincial (e.g., Tsawwassen First Nation)
• Territorial (e.g., Tłı̨chǫ Nation)
• Indian land registry and Provincial (e.g., shíshálh Nation)
• Self-Governing First Nations Land Registry (e.g., Westbank First Nation, Whitecap Dakota)

First Nation Land Registry
• Administered by Canada
• Interests are registered in accordance with the Land Code

Now Developing a new First Nation Land Governance Registry
• Managed by First Nations
• Interests are registered in accordance with the Land Code
Acknowledgements

- Canadian Council On Geomatics (CCOG) Cadastral Forum sub-committee members for their time, contribution and support.
© His Majesty the King in Right of Canada, as represented by the Minister of Natural Resources, 2022