



## NOTICE OF PROPOSED LAW

TO: St. Mary's Indian Band Membership

DATE: April 23, 2015

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**TAKE NOTICE** that the ʔaqam is developing a law addressing the following subject matter:

### **MATRIMONIAL REAL PROPERTY**

#### **Background**

ʔaqam is developing our Matrimonial Real Property Law. This law is intended to protect the matrimonial real property interests and rights of both spouses in the event of a breakdown of marriage or common-law relationship or on the death of a spouse or common-law partner. This law will fill a legislative gap and will allow courts to make rulings on division of assets and occupation of the family home on reserve. At a minimum the law will set out:

- The acceptable length of time for members to be in a relationship prior to obtaining common-law status
- How the family home should be valued by the courts
- Non-member spouse entitlement
- The right for a non-member spouse to stay in the home after the death of their member spouse

#### **Request for Feedback From ʔaqam Members**

ʔaqam is requesting that Members provide their written comments, concerns or suggestions about this proposed law. Comments must be received by May 27, 2015. Please direct all comments to:

**Julie Couse, Director of Lands and Natural Resources**  
**St. Mary's Indian Band**  
**7470 Mission Road**  
**Cranbrook, BC V1C 7E5**  
**Email: Jcouse@aqam.net**

#### **Process for Enactment of the Law under s. 7, 9, 11 and 38 of the St. Mary's Indian Band Land Code**

On January 29<sup>th</sup>, 2015 the Lands Committee and Legal Counsel met with Membership to receive input/comments into the Draft Law. The Draft Law was prepared and went to Council on April 2<sup>nd</sup> for the First Reading.

The Draft Law will be presented to Membership for the Second Reading on April 23<sup>rd</sup> from 5:00-7:00 p.m. at the St. Mary's Band Hall. This Second reading is followed by a comment period available until May 27<sup>th</sup>, 2015.

Once all comments from Members are received and reviewed, a final draft law will be prepared. The final draft law will then be presented to Council for the Third Reading (acceptance in principle). If Council accepts the final draft law in principle, a Meeting of Members will be scheduled. At the Meeting of Members, Council will explain the purposes and provisions of the draft law, and Members will be provided with the opportunity to vote on the final draft law by secret ballot.

**For further information on this process please see Sections 7, 9, 11 and 38 of the St. Mary's Indian Band Land Code, or contact the Lands and Resources office (see contact information above).**