

June 1, 2015

Tk'emlúps te Secwépemc
(KAMLOOPS INDIAN BAND)

REFERENDUM VOTE RE:

Matrimonial Real Property Law

Referendum Date: July 30, 2015

INFORMATION DOCUMENT

1. The Band is asking the membership for approval by way of Referendum for its own Matrimonial Real Property Law, to address matrimonial real property interests or rights on their reserve lands.

The Federal government of Canada has enacted Bill S-2, *Family Homes on Reserves and Matrimonial Interests or Rights Act* ("Bill S-2") to address a long-standing, and unacceptable legislative gap regarding matrimonial real property on reserves. Bill S-2 empowers First Nations to replace it with their own laws.

Therefore, Tk'emlúps te Secwépemc hereby exercises its power pursuant to Bill S-2 and its inherent right to self-government to enact its own law to address these same matters.

2. The Band proposes June 17, 2015 for the Ratification Information Meeting and July 30, 2015 for the Referendum Vote. The draft critical path is as follows:

Date	Purpose	Responsibility
14-Mar-14	TteS MRP Law - Technical Committee	Band
30-Apr-14	TteS MRP Law - Technical Committee	Band
23-Jun-14	TteS MRP Law - Technical Committee	Band
30-Jun-14	TteS MRP Law - Budget, Legal Proposal	Band
7-Jul-14	TteS Technical Committee - Initial Meeting with Legal Counsel	Band, Legal Counsel
5-Aug-14	C&C Meeting - Bonnie Leonard - MRP Law Presentation	Band, SNTC
11-Aug-14	TteS MRP Law - Legal Conference Call	Band, Legal Counsel
26-Aug-14	TteS MRP Law - Technical Committee	Band
17-Sep-14	TteS MRP Law Policy Development Questions	Band, Legal Counsel
24-Sep-14	TteS MRP Law - Technical Committee	Band
24-Sep-14	TteS MRP Law - 1st Community Information Forum	Band, Legal Counsel, Membership
29-Sep-14	GBM – TteS MRP Law Presentation/Information Booth	Band, Membership
4-Nov-14	MRP Training - COEMRP	Band, COEMRP
6-Nov-14	TteS MRP Law - Legal Conference Call	Band, Legal Counsel
14-Nov-14	TteS MRP Law - 1st Draft - Technical Committee	Band

17-Nov-14	TteS MRP Law - 2nd Community Information Forum - 1st Draft Presentation	Band, Legal Counsel, Membership
18-Nov-14	TteS MRP Law - 1st Draft - C&C	Band, Legal Counsel, DOJ
14-Jan-15	TteS MRP Law - Working Group	Band, Legal Counsel, Membership
25-Nov-14	GBM – TteS MRP Law Presentation/Information Booth	Band, Membership
22-Jan-15	TteS MRP Law - Working Group	Band, Legal Counsel, Membership
23-Feb-15	TteS MRP Law - Working Group	Band, Legal Counsel, Membership
24-Feb-15	TteS MRP Law - Working Group	Band, Legal Counsel, Membership
23-Mar-15	TteS MRP Law - 1st Reading - C&C Policy Meeting	Band
30-Mar-15	TteS MRP Law - Working Group	Band, Legal Counsel, Membership
10-Apr-15	TteS MRP Law - LLTX Department Meeting	Band
16-Apr-15	TteS MRP Law - Working Group - Rescheduled	Band, Legal Counsel, Membership
17-Apr-15	TteS Housing Dept Home Show – TteS MRP Law Information Booth	Band, Membership, External Stakeholders
23-Apr-15	TteS MRP Law - Working Group	Band, Legal Counsel, Membership
28-Apr-15	TteS Technical Committee – Conference Call	Band, Legal Counsel
30-Apr-15	TteS MRP Law - Working Group	Band, Legal Counsel, Membership
6-May-15	TteS MRP Law - 3rd Community Information Forum - 2nd Draft Presentation	Band, Legal Counsel, Membership
14-May-15	TteS MRP Law - Working Group - Rescheduled	Band, Legal Counsel, Membership
25-May-15	TteS MRP Law - 2nd Reading - C&C Policy Meeting	Band
27-May-15	TteS MRP Law - Working Group	Band, Legal Counsel, Membership
4-Jun-15	Ratification Information Package - Mail-out and Delivery	Electoral Officer, Deputy Officers
17-Jun-15	TteS MRP Law - 4th Community Information Forum - Ratification Information Meeting	Band, Legal Counsel, Membership
30-Jul-15	TteS MRP Law - Referendum Day	Band, Legal Counsel, Membership, Electoral Officer

Dear Band Members:

On behalf of the Tk'emlúps te Secwépemc (Kamloops Indian Band) (the "Band"), we hereby advise you of an upcoming **Referendum Vote which is to be held July 30, 2015**.

The vote is required to approve the Tk'emlúps te Secwépemc Matrimonial Real Property Law.

The existing *Family Homes on Reserves and Matrimonial Interests or Rights Act, December 16, 2014* and the proposed Tk'emlúps te Secwépemc Matrimonial Real Property Law are available at the Band office, and on the Band website at: <http://tkemlups.ca/>. The Executive Summary of the proposed Tk'emlúps te Secwépemc *Matrimonial Real Property Law* and the Referendum Ballot Question are provided herein.

The vote will take place by way of a "**Referendum**" in accordance with the *Indian Act*.

As with previous Referendums, this is very important for the Band Membership to consider.

Prior to December 16, 2014 there was a legislative gap which meant that on reserve residents lacked basic rights and protections in relation to matrimonial real property. The *Indian Act* was silent on Matrimonial Real Property, provincial laws did not apply, and **we** currently have no "on-reserve" Matrimonial Real Property Law, so the Federal Government enacted Bill S-2.

In order to continue striving toward self-sufficiency, Tk'emlúps te Secwépemc want to address the division of real property and orders relating to real property. This would allow Tk'emlúps te Secwépemc to exercise its jurisdiction over land and family law matters to protect the interests of our children as a priority. In addition, it will clarify the mechanism for the disposition of matrimonial real property on our reserve following a marital breakdown, and/or death of a spouse, for the Band to assist Band members.

The Band Council believes that we need to progressively work towards these goals through the approval of our own Matrimonial Real Property Law and acting on our jurisdictional rights to approve our own law. This Referendum vote will help us to continue to pursue those goals.

Therefore, we are looking for the Band Membership's participation in this important Referendum Vote.

The Ratification Information Meeting is scheduled on Wednesday, June 17, 2015 from 4:30 pm to 8:00 pm at the Sk'elep School of Excellence Gymnasium.

Notice of Referendum

The Notice of Referendum will be posted at the Band Administration Office, the Skelep School of Excellence, the Chief Louis Centre Assembly Hall and other notice boards located on the Reserve, as determined by the Band Council or the electoral officer appointed for the Referendum vote (whose name and contact information appear at the end of this Information Document) (the "Electoral Officer"). The Notice of Referendum contains complete copies of the actual questions that will be voted on in the Referendum vote and other important information.

General Note re: Fiduciary Duties of Band Council and Band Officials

It should be noted that in all instances the Band Council and each member of the Band Council, as well as all other officials and employees of the Band, have a duty to act honestly and in good faith and in the best interests of the Band in connection with the carrying out of any of their duties and responsibilities on behalf of the Band. These duties extend to all aspects of the review and approval of the proposed Tk'emlúps te Secwépemc Matrimonial Real Property Law.

INDEMNITY

The Band will provide Legislative Authorities with an indemnity clause:

Tk'emlúps te Secwépemc "(Kamloops Indian Band)" shall indemnify Canada and save Canada harmless from any claims, proceedings, judgments, penalties, sums paid in settlement of any matter, costs or other expenses of any kind, because of, or in connection with the improper exercise of the delegation of authority by Tk'emlúps te Secwépemc (Kamloops Indian Band) under the Section *Family Homes on Reserves and Matrimonial Interests or Rights Act* of the Indian Act."

LEGAL AND FINANCIAL MATTERS

A. Independent Legal Advice / No Outside Financial Advice

The Band Council has obtained independent legal advice from Woodward & Company Lawyers LLP in connection with the Referendum. The Band Council has not sought outside financial advice in connection with the Referendum. The Band Council is comfortable that it is capable of understanding any financial implications of the Referendum and any matters arising under it without obtaining outside financial advice.

B. The Department is not Providing Legal or Financial Advice for Members

The Band is not providing legal or financial advice to the Band or its members regarding the Referendum. The Department is not recommending the Referendum vote to the Band or its members or advising that the approval of the Referendum vote is the best way for the Band to proceed. The Band has hired its own legal advisor and the Band Council has reviewed the financial implications without outside financial advice. Every Band member may consult the Band Council at any time by contacting the Band Council directly if they have any question regarding the Referendum vote. The Band Council and the Band's legal advisor will also be in attendance at the Information Meeting, so the electors of the Band will be free to ask questions there. Also, Band members can obtain their own independent legal or financial advice, as they see fit.

Independent Legal or Financial Advice

If you wish to obtain independent legal or financial advice on the proposed Referendum vote, please do so.

DETAILS ABOUT THE REFERENDUM PROCESS

A. Bill S-2 sets out the process and criteria by which a matrimonial real property law can be enacted by a First Nation and requires that the community approve the law through a vote in which:

- (a) at least 25% of eligible voters participate in the vote; and
- (b) a majority of those who participated in the vote approve the law.

In accordance with the Band's usual practice, the Band is conducting this Referendum vote in accordance with the process set out in the Indian Referendum Regulation, with the modification of the criteria for approval set out in Bill S-2, as follows:

- (a) the Band Council must pass a BCR requesting that the Department hold a Referendum vote in respect of a proposed matters (this has been done);
- (b) the Referendum must be called in accordance with the requirements of the Indian Act (this has been done);
- (c) an Information Meeting must be held for the membership of the Band prior to the Referendum vote (the Information Meeting has been called for June 17, 2015);
- (d) the Referendum vote must be held in accordance with the requirements under the Indian Act and the Indian Referendum Regulations (**the Referendum vote has been called for July 30, 2015** and will be carried out in accordance with such requirements); and
- (e) Pursuant to the Referendum vote the *Tk'emlúps te Secwépemc Matrimonial Real Property Law* will be considered approved if at least 25 per cent of the eligible voters of the Band participated in the vote and a majority of those who participated in the vote approve the law.

B. Voting on This Referendum

There are currently approximately 720 electors of the Band on the Kamloops Indian Band Voters List.

At the Referendum, the electors of the Band will be asked whether or not they are in favor of, and assent to the enactment of, the proposed *Tk'emlúps te Secwépemc Matrimonial Real Property Law*. In order for the Referendum question to succeed, 25% of the electors of the Band must vote and a majority of those voting must vote YES. If a majority of those voting vote NO, the referendum question will fail.

Information Meeting

The Information Meeting for the Band membership will be held on June 17, 2015 at the Skelep School of Excellence. The Information Meeting is scheduled for 4:30 p.m. The Information Meeting will provide information about the proposed Law. The Information Meeting will also explain why the Referendum vote is required and describe the voting process. The Band Council and the Band's legal advisor will be in attendance at the meeting. The electors of the Band will be free to ask questions. We encourage you to attend the Information Meeting.

The Voters List

Before the Information Meeting, a Voters List will be posted at the Band Administration Office, the Sk'elep School of Excellence, the Chief Louis Centre Assembly Hall and other notice boards located on the Reserve, as determined by the Band Council or the Electoral Officer. If there is any member of the Band not on the Voters List and the member believes that he or she should be on the Voters List, he or she should notify the Electoral Officer or any deputy electoral officer. This also applies if there is a name on the Voters List that any Band member believes should not be on the Voters List.

To be eligible to vote, you must:

- (a) be a member of the Band;
- (b) be at least 18 years of age on the date of the Referendum (July 30, 2015); and
- (c) not be disqualified from voting at Band elections.

The Voters List may be changed where it is demonstrated that:

- (a) the name of an elector has been omitted from the Voters List;
- (b) the name of an elector is incorrectly set out in the Voters List; or
- (c) the name of a person not qualified to vote is included in the Voters List.

A person may demonstrate that the name of an elector has been omitted from, or incorrectly set out in, the Voters List by presenting to the Electoral Officer evidence from the Registrar or from the Band that the elector is on the Band List, is at least 18 years of age and is qualified to vote at Band elections. A person may demonstrate that the name of a person not qualified to vote has been included in the voters list by presenting to the electoral officer evidence that the person is not on the Band List, is not at least 18 years of age, or is not qualified to vote at Band elections.

For further information, see the document entitled "Voting and the List of Electors" attached to the Voters List.

C. Date and Time of the Referendum Vote

The **Referendum vote will be held on July 30, 2015** at the Sk'elep School of Excellence Gymnasium., 365 Powwow Trail, Kamloops, BC on the Reserve between the hours of 8:00 a.m. and 8:00 p.m.

D. Voting for Off Reserve Members / Mail-in Ballots

Off-reserve members who are eligible to vote will have the opportunity to mail in their votes. All electors who reside off the reserve and who have provided the Band with a mailing address will be

mailed or delivered a mail-in ballot package, which will include the Notice of Referendum, a mail-in ballot and this Information Document.

Also, any elector living on the reserve may request a mail-in ballot package from the Electoral Officer.

Electors may vote either by mail-in ballot or in person at a polling station, but not both. If any elector has received a mail-in ballot package, he or she cannot vote in person at the polling station unless:

(a) the elector returns the mail-in ballot package to the Electoral Officer or deputy electoral officer;
or

(b) if the elector has lost the mail-in ballot, the elector provides the Electoral Officer or deputy electoral officer with a written affirmation that the elector has lost the mail-in ballot, signed by the elector in the presence of the Electoral Officer, deputy electoral officer, a justice of the peace, a notary public or a commissioner for oaths.

In order for a mail in ballot to be counted in the vote, it must be received by the Electoral Officer by the time the poll closes at 8:00 p.m. on July 30, 2015 the date of the Referendum.

E. Notice of the Referendum

A Notice of Referendum will be posted at the Band Administration Office, the Sk'elep School of Excellence, the Chief Louis Centre Assembly Hall and other notice boards located on the Reserve, as determined by the Band Council or the Electoral Officer.

F. The Referendum Ballot Question

Proposed Tk'emlúps te Secwépemc Matrimonial Real Property Law

“Do you approve of the adoption and enactment of the Tk'emlúps te Secwépemc Matrimonial Real Property Law, dated June 1, 2015?”

G. The Electoral Officer

The Electoral Officer for the Referendum vote is as follows:

Fred Schiffner

5245 Augusta Place

Delta, BC V4M 4E1

Office: 604.786.0522

Cell: 604.786.2512

Fax: 604.943.0527

Email: fschiffner@dccnet.com

If you have any questions about the Referendum vote, you can contact any member of Tk'emlúps te Secwépemc (Kamloops Indian Band) Chief and Council as follows:

Chief and Council

Tk'emlúps te Secwépemc

200-330 Chief Alex Thomas Way,

Kamloops, BC V2H 1H1

Phone: (250) 828-9700 / Fax: (250) 372-8833

or the Tk'emlúps te Secwépemc (Kamloops Indian Band) Lands, Leasing & Tax Department as follows:

Ms. Freda Jules

Lands, Leasing & Tax Manager

Tk'emlúps te Secwépemc

406 - 345 Chief Alex Thomas Way

Kamloops, BC V2H 1H1

Phone: (250) 828-9784

Fax: (250) 314-1539

Ms. Delyla Daniels

Leasing Officer

Tk'emlúps te Secwépemc

406 - 345 Chief Alex Thomas Way

Kamloops, BC V2H 1H1

Direct Line: (250) 828-9828

Facsimile: (250) 314-1539

Email: ddaniels@kib.ca

Yours truly,

Tk'emlúps te Secwépemc

Chief and Council

SCHEDULE A

Summary of
Family Homes on Reserves and Matrimonial Interests or Rights Act December 16, 2014

SCHEDULE B

Executive Summary of
Proposed *Tk'emlúps te Secwépmc Matrimonial Real Property Law*

SCHEDULE C

For Illustration Purposes Only
Referendum Ballot Question

Schedule A

Summary

Provisional Federal Rules

Family Homes on Reserves and Matrimonial Interests or Rights Act (the Act)

Introduction:

Under the Act, the provisional federal rules provide basic rights and protections to individuals on reserves during a marriage or common-law relationship, in the event of a relationship breakdown, and on the death of a spouse or common-law partner. The provisional federal rules include the following rights and protections:

Key Points:

- Equal right to occupancy of the family home: provides spouses or common-law partners with an equal entitlement to occupancy of the family home until such time as they cease to be spouses or common-law partners.
- Requirement of spousal consent for the sale or disposal of the family home: provides spouses or common-law partners with protection that the family home cannot be sold or otherwise disposed of or encumbered during the marriage or common-law relationship without the free and informed written consent of the spouse or common-law partner, regardless of whether that spouse or common-law partner is a First Nation member.
- Emergency protection order: allows a court to order that a spouse or common-law partner be excluded from the family home on an urgent basis (in situations of family violence).
- Exclusive occupation order: enables courts to provide short to long-term occupancy of the family home to the exclusion of one of the spouses or common-law partners. The duration of this order could range from a set number of days to a longer period, such as until dependent children reach the age of majority.
- Entitlement of each member spouse or common-law partner to an equal division of the value of the family home and any other matrimonial interests or rights: ensures that the proven value of a couple's matrimonial interests or rights in, or to, the family home and other structures and lands on the reserve are shared equally on the breakdown of a relationship.
- Order for the transfer of matrimonial real property between member spouses or common-law partners: allows a court to order the transfer, in some circumstances of the matrimonial interests or rights between member spouses or common-law partners together with, or instead of, financial compensation.
- Entitlement of surviving spouses or common-law partners: ensures that when a spouse or common-law partner dies, the surviving spouse or common-law partner may remain in the home for a specified period of time, and can apply under the federal rules for half of the value of the matrimonial real property interests or rights as an alternative to inheriting from the estate of the deceased.
- Enforcement of agreements on the division of the value of the matrimonial property: allows a court to make an order that can be used to enforce a free and informed written agreement

Schedule A

made by spouses or common law partners that is not unconscionable and that sets out the amount to which each is entitled and how to settle the amount.

- This Act ensures that individuals living on reserve have similar protections and rights as other Canadians. The provisional federal rules are based on common elements of various provincial and territorial matrimonial real property regimes. However, not all of these elements are appropriate for application on reserve, due to the inalienability of reserve lands and the uniquely collective nature of land and housing on reserves.
- The *Family Homes on Reserves and Matrimonial Interests or Rights Act* (the Act) provides basic protections and rights to individuals on reserves regarding the family home and other matrimonial interests or rights during a relationship, in the event of a relationship breakdown, and on the death of a spouse or common-law partner. These protections will either be through First Nations' laws or provisional federal rules.
- Under the provisional federal rules, a spouse or common-law partner can apply for an emergency protection order to stay in the family home at the exclusion of the other spouse in situations of family violence. Additionally, the provisional federal rules allow for courts to provide short to long-term occupancy of the family home to the exclusion of one of the spouses or common-law partners.
- Aboriginal Affairs and Northern Development Canada is supporting the implementation of the Act by funding the Centre of Excellence for Matrimonial Real Property, an arm's length organization that will support First Nations in the application of the Act, including the development of their own on-reserve matrimonial real property laws. Furthermore, the Government of Canada will continue to promote the Act by disseminating relevant communications products, ensure police officers working on reserves will be trained to enforce the law, as well as distribute education materials for legal experts to promote informed decisions under the legislation.
- Once a First Nation's matrimonial real property law or the provisional federal rules are in place, individuals living on reserves will have matrimonial real property rights that they did not have before. The provisional federal rules may be accessed by those who need them, in circumstances that require the protection offered by the court system, but this does not mean that individuals must access the court system in order to resolve matrimonial real property issues. Many individuals may be able to come to agreement on division of property or temporary exclusive occupation of the family home through mediation, alternative dispute resolution or existing traditional systems for resolution. However, as a result of the Act, seeking resolution through the court system is an option.
- First Nations, when developing their matrimonial real property laws, can choose the best way to resolve issues in their community, for example through traditional dispute mechanisms or through the courts.
- Generally speaking, the protections and rights provided in the provisional federal rules will be accessible through the provincial and territorial superior courts that normally deal with family law matters.

Schedule A

- The intent of the Act is to provide a degree of legal certainty that will make it easier for couples to come to an agreement so they will not have to go to court. However, if on-reserve individuals feel they need to access the courts, they have to do so in the same way as those living off reserve.
- When it comes to emergency protection orders, the intent of the Emergency Protection Order Regulations of the Act is to include options to make access to justice more accessible given the rural nature of many communities. It is intended that the application can be made to the judge in person or by telecommunication systems, which includes telephone, e-mail or fax. The application can be made by the applicant or someone acting on the applicant's behalf.
- Responsibility for enforcing orders made under the provisional federal rules will vary depending on the circumstances. Pursuant to section 89 of the Indian Act, orders in favour of a non-Indian cannot be executed against property of an Indian situated on reserve. A court order for compensation between spouses or common-law partners who are Indians, whether a member of that First Nation or not, can be enforced as any other order.
- On application from a non-member or non-Indian spouse or common-law partner, the provisional federal rules provide that a First Nation council will be able to enforce a court order against a member for compensation made under the Act. If the council does not enforce the order within a reasonable period of time, a court will be able to vary the order to require the member spouse or common-law partner to pay the specified amount into the court directly.
- With respect to First Nations' own matrimonial real property laws, the power to enact First Nation laws contained in the Act enables First Nations to make laws respecting enforcement of court orders on reserve despite section 89 of the Indian Act.
- The Act respects the principle of non-alienation of reserve lands. The provisional federal rules will not lead to non-Indians or non-members acquiring permanent interests in reserve land.
- In a situation where the non-member spouse has made direct contributions to improvements made to the family home or other structures, a court will be able to order that they be compensated.
- A court cannot force the sale of a home on a reserve.
- When in force the provisional federal rules in the Act will not apply to the value of the lands that have been allotted according to custom as these allotments are not recognized as legal holdings by the federal government. However, they will apply to structures on custom allotments which are recognized by First Nations or by the courts.
- The protections provided by the federal provisional rules in the Act will apply to family homes and other matrimonial interests or rights that are leased. If a spouse or common-law partner is granted exclusive occupation of the home, that individual will be bound by the lease and required, for example, to pay the rent.
- The provisional federal rules provide that each spouse or common-law partner, whether a member of the First Nation or not, and whether a status Indian or not, is entitled to half of the value of the interests in or rights to the family home and other matrimonial interests or rights on reserve which were acquired during the relationship. Value is based on what a buyer would reasonably be expected to pay a seller for comparable interests and/or rights.

Schedule A

- It is intended that the Emergency Protection Order Regulations to this Act will include provisions concerning applications made pursuant to the provisional federal rules that will increase access to justice in remote areas. For example, it is expected that individuals will be able to apply for an emergency protection order by telephone, email or fax.
- Should a spouse or common-law partner not be able to apply for an emergency protection order in person, a peace officer or other person may apply on behalf of that spouse or partner to ensure the immediate protection of the person or property at risk of harm. In situations where the applicant spouse or common-law partner has not provided consent to apply for an emergency protection order, the designated judge may grant leave in accordance with the regulations to the Act for an application to be made on behalf of that spouse or common-law partner.
- During the time period of an emergency protection order, the spouse or common-law partner will be able to apply for exclusive occupation of the family home.

Schedule B

Tk'emlúps te Secwépemc's Matrimonial Real Property Law Executive Summary

Introduction:

Until recently, there have not been any laws dealing with matrimonial real property that were applicable on reserve. These matters are generally addressed through provincial legislation, but provincial laws cannot apply to reserve lands. In December, 2014, a new federal law came into force that addresses issues regarding matrimonial real property on reserve (*Family Homes on Reserves and Matrimonial Interests or Rights Act*, SC 2013, c. 20). The federal law also grants authority to First Nations to create their own laws to address these issues instead of relying on the federal law.

Tk'emlúps te Secwépemc (TteS)'s Technical Advisory Committee has worked with legal counsel to prepare a draft TteS Matrimonial Real Property Law (the "TteS MRP Law"). The TteS MRP Law is to ensure that on reserve real property (lands and structures attached to lands) held by spouses in a marriage or in a common-law relationship can be fairly dealt with if the relationship ends in a way that is consistent with TteS traditional laws and values. Once approved by the membership, the TteS MRP Law will replace the federal law. The TteS MRP Law balances the goals of treating both spouses fairly, promoting the best interests of children, and protecting the right of TteS members to reside on TteS reserves. The TteS MRP Law protects TteS interests by ensuring that non-members cannot get permanent interests in TteS reserve lands. It also protects the interests of spouses and children by allowing non-members to hold certain non-permanent interests in TteS reserve lands in limited circumstances; some examples of which are set out below.

Key Points:

- Applies equally to married and common-law spouses (see "spouse" in Part 2).
- Only applies to family homes and matrimonial property on TteS reserve land, where at least one spouse is a member, and where the marital or common-law relationship has broken down or a spouse has died (sections 3.1, 3.2, 3.3, 3.5).
- A non-member spouse cannot receive a permanent interest in TteS reserve land (sections 4.2, 4.3, 5.12). A permanent interest is an interest that can be passed on in a will to heirs.
- A non-member spouse can obtain a temporary right to live in a matrimonial home on TteS reserve land in limited circumstances, for example through a domestic contract (Part 4) or a court order (sections 7.3, 8.1, 9.1), or when a spouse passes away (section 10.1).
- Spouses may enter into a domestic contract setting out how their matrimonial property will be dealt with during and after the relationship (section 4.1).

Schedule B

- Encourages spouses to resolve their differences through agreement, including cooperative discussion, mediation or alternative dispute resolution before seeking recourse in the courts (section 6.1).
- When a marital or common-law relationship ends, a spouse may apply to a court to enforce a domestic contract or deal with any matter provided for under the TteS MRP Law (section 5.5).
- If a dispute is brought before the courts under the TteS MRP Law, Council has standing to appear before the court to describe the unique cultural, social and legal circumstances involved with reserve lands, and TteS's members' collective interests in these lands and to present its views about whether the order sought should be made (section 5.14).
- Both spouses have an equal right to possession of a family home and each spouse is entitled to half of the value of the family home, subject to certain limitations (section 6.3).
- The court can make a number of different orders concerning the division of matrimonial property. For example, it can order that ownership of the matrimonial property be transferred to one spouse exclusively, if both spouses are members (section 7.3(e)).
- In certain circumstances, the court can make an order granting exclusive occupation or a matrimonial home to a spouse for a period of time specified by the court, even if that spouse is a non-member (Part 8).
- If family violence has occurred and a person requires immediate protection, the court can make an order granting emergency exclusive occupation of a matrimonial home to a spouse for up to 90 days, regardless of whether the spouse is a member (section 9.1).
- The Council may make minor amendments to the TteS MRP Law by band council resolution (section 11.1). The Council may make substantive amendments only if it first consults with and gets approval of the membership as set out in the TteS MRP Law (section 11.2).
- The TteS MRP Law can be repealed if a majority of at least 25 percent of TteS's eligible voters vote in favour of repealing it (section 11.4).

**TK'EMLÚPS TE SECWÉPEMC
MATRIMONIAL REAL PROPERTY
LAW - BALLOT**

**Do you approve of the adoption and enactment of the
Tk'emlúps te Secwépemc *Matrimonial Real Property Law*,
dated June 1, 2015?**

YES **NO**

Mark this Ballot by placing a cross (X) in one of the above boxes.

For Illustration Purposes Only