



Frequently Asked Questions

What is an unauthorized occupant?

An unauthorized occupant is someone who is occupying public land, including a structure, such as a cabin, without an authorization or other legal right. The GNWT does not condone the unlawful use of public land.

What is untenured occupancy?

An untenured structure is a cabin or other structure that was built on public land without an authorization, such as a lease. An untenured occupancy is the collection of untenured structures at a site. For example, one untenured occupancy could include three structures: a cabin, a shed and an outhouse. An untenured occupant is the owner of the structure(s) who assumes responsibility for their use and management.

What is the difference between being an untenured or an unauthorized occupant?

An untenured occupant is the owner of a structure(s) that was built on public land without an authorization such as a lease, who assumes responsibility for their use and management.

An unauthorized occupant is the owner of a structure(s) that was built on public land without authorization or other legal right.

The GNWT recognizes that some untenured cabins may be associated with Indigenous occupants who are exercising their asserted or established Aboriginal or treaty rights. GNWT refers to these structures as 'potential rights-based cabins'.

There is a legal process for determining if an untenured structure is unauthorized. Removal of a structure requires a court order that confirms it is unauthorized.

I received a posting notice on my cabin, what do I do now?

If you have received a [posting notice](#) you are encouraged to use the contact identified on the notice. The [first posting notice](#) is your opportunity to identify a legal right to occupy the land. If you do not identify a right to occupy the land within the timeframe specified on the posting notice, a Notice of Trespass will be posted asking you to vacate the land. If, after the Notice of Trespass, you do not identify a right to occupy the land, and you do not vacate the land voluntarily, the Department will initiate the legal process to seek your removal.



If your cabin was built prior to April 1, 2014 and your cabin and associated structures conforms to the Department's evaluation criteria, you may be eligible to apply for a lease. To find out more about the evaluation process, you should follow up with Land Administration as identified on the notice.

The GNWT recognizes that some untenured cabins may be associated with Indigenous occupants who are exercising their asserted or established Aboriginal or treaty rights. The Department is working with Indigenous governments and organizations (IGOs) to identify which untenured structures are potential rights-based cabins. If you believe you have a legal right to occupy land, you will be asked to [complete a form](#). The form can then be submitted to the Department of Lands using the contact information in the posting notice or to your representative IGO. In either case, the Department will follow up with your IGO to verify the information.

If you have received a posting notice and you do not understand the direction, the Department encourages you to contact Land Administration as identified on [the form](#).

Are you allowed to have a cabin without a lease if you are Indigenous?

The GNWT recognizes that every person in the Northwest Territories has the right to use public land in accordance with legislation and policies. The GNWT also recognizes and respects asserted and established Aboriginal and treaty rights, including the rights of Indigenous people to hunt, fish and trap. At this time, GNWT legislation does not exempt Indigenous persons from requiring tenure for cabins on public land. However, given that Aboriginal rights with respect to cabins are under discussion, a form has been developed so that cabins that may be associated with the exercise of an asserted or established Aboriginal or treaty right can be identified.

The Department of Lands is leading separate discussions with Indigenous governments and organizations to identify and manage potential rights-based cabins.

How will you know if a cabin belongs to an Indigenous person?

The GNWT does not have comprehensive information about which cabins are potential rights-based cabins. At this time the GNWT will be posting all untenured cabins to, among other things, determine which cabins are potential rights-based cabins.

If you receive a [posting notice](#) on your cabin, and you assert that your occupancy is ancillary to the exercise of an asserted or established Aboriginal or treaty right, please [fill out the related form](#) and submit this to your representative Indigenous government or organization, (IGO) or the Department of Lands. The Department will be working with IGOs to share this information so that Indigenous Governments and the Department of Lands have accurate and up to date records.

In addition, the GNWT is providing support to Indigenous governments and organizations to help them identify and keep record of where their members have cabins on public land. This work will assist with the verification of cabins that some Indigenous Organizations already have underway.

What is the Department of Lands doing about unauthorized occupants?

The GNWT is committed to managing public land responsibly and is taking steps to deal with this longstanding issue. The Department has developed a process to assess all historic unauthorized occupancies against a standardized set of evaluation criteria.

The Department is taking a methodical approach to implementation and will be posting all structures that are not under a tenure agreement with GNWT. The posting notice advises the occupant of various steps they must take in order to confirm the nature of their occupancy either with the Department of Lands, or through their Indigenous government or organization (IGO), if applicable. More information on what to do if you have received a posting notice can be found [here](#).

Occupancies that were established *before* April 1, 2014, are considered historic. If they meet the Department's criteria for the issuance of tenure, they will be eligible to apply for a lease. However, all lease applications are subject to consultation with potentially affected Indigenous governments and organizations.

A lease provides legal tenure to occupy public land and is subject to standard lease terms and conditions, including lease fees.

What is the difference between 'historic' and 'new' unauthorized occupancy?

Unauthorized occupancies that were established *before* April 1, 2014 are referred to as 'historic'. These occupancies were established before the GNWT acquired administration and control of the land through Devolution. If they meet the criteria for the issuance of tenure, they will be eligible to apply for a lease. All lease applications are subject to consultation with potentially affected Indigenous governments and organizations.

Unauthorized occupancies that were established *after* April 1, 2014 are considered new and are subject to the legal process for removal. This is part of the regular business of the Department of Lands.

How will the Department determine if a structure is illegal and subject to removal?

The Department will manage each unauthorized occupant on a case-by-case basis:

- For each unauthorized occupancy, the Department will conduct a site visit and document details about the structure(s) and any out-building(s), as well as information about the location, and affix a posting notice to the main structure.
- The Department will determine whether the structure(s) were present *before* April 1, 2014. This will be determined through various means such as: Departmental records, and satellite or aerial imagery. If the occupant can provide other documentation to the Department of Lands, this will also be considered.
- Eligible unauthorized structures will be evaluated against approved evaluation criteria under the standard lease terms and conditions. If the cabin and associated structures (shed, outhouse etc.) meet the criteria, the case will then be reviewed by various GNWT departments and undergo formal consultation with all potentially impacted Indigenous governments and organizations. The Department may then invite the occupant to apply for a lease.
- Structures that do not meet the evaluation standards will be removed.

What is the process to remove unauthorized structures?

The first posting notice provides an opportunity to identify a lawful reason for your occupancy. If you do not identify a right to occupy the land within the timeframe specified on the posting notice, a Notice of Trespass, will be posted to your structure, asking you to vacate the land. If, after the Notice of Trespass, you do not identify a right to occupy the land, and you do not vacate the land voluntarily, the Department can initiate the legal process to seek your removal.



In cases where the GNWT has information about the unauthorized occupant, we will also contact the individual directly. In cases where we do not have that information, a public notice may be issued through the newspapers.

The legal process to remove an unauthorized occupant can take a few years and involves both the Department of Lands and the Department of Justice. This process may require the cabin owner to appear in court and provide evidence to demonstrate that the occupation is lawful. The court will make a determination based on the evidence and may issue an Order for Removal.

Going forward, any new occurrences of unauthorized use will continue to be posted and are subject to the removal process.

How did you develop the evaluation criteria?

The evaluation criteria are based on the Department's most up to date standards for land management, and are based in legislation and policy. These standards have been incorporated into a new lease agreement for cabins. The updated agreement harmonizes terms and conditions for leasing on territorial and Commissioner's land, and is the standard for all non-commercial and non-industrial leases on public land.

Who is affected by this action to remove unauthorized structures?

All unauthorized occupancies that were established *after* April 1, 2014, and are not considered a 'potential rights-based cabin' are subject to the legal process for removal. This is part of the regular business of the Department of Lands.

If you own a structure, built *before* April 1, 2014 without a legal right to occupy that land, such as a lease, a Notice will be posted to your structure(s). The Notice asks that you identify yourself to Departmental staff who can explain the process and answer your questions. If your untenured structures meet the requirements of a lease, you may be invited by the Department of Lands to apply for a lease.

How do I report an unauthorized occupant?

If you become aware of an unauthorized use, please contact the appropriate regional office.

How long will it take to address unauthorized occupancy?

The Department has developed a multi-year approach that has defined objectives for each fiscal year and will be applied across the territory over the next several years. The GNWT is committed to working with Indigenous governments and organizations to develop a respectful, collaborative and mutually acceptable way to identify and manage potential rights-based cabins on public land. This work does not have defined timelines, and will require collaboration across GNWT departments, including the Departments of Executive and Indigenous Affairs and Justice.

Questions?

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