



## **BACKGROUNDER: UNAUTHORIZED OCCUPANTS**

- An unauthorized occupant is someone who has occupied a site by placing one or more structures upon the land for an indefinite period of time without a lease or other legal right to occupy that land.
- Unauthorized occupancy of public land has been a significant land management and political issue across NWT for decades. It undermines the effectiveness of land management processes that are designed to support and benefit all NWT residents.
- On April 1, 2014, the GNWT took over administration and management of public land in the NWT from the federal government.
- Since 2014, any structure constructed without proper authorization has been and will continue to be subject to the legal process for removal. Since 2014 the GNWT has successfully removed 17 unauthorized occupants. A large number of the unauthorized structures were established before the GNWT took over land management responsibilities in 2014. Addressing these historical unauthorized occupancies is a priority.
- As of 2019, the Department estimated that there are approximately 700 sites on public land across the NWT that are considered unauthorized. Of those, an estimated 550 of these sites are located near Yellowknife. However, many of these cabins identified as unauthorized occupancies may be associated with the assertion of an Aboriginal and/or Treaty right.
- In March 2017, the Department of Lands released the Recreational Leasing Management Framework (RLMF). Addressing unauthorized occupancy is one of six goals outlined in the RLMF.
- The Department has now finalized the approach. Unauthorized occupancies that were built prior to April 1, 2014 and are located outside the built-up areas of communities will be evaluated on a case-by-case basis against a set of standard criteria. New incidences of unauthorized occupancy (April 1, 2014 onwards to current day) are not eligible for case by case evaluation and continue to be subject to posting and the legal process to seek removal.
- The legal process to remove a cabin can take from eight months to several years, depending on the complexity of the legal issues raised.
- The Department has recognized that some untenured camps or cabins may be ancillary to an Indigenous occupant exercising an asserted or established Aboriginal or treaty right. The Department refers to these as 'potential rights-based cabins'.



- The GNWT does not have an effective method to identify which structures are associated with an Aboriginal and/or Treaty right; and has been working with interested Indigenous Governments and organizations since 2018 to identify and document potential rights-based cabins on public land.
- The Department is engaging with Indigenous governments and organizations (IGOs) to identify potential rights-based cabins and work toward appropriate processes related to these untenured occupancies. Where these cabins have been identified to the Department by an IGO, the Department will make every effort to avoid enforcement action.
- Many IGOs have not provided information about their cabins to the GNWT. The GNWT has provided information to IGOs to clarify what to do in the event that a 'potential rights-based cabin' is posted.
- In September 2018, the Minister of Lands sent letters to regional IGOs to initiate engagement regarding untenured occupancy of public land. Meetings with IGOs were held throughout October and November.
- Since 2018, GNWT has provided financial support to Indigenous Governments and organizations to support projects and discussions related to documenting potential rights-based cabins on public land and developing processes to identify and manage potential rights-based cabins. Moving forward, support will be available to IGOs to respond to posting notices to ensure potential rights-based cabins are appropriately documented.
- The tenure requirements for cabins associated with the assertion of Aboriginal rights are under discussion. A key component of the approach is to work with IGOs regarding the management of untenured occupancies associated with the exercise of asserted or established Aboriginal and/or Treaty rights.