
PEGUIS FIRST NATION

Bylaw No. 2024-02

A Bylaw Governing Residency of Members and Other Persons on Reserve

WHEREAS the Peguis First Nation has and continues to exercise an inherent right of self-government protected under section 25 and section 35 of the *Constitution Act*, 1982 and the *United Nations Declaration on the Rights of Indigenous Peoples*;

WHEREAS a bylaw for the observance of the residency and activity on Peguis Lands is an exercise of Aboriginal and treaty rights and nothing in this Bylaw may be construed as to abrogate or derogate from any Aboriginal and treaty rights of the Peguis First Nation;

WHEREAS the Members of the Peguis First Nation consider it necessary to adequately oversee who resides on Peguis Lands and the activities taking place on Peguis Lands (the objective);

WHEREAS the Council of the Peguis First Nation desires to make a bylaw governing the residency of Members and other persons on the Peguis Lands (as defined in this Bylaw) with respect to any matter arising out of or ancillary to the exercise of powers under section 81 of the *Indian Act*, and for the imposition of a penalty for a violation thereof;

AND WHEREAS the Council of the Peguis First Nation is empowered to make such a bylaw respecting rights of residency, for the removal and punishment of persons trespassing on Peguis Lands or frequenting Peguis Lands for prohibited purposes, and, generally, for the peace, order, and good governance of the Peguis First Nation pursuant to subsection 81(1) paragraphs (a), (c), (d), (m), (n), (p), (p.1), (p.2), (q), (r); 81(2); and 81(3) of the *Indian Act*, RSC, c I-5;

AND WHEREAS it is considered to be expedient and necessary for the benefit, comfort and safety of the inhabitants of Peguis Lands to provide for the residency of Members and other persons on the Peguis Lands;

NOW THEREFORE the Council of the Peguis First Nation hereby enacts the following bylaw:

PART 1 – DEFINITIONS AND INTERPRETATION

1. SHORT TITLE

1.1. This Bylaw may be cited as the “*Peguis First Nation Residency Bylaw*”.

2. APPLICATION

2.1. This Bylaw applies to all persons, Members and Residents on Peguis Lands.

3. INTERPRETATION

3.1. In this Bylaw:

"Band Housing" means any Residence located on the Peguis Lands that is owned by Peguis First Nation;

"Controlled Drugs and Substances Act" means the *Controlled Drugs and Substances Act*, SC 1996, c 19;

"Council" means the Chief and Council of the Peguis First Nation, as defined in the *Indian Act* and lawfully elected in accordance with the *Indian Act*, *First Nations Elections Act*, or custom election code, as the case may be;

"Criminal History Information Check" means a search being made by a police enforcement agency of the automated criminal records retrieval system maintained by the RCMP or any other Police Service;

"Dangerous Person" has the same meaning as in the *Peguis First Nation Law and Order Bylaw* and means a person that has been designated a Dangerous Person under that bylaw;

"Dependent" means any of the following relationships of an adult Resident who is over the age of 18:

- (a) A child of the adult Resident by natural birth, legal adoption, or customary adoption, who is under the age of 18 years;
- (b) A child under the legal guardianship of the adult Resident, who is under the age of 18 years;
- (c) A niece, nephew, cousin, brother or sister (whether related to the deceased by whole blood, half blood, legal adoption, or customary adoption), who is under the age of 18 years;

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- (d) An adult child who by reason of illness, disability or other cause is unable to withdraw from the adult Resident (whether they are a parent or guardian to the Dependent), to provide himself or herself with the necessities of life; or
 - (e) An adult who by reason of illness, disability or other cause is unable to withdraw from the adult Resident, to provide himself or herself with the necessities of life, is substantially dependent on the adult Resident, and is a brother or sister (whether related to the deceased by whole blood, half blood, legal adoption, or customary adoption), niece, nephew, cousin, grandchild, uncle, aunt, parent or grandparent of the adult Resident, who is over the age of 18, and is substantially dependent on the adult Resident;

“First Nation”, “Peguis First Nation”, or “Peguis” means the Peguis First Nation, a band within the meaning of the *Indian Act*;

“Indian Act” means the *Indian Act*, RSC, c I-5;

“Intoxication” or “Intoxicated” means being under the influence of any intoxicant, including any substance controlled or prohibited by the *Controlled Drugs and Substances Act*, but:

- (a) Excludes being under the influence of alcohol; and
- (b) Excludes being under the influence of any substance controlled or prohibited by the *Controlled Drugs and Substances Act* intended to be used solely for medical purposes upon prescription by a medical doctor in accordance with the *Controlled Drugs and Substances Act* (Canada) and regulations, or the *Cannabis Act*, SC 2018, c 16 and regulations;

“Legal Justification” means, an individual entitled to be present on Peguis Lands, either by being a Resident on Peguis Lands, being a Member of the Peguis First Nation, or on an implied invitation to the public including:

- (a) Non-Member spouses;
- (b) Non-Member adult children or Dependents of Members, whether becoming a child or Dependent of a Member by natural birth, by legal adoption, or by customary adoption;

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- (c) Agents of Non-Member rights holders that are authorized by the Council;
 - (d) Invitees of a Member or Non-Member rights holders;
 - (e) Persons granted access by the Council;
 - (f) Persons authorized by the Council to perform a public function, to establish, operate, or administer a public service or operate a public installation, or to conduct a technical survey;
 - (g) Persons who are part of a Police Service, an emergency service including fire suppression or ambulance services; or
 - (h) A member of the public who has been invited onto Peguis Lands or a premises by the Council for a short term social or business purpose.

“Member” means, any person whose name appears or is entitled to appear on the Band Membership List as maintained by the First Nation pursuant to the *Peguis Membership Code*;

“Officer” means any peace officer or other person charged with the duty to preserve and maintain the public peace, a bylaw enforcement officer, a First Nations safety officer or any other person appointed by the Council for the purpose of maintaining law and order on Peguis Lands;

“Order” includes an order for the payment of money;

“Peguis First Nation Law and Order Bylaw” means Peguis First Nation’s “Bylaw No. 2025-01, A Bylaw for the Observance of Law and Order”, including any subsequent amendments approved by Council to that bylaw from time to time;

“Peguis Lands” has the same meaning as a Reserve under the *Indian Act* and for the purposes of this Bylaw, excludes any lands held by Peguis First Nation in fee simple or any other interest under the jurisdiction of the Province of Manitoba;

“Proceedings” means:

- (a) Proceedings in respect of offences; and

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- (b) Proceedings in which a Justice is authorized by an enactment to make an order;

“Prohibited Activities” means an individual’s activities including or involving:

- (a) Being Intoxicated (see that definition of above, but for clarity excludes alcohol intoxication);
- (b) Any illegal activities including any activity that is contrary to a bylaw of the First Nation, law of Canada, or law of Manitoba applicable on Peguis Lands;
- (c) Production, manufacturing, supplying, selling, transferring, or exchanging of intoxicating substances where there is a reasonable basis to believe that the recipient will use or consume the substance as an intoxicant, or cause or permit the substance to be used or consumed as an intoxicant;
- (d) Possessing, using, producing, consuming, selling, transferring, exchanging, or trafficking, a controlled substance as defined in the *Controlled Drugs and Substances Act* in contravention of that Act or any substance that Council deems should be included under a Schedule to this Bylaw; or
- (e) Prostituting oneself, human trafficking oneself or another person for sexual purposes, or any other activity related to prostitution or human trafficking for sexual purposes.

“RCMP” means the Royal Canadian Mounted Police or “Force” as defined under section 2(1) of the *Royal Canadian Mounted Police Act*, RSC 1985 c R-10 and authorized under section 3 of that statute;

“Reserve” means the Peguis Indian Reserves No. 1B (06373), 1C (06374), 1D (09064), 1E (09066), 1F (09073), 1G (09074), 1H (09075), 1I (09077), St. Peter’s Fishing Station 1A (06375), 1075 Portage Avenue, Winnipeg, Manitoba (101159), and Naawi-Oodena (10216), any land held for the use and benefit of the First Nation pursuant to section 36.1 of the *Indian Act*, and any future reserve set aside by His Majesty for the use and benefit of the First Nation;

“Reside” means to live in a Residence as one’s primary place of abode;

“Residence” means any Band Housing, or other dwelling, house, apartment, mobile home, tiny house, travel trailer, or room located therein, situated on Peguis Lands, which the Member or other person is lawfully entitled to occupy;

“Resident” means:

- (a) A Member or a Member’s Dependent who resided on Peguis Lands prior to the date of enactment of this Bylaw;
- (b) A Member who applied pursuant to the provisions contained within this Bylaw and who was granted permission by Council to Reside on Peguis Lands;
- (c) A Non-Member who has been granted permission by Council to Reside on Peguis Lands;
- (d) Resident Members who are temporarily absent from their Residence on Peguis Lands because of schooling, work, travel, medical treatment, or similar purposes; and
- (e) A Dependent living with any of the above subsections to this definition at the time of the Resident’s entitlement to Reside on Peguis Lands.

“Resolution” means a decision made at a duly-convened meeting of a quorum of Council, and recorded in writing;

PART 2 - ENTITLEMENT TO RESIDE ON PEGUIS LANDS

4. ENTITLEMENT TO RESIDE ON PEGUIS LANDS

4.1. A person is entitled to Reside on Peguis Lands only if the person is a Resident and:

- (a) Resides on Peguis Lands at the time this Bylaw comes into force and that person's right to so Reside does not expire and is not revoked either pursuant to this Bylaw or pursuant to the *Peguis First Nation Law and Order Bylaw*;

(b) Is authorized to Reside on Peguis Lands pursuant to one of the following provisions of the *Indian Act*: sections 18.1 (children of Members), 20 and 24 (a certificate of possession), and subsections 28(2) (a Ministerial permit), 53(1)(b) (a lease on designated lands) and 58(3) (a lease on a certificate of possession); or

(c) Is authorized to Reside on Peguis Lands pursuant to subsections 7.4(a),(b),(c), or (d) of this Bylaw.

4.2. For clarity, a person is considered entitled to Reside on Peguis Lands if the person satisfies section 4.1 and is temporarily absent from their Residence on Peguis Lands because of schooling, work, travel, medical treatment, or a similar purpose approved by the Registrar of Residents.

5. REGISTRAR OF RESIDENTS ON PEGUIS LANDS

5.1. Council will appoint a Registrar of Residents to provide for the administration of applications, and reapplications made under this Bylaw and to maintain records related to Peguis Lands residency.

5.2. The Registrar of Residents shall maintain a Resident list, on which is recorded:

- (a) The name of each Resident;
- (b) An indication as to whether each Resident is a Resident for an indefinite or defined period;
- (c) The length of any defined period of residency;
- (d) The location of each Resident's Residence; and
- (e) Whether each Resident is a Status Indian.

6. APPLICATION TO BE A RESIDENT

6.1. Any person or family who wishes to become a Resident of Peguis Lands must apply to the Council for permission to Reside on Peguis Lands or to extend any defined period for which permission was previously granted to the person or family to Reside on Peguis Lands.

6.2. Any person invited on Peguis Lands by a Member or Non-Member rights holders with Legal Justification, who is temporarily visiting any combination Residences for a period of no more than 60 days, is exempt from having to file an application for residency under section 6.3.

6.3. An application for residency, whether by a Member or a Non-Member shall include:

- (a) The applicant's reasons for applying to be a Resident;
- (b) If the applicant proposes to Reside on Peguis Lands for a limited time, the approximate duration of the proposed residency;
- (c) The location at which the applicant proposes to Reside, if known;
- (d) The names of any spouse, parent guardian, or Dependents with whom the applicant proposes to Reside;
- (e) The names of any additional persons with whom the applicant proposes to Reside;
- (f) Any additional information the applicant wishes to provide relating to the considerations listed in section 7.1;
- (g) Copies of a Criminal History Information Checks provided by the applicant for themselves and for all persons over the age of eighteen (18) years who are likely to Reside with the applicant; and
- (h) Copies of driver's licenses, and Status Cards, if any for each person who is included in the application to Reside on Peguis Lands.

7. DECISION ON APPLICATION FOR RESIDENCY

7.1. In determining whether an application for permission to be a Resident of Peguis Lands should be granted, Council shall take into consideration each of the following:

- (a) Whether the applicant has arranged for a place to Reside on Peguis Lands;
- (b) Whether the applicant residing on Peguis Lands would be compatible with

the culture, society and community of the Peguis First Nation and welfare of the Members residing on the Reserve;

- (c) Whether the applicant is of good moral character;
 - (d) The extent to which the applicant is prepared to commit their personal and economic resources to the welfare and advancement of the community residing on Peguis Lands;
 - (e) The availability of adequate housing, land and services on Peguis Lands generally, or that Reserve specifically;
 - (f) Whether the applicant is or will be employed on Peguis Lands;
 - (g) Whether the entitlement of the applicant to Reside on Peguis Lands has previously been revoked, the circumstances surrounding any such revocation, any change in the applicant's circumstances;
 - (h) Whether the person has previously been issued an Order under the *Peguis First Nation Law and Order Bylaw*; or
 - (i) Whether the presence of the applicant on Peguis Lands presents or would present a danger to the health or safety of the community.
- 7.2. Notwithstanding section 7.1, where the applicant is a Member, Council shall only consider the criteria enumerated in subsections 7.1(a),(e),(g),(h) and (i).
- 7.3. Prior to making a determination regarding an application for residency under section 7.1 Council shall give a reasonable opportunity for and shall consider the views of the applicant and the Residents on Peguis Lands.
- 7.4. Within thirty (30) days after receiving an application for residency and after hearing and considering the views of the applicant and Residents on Peguis Lands, Council shall, by Resolution, dispose of the application by either expressly:
- (a) Granting the applicant permission to be a Resident of Peguis Lands until such time as the applicant ceases to Reside on Peguis Lands;
 - (b) Granting the applicant permission to be a Resident of Peguis Land for

a defined period;

- (c) Granting the applicant provisional permission to be a Resident of Peguis Lands, on the condition that suitable Band Housing becomes available to the applicant within one (1) year, after which time the provisional permission to be a Resident will automatically expire;
- (d) Extending any defined period for which permission was previously granted to the person by Council to be a Resident of Peguis Lands; or
- (e) Dismissing the application;

And Council shall give written notice of its decision to the applicant, incorporating the reasons in support of its decision.

- 7.5. A decision by Council pursuant to section 7.4 shall be final and not subject to appeal.

8. REAPPLICATION FOR RESIDENCY

- 8.1. A person may re-apply for permission to be a Resident upon the expiry of:

- (a) Any provisional permission to be a Resident that was previously granted by Council pursuant to subsection 7.4(c); or
- (b) Any extension of a defined period for which permission was previously granted to the person by Council to be a Resident on Peguis Lands pursuant to subsection 7.4(d).

- 8.2. Where an application for residency is dismissed pursuant to subsection 7.4(e), unless a material change in circumstances has occurred, Council is not required to consider a further application for residency by that person for a period of one (1) year from the date of dismissal of the application for residency.

9. OFFENCE AND PENALTY

- 9.1. Council may, by Resolution, issue an Order revoking the right of a person to Reside on Peguis Lands where activities occurring at or near their Residence gives rise to a reasonable inference that the Residence is being habitually used for Prohibited Activities, where unreasonable damage to Band Housing is occurring,

or where Council can draw a reasonable inference that the person residing on Peguis Lands' activities are Prohibited Activities.

- 9.2. Prior to making a determination regarding revocation of a person's right to Reside on Peguis Lands under section 9.1, Council shall give a reasonable opportunity for and shall consider the views of the person whose Resident status is at issue, as well as the views of other Residents on Peguis Lands.
- 9.3. Council's Order revoking a person's right to Reside on Peguis Lands pursuant to section 9.1 may be either of a fixed or indeterminate duration.
- 9.4. A decision by Council pursuant to section 9.1 shall be final and not subject to appeal.
- 9.5. A person whose right to Reside on Peguis Lands was revoked under section 9.1 may submit an application to regain their Resident status upon the expiry of the initial Order pursuant to section 9.1 revoking their right to Reside on Peguis Lands.
- 9.6. A copy of Council's decision to revoke a person's right to Reside on Peguis Lands pursuant to section 9.1 shall be sent to the nearest RCMP detachment, and to any other relevant police agency.

10. EFFECTIVE TIME OF REVOCATION

- 10.1. Where the right of a person to Reside on Peguis Lands or a particular Reserve has been revoked by a Resolution pursuant to section 9.1 of this Bylaw or revoked or limited by articles 4 or 5 of the *Peguis First Nation Law and Order Bylaw*, the Resident's right to Reside on Peguis Lands shall expire twenty-four (24) hours from the time that the decision is communicated to the Resident.
- 10.2. A person whose right to Reside on Peguis Lands has been revoked pursuant to section 9.1 of this Bylaw or revoked or limited by articles 4 or 5 of the *Peguis First Nation Law and Order Bylaw*, shall not attend on Peguis Lands for any purposes whatsoever without obtaining the prior written consent of Council in accordance with article 11.

11. VISITS

- 11.1. A person whose entitlement to Reside on Peguis Lands has been revoked

pursuant to section 9.1 of this Bylaw or where their ability to occupy Peguis Lands is revoked or limited by article 4 of the *Peguis First Nation Law and Order Bylaw* may apply to Council for permission to visit a Reserve for the purposes of funerals, ceremonies, and other special occasions.

- 11.2. A person making application to attend on Peguis Lands for a visit under section 11.1 shall include in his or her application the dates upon which the person proposes to visit the Reserve, the purpose of the visit, where on the Reserve the person will be present, and any additional information or submissions the person wishes Council to consider.
- 11.3. Council shall use its best efforts to consider and determine applications under this section expeditiously, and in advance of the proposed visitation dates.
- 11.4. Council may, without holding a hearing into the matter, consider and determine applications to visit submitted pursuant to section 11.1 on the basis of the written application, and by Resolution, issue an Order either granting or dismissing the application.
- 11.5. A decision by Council under section 11.4 is final and not subject to appeal.

PART 3 – ENFORCEMENT

12. REMOVAL OF TRESPASSERS BY AN OFFICER

- 12.1. A person will have entered on Peguis Lands without Legal Justification and will be deemed to be trespassing on Peguis Lands in accordance with article 5 of the *Peguis First Nation Law and Order Bylaw* or where a person Resides on Peguis Lands without being entitled to do so pursuant to article 7 of this Bylaw, or where a Resident fails or refuses to comply with an Order revoking their right to Reside on Peguis Lands pursuant to section 9.1 of this Bylaw, or refuses to comply with an Order revoking or limiting a person from occupying the Reserve under section 7.4 of the *Peguis First Nation Law and Order Bylaw*.
- 12.2. An Officer may take such reasonable measures as may be necessary to remove a person from Peguis Lands who is trespassing pursuant to section 12.1.

13. OFFENCES

13.1. A person commits an offence who:

- (a) Fails or refuses to comply with an order dismissing an application for Residency issued pursuant to subsection 7.4(e), revoking their right to Reside on Peguis Lands pursuant to section 9.1 or dismissing an application to visit on the Reserve pursuant to section 11.4; or
- (b) Resists or interferes with an Officer acting under section 12.2.

13.2. A person who commits an offence under this article is liable on summary conviction to a fine not exceeding one thousand (1,000) dollars, or to imprisonment for a term not exceeding thirty (30) days, or to both a fine and imprisonment.

14. ENFORCEMENT PROCEEDINGS

14.1. In addition to any other remedies available to it, the Council may obtain a court order, pursuant to subsection 81(3) of the *Indian Act*, restraining a person from acting in contravention of this Bylaw.

14.2. For greater certainty, sections 8 through 34 of *Peguis First Nation Law and Order Bylaw* apply with respect to commencing and proceeding with enforcement of this Bylaw.

14.3. In addition to any other remedy available to Peguis First Nation, Council shall be entitled to apply to the Court of King's Bench of Manitoba for an order in the nature of an injunction requiring a person to leave Peguis Lands or a Residence, or for any other relief that may be just in the circumstances.

PART 4 – GENERAL PROVISIONS

15. GENERAL

15.1. In this Bylaw, where the context allows:

- (a) A provision applies to all persons regardless of what gender they identify as;

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- (b) All words in the singular will include the plural and vice-versa where the context allows; and
 - (c) The word “include”, “includes”, or “including”, when following any general term or statement, is not to be construed as limiting the general term or statement to the specific items or matters set forth or to similar items or matters, but rather as referring to all other items or matters that could reasonably fall within the broadest possible scope of the general term or statement, and anything intended to be excluded will be identified explicitly.

16. AMENDMENT AND SEVERANCE

- 16.1. This Bylaw may only be amended by a quorum of the Council at a duly convened Council meeting.
- 16.2. If a court determines that a provision of this Bylaw is invalid for any reason, then the provision shall be severed from the Bylaw, and the validity of the rest of the Bylaw shall not be affected.

17. REPEAL

- 17.1. Any previous Peguis First Nation residency bylaws are repealed and replaced by this Bylaw: *Bylaw No. 2025-01, A Bylaw Governing Residency of Members and Other Persons on Reserve.*

[EXECUTION CLAUSE ON FOLLOWING PAGE]

THIS BYLAW IS HEREBY made and enacted at a duly convened meeting of the Council of the Peguis First Nation on this 6th day of February, 2026.

Voting in favour of this Bylaw are the following members of the Council:


Chief Stanley Bird


Councillor Mary Tyler Bear


Councillor Dennis Cameron


Councillor Linda Sinclair


Councillor Terrance Sinclair


Councillor Donna Sutherland


Councillor Kelvin Wilson

Being the majority of those members of the Council of the Peguis First Nation present at the foresaid meeting of the Council.

The quorum of the Council is ____ members, with ____ members of the Council present.