

Urban Reserve Creation

Urban Reserves are properties purchased by a First Nation within an urban area (i.e. city, town, resort village etc.) which are subsequently transferred to reserve status. First Nations purchase land for urban reserve creation on a “willing seller/willing buyer” basis. Requirements for urban reserves may differ slightly depending on whether they are being created under Treaty Land Entitlement (TLE) or a Specific Claims Agreement, or Canada’s “Additions to Reserve Policy” (ATR).

Under the TLE Agreements, First Nations must negotiate agreements with urban municipalities and school divisions that address tax loss compensation, before Canada will transfer land to reserve status.

For land under a Specific Claims Agreement, First Nations must negotiate agreements with urban municipalities in accordance with Canada’s ATR policy. The agreements generally include tax loss compensation, bylaw compatibility and a dispute resolution mechanism.

Urban municipalities and First Nations work closely together and have developed mutually beneficial relationships. Urban reserves support employment opportunities and economic benefits for both the urban centre and the First Nation.

Until the reserve is created, the land remains subject to municipal policies, bylaws and assessment and taxation, similar to any other private property. Any municipal or school division agreement takes effect once the reserve is created.

Municipal Service Agreements

The First Nation and the urban municipality will negotiate a municipal service agreement. Saskatchewan and Canada are not involved in these negotiations. These agreements may include:

Municipal Services

This can include municipal services such as garbage collection, road and sewer maintenance and snow removal continuing to be provided and the method of payment for services rendered by the municipality.

Tax Loss Compensation

This includes reaching agreement on an amount of compensation for loss of taxes, levies and grants-in-lieu. A First Nation has the sole responsibility for compensating the municipality.

Compatible Bylaws

Compatible land and municipal bylaws can be addressed, where reasonably necessary, in municipal agreements. Compatibility does not mean bylaws must be the same. Rather, compatible bylaws are aimed at the parties achieving mutual goals and objectives such as land use, building standards, health and safety and business licensing and operation.

School Division Tax Loss Compensation

This includes reaching agreement with the school division, generally on an amount of compensation equivalent to what would have been received had the property not been selected for urban reserve creation. A First Nation has the sole responsibility for compensating the school division.

For More Information

For more information about TLE or reserve creation, please contact:

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