



Additions to Reserve

Pre-Planning for Success: A Resource
Guide for First Nation Land Acquisition



Ontario Aboriginal
Lands Association





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INTRODUCTION

INTRODUCTION

Laying the Groundwork for Successful ATRs: Informed Land Acquisition

For many First Nations communities, land is far more than a physical space—it is central to identity, culture, governance, and the exercise of inherent rights. It holds spiritual significance, supports traditional practices, and is foundational to economic development and self-determination. Yet, despite this deep-rooted connection, many Indigenous communities have long faced barriers to managing and expanding their lands due to colonial frameworks, which have historically denied space for Indigenous-led planning and governance.

The Additions to Reserve (ATR) process enables Nations to reclaim and grow their community's land base. However, before a formal ATR proposal submission is made, there is important work that needs to be done. This includes identifying, evaluating, planning for, and acquiring the land. Careful preparation and due diligence at the land acquisition stage can help ensure that the land in question can best achieve community needs while helping expedite the ATR process more smoothly and efficiently.¹

Thoughtful and strategic pre-planning helps ensure the land supports the community's vision, values, and needs for generations to come. By addressing challenges early, Nations can move through the ATR

¹ Not all land that is acquired will become reserve land, but if that's the intended goal, it usually needs to go through the ATR process.



About This Guide

Welcome to the Additions to Reserve - Pre-Planning for Success: A Resource Guide for First Nation Land Acquisition Guide. This Pre-Planning guide is designed to support First Nations communities lay a strong foundation through their journey towards an Addition to Reserve. It focuses on key considerations for acquiring land. The starting point of creating or expanding a reserve is the acquisition or right to acquire land. This guide focuses on this critical step in the process as it will play a key role in future success, from reserve creation to future land use and development.

Designed as an easy-to-use starting point for anyone involved in land management or governance, this Pre-Planning Guide explains what land acquisition is, outlines key considerations before and during the process, and points to tools and resources that can help along the way. It also highlights common questions and challenges that communities might face during the land acquisition process, helping them feel more prepared and confident.

This guide only scratches the surface of land acquisition and Additions to Reserve and therefore includes references to other valuable resources and tools for you to explore. The Ontario Aboriginal Lands Association (OALA) has created a 2-part series of guides, which includes tools and resources aimed at supporting OALA members and other First Nations in navigating the Additions-to-Reserve (ATR) process:

Guide 1: Additions to Reserve - Pre-Planning for Success: A Resource Guide for First Nation Land Acquisition (this guide)

Purpose: To provide information on key elements of the land acquisition process to help you advance your community through pre-planning for the Additions to Reserve Process.

Glossary

Land acquisition is no easy feat and involves navigation of legal and administrative processes that are not often clearly defined. Whenever you need help deciphering the terminology used in this guide, you can consult the glossary at the back for clear definitions and explanations of key concepts.



Addition to Reserve (ATR)

The legal process through which land is added to a First Nation's reserve land base. This can occur for a variety of reasons—such as fulfilling settlement or claim agreement obligations, addressing community growth, protecting culturally significant areas, or enabling economic development. Pre-planning refers to the important work associated with acquiring and/or selecting lands that are intended to be included in an ATR process.

Guide 2: Additions to Reserve (ATR) Getting Started Guide

Purpose: To provide information on the Additions to Reserve process with a focus on helping First Nations prepare and submit an ATR reserve creation proposal. This includes identifying best practices and proactive steps to help advance the proposal more efficiently through the process.

Who Is This Guide For?

This Guide is for anyone involved in land management and governance of first nations lands, whether you're just starting out or already experienced. It may be especially helpful for Chief and Council, land managers, or those working in economic development or land departments.

Every Nation has its own needs, capacities, and circumstances. Some are reclaiming land after decades of effort, while others are exploring acquisition for the first time. Some have dedicated staff; others rely on a small team juggling many responsibilities. That's why this guide has been designed to be flexible.



This guide was developed by the Ontario Aboriginal Lands Association and is specifically tailored for Nations located in Ontario. However, much of the content in this guide—especially the core concepts and steps involved in the Additions to Reserve (ATR) process—is broadly applicable to Nations across Canada. While some details, processes, or references may reflect the Ontario context, the foundational ideas and guidance can support land-related decision-making in a wide range of settings.

You'll find this useful if:



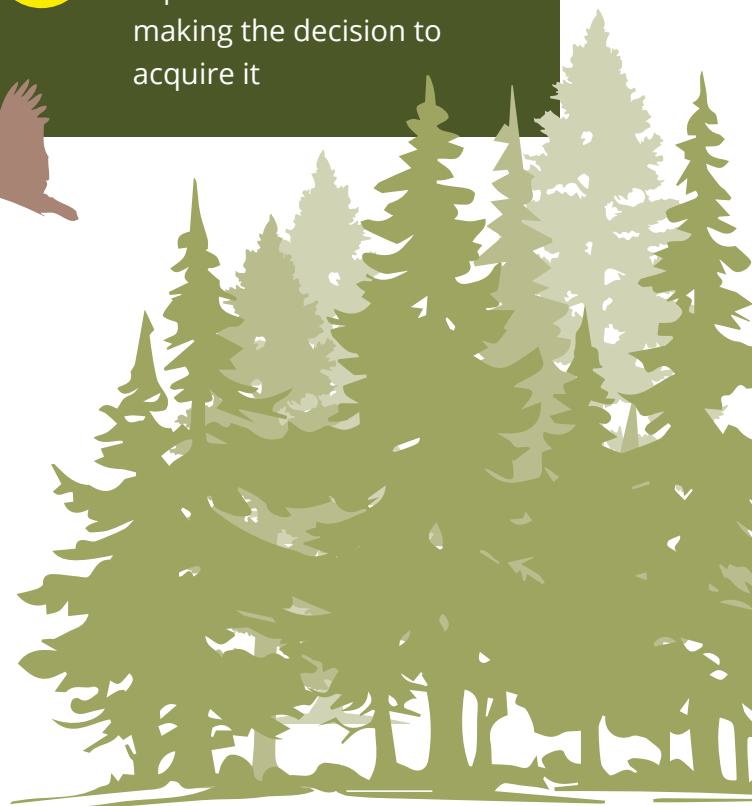
You're just beginning to ask, "Why would we acquire land?" or "What does ATR mean for us?"



You're in the midst of exploring options and starting conversations about acquiring land



You've identified a potential land acquisition(s) and want to know what conditions or aspects to consider before making the decision to acquire it



Land Acquisition In Context: Acknowledging the Broader Goals of Land Back

Land Back is an Indigenous-led movement focused on reclaiming traditional lands and restoring Indigenous governance and stewardship. It transcends legal ownership, representing a return to Indigenous laws, relationships, responsibilities, and ways of being with the land—grounded in the principles of self-determination and sovereignty.

This guide supports land reclamation through acquisition and provides information relevant to the Additions to Reserve (ATR) process. However, it is important to recognize that the Land Back Movement encompasses more than just land acquisition. It is rooted in challenging

colonial land management structures that have historically limited Indigenous rights to self-determination, governance, and inherent relationships with their territories.

Land Back represents a broader political, cultural, and spiritual movement aimed at dismantling colonial legacies and restoring Indigenous stewardship. While this guide is a practical resource designed to assist communities with the technical aspects of acquiring land and preparing it for potential reserve status through ATR, it acknowledges that this is just one aspect of a much larger movement towards sovereignty and self-governance.¹

1 For more information, please see Land Back: A Yellowhead Institute Red Paper, a comprehensive report published in October 2019 by the Yellowhead Institute, an Indigenous-led research and education center based at Toronto Metropolitan University. This Red Paper critically examines how Canada continues to dispossess Indigenous peoples of their lands and highlights the strategies Indigenous communities are employing to reclaim jurisdiction and stewardship over their territories.

Legal Disclaimer

This Guide is provided for resource and information purposes related to pre-planning for land acquisition. At the time of publication, the most up-to-date resources and documents were used. This Guide is not intended to form the basis for legal advice of any kind and should not be relied upon in that respect. The information contained may help support or inform decision making by your First Nation with respect to land acquisition, including land acquisition for the purpose of Additions to Reserve. This includes supporting any existing processes or policies your First Nation has already with respect to land acquisition and Additions to Reserve.



ABOUT LAND ACQUISITION



A stylized landscape illustration in shades of green and white. It features a large white circle representing the sun or moon in the upper center. Two birds are flying in the upper left. On the right side, there are several evergreen trees of varying heights. In the foreground, there are white, rounded shapes representing rocks or bushes. The background has a subtle geometric pattern.

ABOUT LAND ACQUISITION

What is Land Acquisition?

Land acquisition involves the transaction of rights to land (e.g. property), whether through a purchase of land, acquiring the rights to have land transferred to the First Nation, or other related activities.

The reasons for First Nations acquiring land may include housing, cultural use, economic development, or environmental stewardship. A Nation may acquire land to reclaim traditional territory, expand their land base for specific community needs, or create economic opportunities for future generations. The process of land acquisition should be done in a way that is informed, transparent, and equitable for the community.

Why Acquire Land?

First Nations may seek to acquire land for various reasons. Key prompts for land acquisition may include:



Community Development

Acquiring land to build housing, community facilities and amenities, and essential infrastructure to support the growing needs of the community.



Economic Development

Acquiring land for business or economic activities, including commercial, industrial, or resource-based projects.



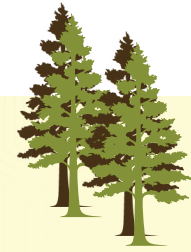
Conservation and Protection

Acquiring land to protect natural, cultural, or environmentally significant areas.



Compensation

Acquiring land as part of comprehensive and specific claims, and other agreements with provincial and federal governments.



When considering whether land acquisition is right for your Nation, consider the following key questions:

- ? What is the community's long-term vision and how is it expected to grow?
- ? Are there unmet housing needs and what land is required to meet them?
- ? Are there gaps in the community's facilities and infrastructure? Is additional land needed to support this?
- ? What current or future economic opportunities could benefit from additional land?
- ? What environmental or cultural goals can be supported with new land (e.g., conservation, cultural preservation)?
- ? Are there other specific land needs, such as for food security or renewable energy?
- ? Do we have existing lands within our land base that could be used instead of needing new land?

By answering these questions, you can begin to pinpoint your land needs and align acquisition efforts with your overall community goals.

Key considerations and desirable conditions for evaluating land based on its intended purpose are outlined on the following page. This framework is intended to guide decision-making in identifying suitable lands that align with a Nation's priorities and long-term vision.



Community Development

Desirable Conditions

- Land within and/or adjacent to existing First Nation reserve (and community) or urban areas where high populations of First Nation members live
- Land with servicing and access (or readily serviceable)
- Land that is adjacent to compatible land uses (for what is proposed)

Things to Consider

- Have we best utilized our existing band lands?
- What is the condition and cost of servicing targeted lands?
- Are there other options within our community?



Conservation and Protection

Desirable Conditions

- Land that includes important cultural and environmental values
- Land that can safeguard, protect, or enhance an important cultural or environmental value

Things to Consider

- Are there other methods in which lands can be protected?
- What extent of land is needed to protect identified assets? (e.g. Sites of Aboriginal Cultural Significance)
- Is there a need or benefit to converting the land to reserve?



Economic Development

Desirable Conditions

- Land within/adjacent to urban centre or with and/or adjacent to urban centres or with high visibility and/or exposure to traffic and people
- Land with servicing and access (or readily serviceable)
- Land that is adjacent to compatible land uses (for what is proposed)

Things to Consider

- What types of economic uses are we targeted and what type of land and servicing (e.g. water, sewer, and other utilities) needs will be required?
- How important is access to markets for the business to succeed?



Compensation

Desirable Conditions

Lands that can support the various objectives of the Nation (within the parameters of the settlement agreement)

Things to Consider

- Have we established community needs and objectives?
- How can community needs and objectives be addressed through land transfers?

Common Types of Land Acquisition

First Nations can acquire land through several pathways, depending on their needs and the legal status of the land (e.g., reserve, fee simple, or treaty land). Common methods include:



Claims and Settlement Agreements

Land claims address historic grievances, such as land taken or mismanaged by the Crown. They can result in land return, financial compensation, or both.

- **Comprehensive claims** apply where no historic treaties were signed and may lead to modern treaties.
- **Specific claims** deal with past treaty breaches or mismanagement and often result in financial settlements, with land transfers possible in some cases.

Common examples of specific claims involving land transfer include:

- **Treaty Land Entitlement**
Treaty Land Entitlement (TLE) addresses shortfalls in land promised under historic treaties. Settlements are negotiated with the federal and, where applicable, provincial governments. Land can be acquired through purchase or crown land selection within a defined area.
- **Other Land Based Claims**
There are many land based claims that often result in settlement agreements that involve the transfer of land (or monies to purchase lands) to the First Nation. These include claims related to reserve boundary (and survey) disputes, illegal disposal of reserve lands, failure to provide compensation for the loss of reserve land, and more.
- **Other Agreements Involving Land**
Other agreements with provincial governments can sometimes include Crown land as part (or wholly) of the compensation package. For example, some First Nations have agreements related to new hydro projects that provide them with rights to acquire land as compensation for impacts to their territory and treaty rights.



Fee-Simple Purchases

First Nations can buy land on the open market. Unlike land acquired through claims or treaty processes, fee-simple land is not automatically considered reserve land and subject to the same laws, taxes, and regulations as any other privately owned property. This option allows for strategic, independent expansion.

Land Gifting

Land may be gifted to First Nations by private owners or organizations, typically for cultural, environmental, or community purposes.

Other Crown Land Transfers

Surplus Crown land may be transferred to Indigenous communities, often through negotiation or land claims. First Nations are typically granted a right of first refusal. A notable example is the site of the former Kapyong Barracks in Winnipeg.

Former Kapyong Barracks

Winnipeg, MB

Formerly part of Canadian Forces Base Winnipeg, the Kapyong Barracks is situated between the Tuxedo and River Heights neighbourhoods in southwest Winnipeg. Spanning approximately 65 hectares, the property was home to the 2nd Battalion of Princess Patricia's Canadian Light Infantry until its relocation to Canadian Forces Base Shilo in 2004, when it was declared surplus.

The Department of National Defence (DND) received approval from the Government of Canada to sell the property to Canada Lands Company (CLC). In response, Treaty One Nations members launched a legal challenge, arguing that the sale violated their rights to consultation and accommodation under Treaty agreements. The Treaty One Nations won the case, though disputes with the federal government continued until 2015.

In 2019, a Comprehensive Settlement Agreement was signed, establishing a land transfer process for 68% of the site. With past resistance and delays resolved, planning moved forward quickly, and an official master plan was released to the public in March 2021.

On December 16, 2022, the land was officially converted to reserve status and repatriated to the joint-reserve land base of the seven Treaty One Nations, and is now known as Naawi-Oodena. The 109-acre site is set to become Canada's largest urban Indigenous Economic Development Zone, featuring residential, commercial, recreational, and park spaces.



Stages of the Land Acquisition Process

There are many different approaches paths a First Nation (or a First Nation corporation and external entity) can take when considering and acquiring land. Every First Nation and land acquisition scenario is unique and will bring about different considerations to factor when making a decision.

Here is a quick overview of general steps First Nations can follow or use as guidance when undertaking a land acquisition process.

Decide Land Use and Ownership Type

Figure out the exact reason or need to acquire land (e.g. the intended use of the land), such as:

- What is the intent of the land? Is it for community development, economic development, conservation, or other reasons?
- Figure out if you have existing land (reserve or fee-simple) or other real estate assets (e.g. leased land) that could accommodate your need.

Consider tenure options (e.g. the property and ownership rights) that may be best suited to support your intended use of the land.

- a. Keep land as fee simple – This means you fully own the land. This can be preferred based on what you plan to do with the land.
- b. Buy a Certificate of Possession – Some band members (called locates) hold legal rights to certain parcels of land. You may be able to buy this right from them, leaving your First Nation with full ownership.
- c. Horse trade - This means making a deal with a locate. For example, you build them a road or bring in water services, and in return, they give you access to or part of their land.
- d. Lease – Instead of buying, you rent the land from a locatee for a long time. You don't own the land, but you can use it for housing, business, etc.
- e. Other Tenures – These are other ways to use land, like getting a permit or short-term permission from the government (Crown), best suited for things like road access or temporary use.

Due Diligence

Complete due diligence checks on the land/ property in question to ensure it has the conditions needed to accommodate the intended use.

- More information on due diligence steps is included in **Section XX** below.

Land Appraisal

Complete an appraisal to determine fair market value for the land.

- There are various purposes for appraisals, but most common are for making informed decisions regarding Current Market Value. Appraisal professionals can provide valuable consultation services to help you make more informed decisions.
- AACI - Accredited appraisers with a nationally recognized AACI (Accredited Appraiser Canadian Institute) designation are the only ones widely accepted by ISC, CRRNC, and PWGSC, financial institutions, and government agencies to prepare an appraisal.



Land Appraisal Tip

Contact a designated appraiser through the Appraisal Institute of Canada (www.aicanada.ca) to get a land appraisal in Ontario. You can also reference the OALA **Real Property Appraisal Toolkit**.



Community Notification of Intent to Purchase (as required)

Prepare Community Notification and Intent to Purchase.

- After the appraisal is complete, First Nations should review any relevant policy documents and consider informing the community of their intent to purchase the land. This may also be a good time to begin a community engagement process. While there is no overarching legal requirement for Nations to consult the community before acquiring land, doing so can help build trust and promote transparency between leadership and members.
- For Land Code Nations, be aware that specific policies may apply that do require community engagement during the land purchase process.

Action Plan for Acquired Lands

Prepare an action plan for the acquired lands.

- After the purchase agreement is finalized, an action plan should be developed outlining how the land will be managed and used, taking into account the interests and needs of the First Nation community and any other stakeholders.

Completing the Land Transaction

The final stage in acquiring land involves completing the legal transfer of ownership. This typically includes three main steps: finalizing the deal, completing a legal survey if required, and registering the land.

First, all necessary agreements must be signed—this may include a deed of sale, transfer agreement, or other legal documents. Any required payments, such as land transfer taxes, must also be completed at this stage.

If a legal survey is required, it will be carried out to confirm the boundaries of the land. This is usually done by a licensed surveyor, either a Canada Lands Surveyor or a provincial surveyor, depending on the type and location of the land.

Once the agreements are finalized and the survey is complete (if needed), the land title is registered in the First Nation's name with the appropriate land registry, either provincial or federal. At this point, ownership is legally recognized and official.

It's important to note that the final steps in a land acquisition process can vary depending on how the land is being transferred. For example, if land is being added to reserve, the process follows the federal **Additions to Reserve (ATR)** policy. If land is being transferred in a different form—such as through Treaty Settlement Lands or purchased as fee simple land—the steps and legal requirements may differ. Each pathway comes with its own conditions and processes for completing the transaction.

Post-Acquisition Activities (as required)

After the land has been acquired, several follow-up steps are typically required to move a project forward, these may include:

- **Land designation** – Assigning a specific use for the land (e.g., residential, commercial, community) in alignment with community goals and plans.
- **Feasibility study/business planning for development** – Assessing whether the proposed development is viable, and creating a plan to support its success.
- **Detailed engineering design** – Creating technical plans and specifications needed to guide infrastructure or building construction.
- **Financing, contractor procurement and construction** – Securing funding, hiring contractors, and beginning construction based on approved plans.

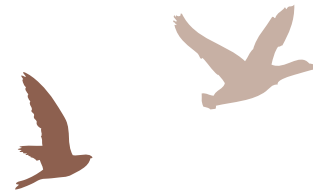


Why Plan for Land Acquisition?

Land acquisition is a powerful tool for Nation-building—but it's also a major decision that can carry significant risks if not approached with care. Whether your Nation is considering land for housing, economic development, cultural purposes, or future community needs, planning ahead can help ensure each step supports your long-term goals.

Planning Helps Ensure

- Resources are used efficiently and strategically
- Decisions reflect real community needs and vision
- Risks (legal, financial, environmental) are understood early
- Members have the chance to be informed and engaged
- Land investments create lasting, positive outcomes



When You Plan

- Clear alignment with Nation goals and values
- More predictable process, fewer delays
- Ability to identify environmental or legal issues early
- Stronger internal support and transparency
- Better outcomes for housing, culture, and economy

When You Don't Plan

- Land use may conflict with community needs
- Missed steps or approvals can cause setbacks
- Surprises like contamination or zoning issues can arise later
- Community may feel excluded or uninformed
- Land may sit unused or create ongoing costs





Land Acquisition Scenario

A Nation purchases land near a water source for future housing. Months later, they learn the land has an old fuel storage tank underground—something not disclosed by the seller.

Because there was no environmental due diligence, the Nation now faces:

- Unexpected cleanup costs
- Delays in housing development
- Difficulty applying for federal funding
- Frustration in the community

With upfront planning, a Phase 1 Environmental Site Assessment could have flagged the issue, and alternative land could have been considered — saving time and money.



Land Acquisition Tip

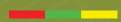
Planning doesn't mean slowing down—it means setting yourself up to move forward with confidence.





STEPS FOR SUCCESSFUL LAND ACQUISITION

STEPS FOR A SUCCESSFUL LAND ACQUISITION



Identifying Your Land Acquisition Needs

Before acquiring land, it's essential for Nations to identify their specific needs. This helps determine what type of land is most suitable for acquisition. Common land acquisition needs that might be applicable to your Nation are outlined on the following pages.



Housing

Adequate and culturally appropriate housing is a critical need for many Nations. Land acquisition for housing is essential for providing safe and healthy living conditions and supporting community members who wish to return to their traditional lands. In some communities, there is a need for land that can accommodate new housing types, including multi-family units, supportive housing for Elders, or homes for young families.

Community Development and Growth

Community development is vital to ensuring that future generations have access to the services, infrastructure, and spaces needed for a healthy, vibrant community. This includes land for public spaces like parks, recreational facilities, and community centers that bring people together. It also encompasses land for educational facilities, health services, and social services that meet the unique needs of the community. Acquiring land for community development helps foster a strong sense of identity, belonging, and well-being.



Economic Development

Land is a fundamental asset for sustainable economic development for First Nations, and land rights are critical for self-determination. Land acquisition for economic purposes, such as business development, sustainable agriculture, tourism, and resource-based industries, can generate revenue and create job opportunities. Communities can explore opportunities for economic development on or off-reserve land through leasing or partnerships that respect traditional land use and the community's values.



Want More Details?



Government of Ontario
First Nations Community
Economic Development Guide
for Ontario which covers
key elements of community
economic development.



Economic Development Toolkit
for Indigenous Communities



Cultural Preservation/Reconnection

Land is deeply tied to the cultural identity, spiritual beliefs, and traditional practices of Indigenous peoples. Acquiring and preserving lands for cultural purposes is a vital need in supporting the ongoing practice of ceremonies, language revitalization, and community traditions. Sacred sites, burial grounds, traditional hunting and fishing territories, and lands used for cultural education are all critical components that should be preserved for future generations. These lands provide spaces for the community to connect with their history, pass on knowledge, and maintain spiritual and cultural ties to the land.

Environmental Conservation and Stewardship

Indigenous communities have long been stewards of their land, and the preservation of natural environments is integral to cultural and environmental health. Acquiring lands for conservation allows communities to protect vital ecosystems, while maintaining traditional land use practices.

Emergency and Disaster Response

Land acquisition for emergency response, housing, and resettlement is critical. Communities must have access to lands that can accommodate temporary shelters, medical services, and rebuilding efforts after a disaster. This need may also involve planning for infrastructure that ensures resilience to future emergencies, such as flood protection, emergency evacuation routes, and food and water security.

Step 1: Determining Community Land Needs

Start by clarifying why new land is needed and how it supports the Nation's long-term goals. A clear strategy lays the groundwork for well-informed and effective land acquisitions.

Why Community Engagement Matters

Engaging the community early is key to building trust and ensuring support for land acquisitions. It sets the foundation for transparency and success. Consider:

- **Set Expectations:** Make sure the community understands the purpose and impact.
- **Define Decision Processes:** Outline when and how the community will be involved.
- **Provide Updates:** Keep the community informed as the process moves forward.
- **Consider a Land Strategy:** A clear strategy can guide engagement and decision-making.

Use Existing Plans and Studies

We understand that not all Nations may have formal plans in place. However, where available, existing work can be valuable resources for identifying land needs and guiding your decisions. Key documents may include:

- **Comprehensive Community Plans (CCPs):** Include long-term community goals and priorities.
- **Land Use Plans:** Establishes vision for future land use and development potential.



Key Questions to Consider

- ? What's our long-term vision for growth?
- ? What is our housing, facility, and infrastructure needs?
- ? Are there economic, environmental or cultural goals that new land could support?
- ? Are there other land needs? (e.g., food security, renewable energy)

- **Housing Plans:** Housing needs and strategies for growth.
- **Economic Development Strategies:** Opportunities for business or job growth requiring land.
- **Needs Assessments:** Estimates the land required for population and infrastructure.
- **Land Acquisition Strategies:** Priority areas and land uses for acquisition.

Hierarchy of Plans and Studies



For Nations that do not have formal plans in place, there are many resources online that provide demographic, population, and housing data that may help you understand community needs:

Indigenous Services Canada – Registered Indian Population by Sex and Residence (2022)

This dataset offers detailed statistics on the registered Indian population in Ontario, broken down by gender and residence (on reserve and off reserve). It provides insights into the distribution of community members, which is vital for planning housing, infrastructure, and services.

Statistics Canada – Indigenous Population Profile (2021 Census)

The 2021 Census provides comprehensive data on Indigenous populations in Ontario, including First Nations, Métis, and Inuit communities. It covers aspects such as ancestry, age distribution, and geographic location, offering a broad overview of demographic trends.

Step 2: Due Diligence

Is this Piece of Land Suitable for Your Intended Use?

Depending on the use of the land, you should have different considerations. These are some general things to consider when deciding if a piece of land is right for your community:

Land Status

- ✓ What is the current status of the land? Is it under federal or provincial jurisdiction, municipal ownership, or privately held?
 - ➡ The land status can influence regulatory requirements, development approval processes, and access to land.
 - ➡ For example, development on Crown land may involve distinct consultation and approval procedures compared to private.



Land Status Tip

Use www.OnLand.ca to search land status in Ontario by address, PIN, or map, and optionally buy a Parcel Register for ownership and legal details.

Physical Conditions

- ✓ What is the shape of the land? What is the topography of the land? Are there steep slopes?
 - ➡ Land that looks usable may have shape or size issues that limit development potential. Ignoring this can lead to unexpected costs or project redesigns.
 - ➡ Steep slopes can reduce the buildable area and greatly add to construction costs.



Physical Conditions Tip

Walk the land and review aerial imagery or contour maps to assess slope, shape, and other physical conditions.

Location Factors

- ✓ Is the land urban or rural? Is it adjacent to existing reserve lands or located within a nearby municipality or city?
 - ➔ For example, choosing land next to the existing reserve can support easier land management. Land within a city might offer better access to services and opportunities but could involve more coordination with local governments.

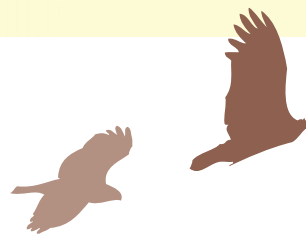
Ground and Soil Conditions

- ✓ Is the area prone to flooding or soggy ground conditions? Are there rocks or clay that may make building harder?
 - ➔ For example, land with wet soil might not be a good choice if you want to construct a multi-story building. But if the land is being used for a park or natural area, those soil conditions might not be a problem at all.
 - ➔ Understanding ground and soil conditions early on will help you identify constraints.



Ground and Soil Conditions Tip

Consider commissioning an Environmental Site Assessment (ESA) to get a better understanding of soil conditions and contamination risks.



Existing and Intended Land Uses

- ✓ What was the land used for in the past? What is the intended future use of the land? If these uses don't align, it could lead to problems and extra work.
 - ➔ For example, land that was once an industrial plant may not be ideal for residential housing without major remediation.



Infrastructure and Servicing

- ✓ What infrastructure and servicing currently exist on the land? Think about power, water, and sewer.
 - ➔ For example, a property with no servicing might be cheaper to buy at first, but it could cost a lot more later if you plan to build or develop. On the other hand, if the land is meant to be a natural space, the lack of services might not be a problem at all.



Infrastructure and Servicing Tip

Use the [Ontario GeoHub](#) to access detailed infrastructure and servicing data, including utility lines, municipal boundaries, and topographic maps. You can consult the [Ontario Energy Board's Service Area Map](#) to identify electricity and natural gas service areas.

Site Access

- ✓ How easily can you access the property? Is there a legal road, or will you need to build one?
 - ➔ Land without verified access to roads or utilities can be unusable or require major infrastructure investment. Missing this check often leads to delays and added costs.
 - ➔ You'll need to consider how important access is based on how you plan to use the land. For example, a gas station will require easy access for large trucks and vehicles.



Environmental Considerations

- ✓ Does the land include environmental considerations such as wetlands, wildlife habitat, or site contamination?
 - ➔ Contaminated or environmentally sensitive land may be subject to costly cleanup or strict development restrictions. Risks vary by past land use and must be assessed early.
 - ➔ This may limit what you can do on the land and could trigger additional permits or assessments. For example, if part of the land is a wetland, you might not be able to build there at all. But if you're planning a nature reserve, that same feature could be an asset.

Cultural Significance

- ✓ Does the land hold cultural, historical, or archaeological importance? Are there any known heritage sites?
 - ➔ Depending on the use of the site, this can restrict development.
 - ➔ For example, if the land has historical or archaeological value, you might not be allowed to build on it. But if you're planning something like a cultural center, those features could add value.



Environmental Conditions Tip

Find and contact your local conservation authority using [Conservation Ontario's Interactive Map](#). Your local Conservation Authority can help identify floodplains and hazard areas, wetlands, and watercourses.



Cultural Significance Tip

[Ontario GeoHub](#) is a great catch-all tool to identify heritage areas, roadways, agriculture land, water bodies, geology features and existing infrastructure or utilities, all in one place.

Legal Encumbrances

- ✓ Are there any legal restrictions on the land, such as easements, covenants, or rights-of-way?
 - ➔ These can limit how the land can be used, where you can build, or who else has access.
 - ➔ For example, if there's an easement for a utility company to access the property, you might not be able to build a structure in that area. To check for these, you can review the land title.

Third-Party Interests

- ✓ Does anyone else have legal rights to use this land? Such as leaseholders?
 - ➔ Third-party interests can affect your ability to access, use, or develop the property and may remain in place even after purchasing.
 - ➔ For example, if there's an existing lease on the land, the tenant might still have the right to use it, even after you buy the property. You can check for third-party interests by reviewing the land title.



Third-Party Interests Tip

Use www.OnLand.ca to check for easements, covenants or rights-of-way and leases or other registered interests.

Existing Planning Regime

- ✓ It is important to look at what policies and regulations apply. Is there an Official Plan or Zoning Bylaw present? This can affect what you can and can't do with the land. Understanding these regulations early on will determine if your intended use is allowed and what additional approvals you might need.
 - ➔ What does the Official Plan or Regional Plan say about how the land should be used? Is it designated residential, agricultural, or industrial?
 - ➔ What is the land currently zoned for? What uses are allowed or restricted?
 - ➔ Are there other policies that apply? Could include regulations related to railway safety provisions, heritage overlay, and water protection areas.

Choosing Land for Economic Development

More First Nations are exploring land purchases to support economic development opportunities. While the type of land needed can vary depending on the specific project, there are a few key considerations that help determine whether a site is a good fit:

Access and Visibility

Land that's easy to reach and easy to see, especially from busy roads, can be a big advantage. It makes it easier for people to visit and helps businesses get noticed.

Nearby Land Uses

What's around the land matters. Being next to shops, services, or attractions can help bring people to your site. However, depending on the use, noisy facilities or heavy industry might work against you.

Distance to Customers

If your business depends on local traffic or regular customers, it helps to be close to where people live, work, or travel.

Natural Features

Natural features like water or views can make the land more attractive for hospitality developments. But lands with flood risks or steep slopes may take more work to develop.

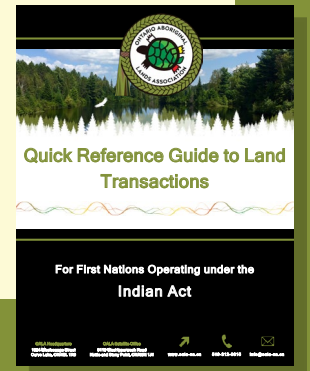
Local and Regional Economy

Understanding the local market is important. If there's demand for your kind of business or development, it's more likely to succeed.



Want More Details?

Quick Reference
Guide to Land
Transactions
For First Nations
Operating Under
the Indian Act

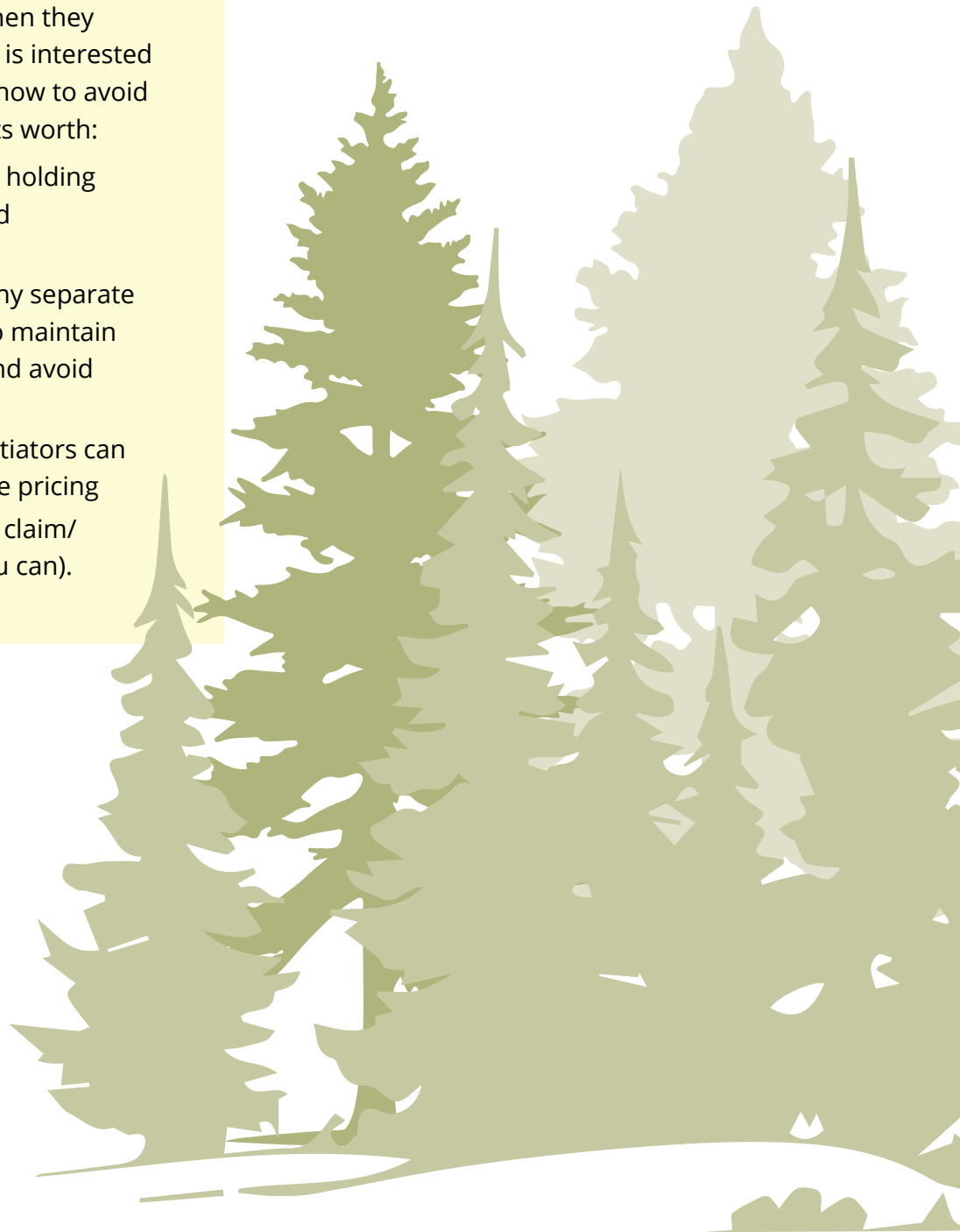




Land Price Tip

Sometimes, landowners raise the price of land when they know a First Nation is interested in buying it. Here's how to avoid paying more than its worth:

- Use a numbered holding company for land transactions.
- Keep the company separate from the band to maintain confidentiality and avoid price inflation.
- Third-party negotiators can also help manage pricing
- Wait a bit after a claim/settlement (if you can).





AFTER LAND ACQUISITION



AFTER LAND ACQUISITION

Additions to Reserve or Fee Simple

Acquiring land is a big step, but what comes after the purchase is just as important. Once land is acquired, planning for its use, management, and potential conversion to reserve status ensures that the land benefits the community in meaningful ways.

Once land is acquired, it is important to decide whether to add it to reserve or keep it fee simple. Here are a few reasons why you might choose one over the other:

Reasons to add to reserve

- Access federal funding and programs
- More control under Indigenous governance
- Protect cultural and environmental values
- Secure land for the community long-term

Reasons to keep fee-simple

- More flexible land use
- Faster development and leasing
- Avoid lengthy ATR approval process

Should you wish to add your land to your Nation's reserve, you will need to go through a process called "Additions to Reserve".



Addition to Reserve

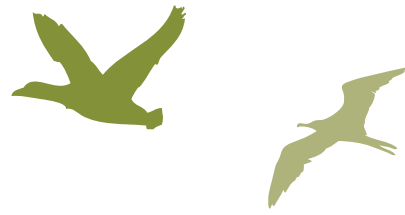
A reserve is a parcel of land where legal title is held by the Crown (Government of Canada), for the use and benefit of a particular First Nation. An Addition to Reserve (ATR) is a parcel of land added to the existing reserve land of a First Nation or that creates a new reserve. Land can be added adjacent to the existing reserve land (contiguous) or separated from the existing land (non-contiguous). An addition to reserve can be added in rural or urban settings.



Fee Simple Purchase

Buying full ownership of a piece of land and any buildings on it. The owner has the broadest property rights, subject only to laws and any registered interests like easements.

Brief Introduction to Additions to Reserve



How is an Addition to Reserve Completed?

Once land is acquired, First Nations may submit a proposal to the Government of Canada for the land to be added to the First Nation's reserve under the Additions to Reserve Process.

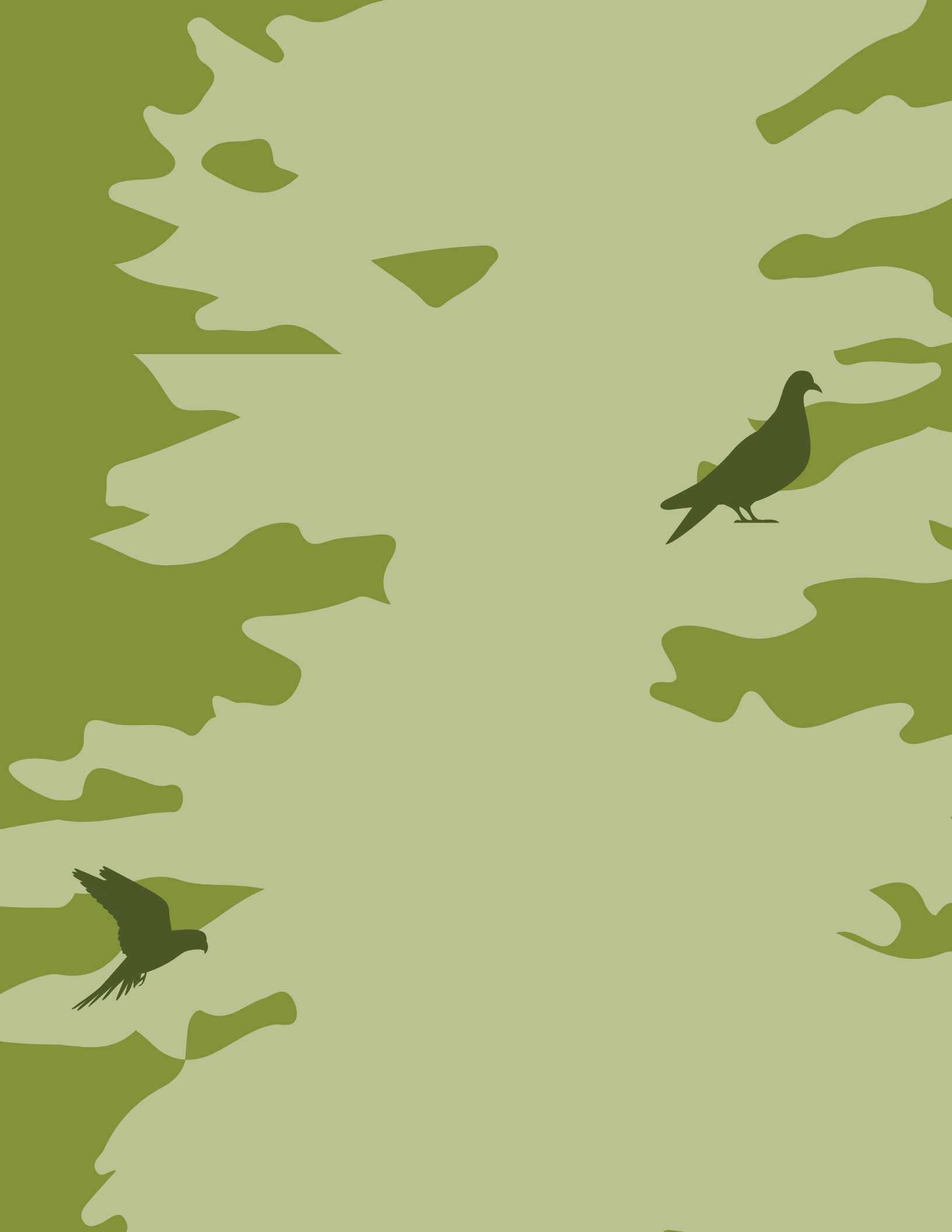
In order for a Reserve Creation Proposal to move forward, the following criteria must be satisfied:

- There are no significant environmental concerns.
- Best efforts have been made to address any concerns of municipal and provincial or territorial governments.
- The proposal is cost-effective and any necessary funding has been identified within operational budgets.
- Third party issues, such as leases and license.
- Public concerns have been addressed

There are four stages to the Addition to Reserve process:

1. **Initiation** - the First Nation submits a Band Council Resolution and Reserve Creation Proposal to the ISC regional office.
2. **Assessment and Review** - ISC reviews the proposal and advises the First Nation in writing of the results, issuing a letter of support to First Nations with successful proposals.
3. **Proposal Completion** - ISC and the First Nation work together to create and execute a work plan to complete the proposal.
4. **Approval** - the Minister of Indigenous Services Canada approves proposals by Ministerial Order or recommends approval by the Governor in Council for Order in Council proposals.

We are just scratching the surface of the Additions to Reserve process here and OALA has developed a complete handbook for understanding if adding land to reserve is right for you and outlining the steps involved in the process.





GLOSSARY

GLOSSARY



Access: The way or means to approach, to enter and to leave a privately owned tract of land from a public way without trespassing on other privately owned property.

Active PIN: The Parcel Identification Number (PIN) is a computer-generated identification number assigned to every parcel of reserve land.

Addition to Reserve (ATR): The process of adding land to a First Nation's reserve. This can happen for treaty obligations, community needs, or economic development.

Band Council Resolution (BCR): A formal record of a decision made by Chief and Council at an official meeting where enough members are present to vote.

Comprehensive Community Plan: A long-term, community-driven plan that outlines a First Nation's vision and priorities for its future.

Covenant: A legal agreement, often written into a land title, that restricts or requires certain uses of the land.

Crown Lands: Lands owned by Crown Canada. These lands include settlements and lands set aside for Band/First Nation housing, which have not been set apart as reserve lands.

Duty to Consult: The Government's responsibility to engage with Indigenous peoples when decisions might affect their Aboriginal or treaty rights.

Easement: The legal right to use another person's land for a specific purpose, without owning it. Common examples include right-of-way for utilities, driveways, or access roads.

Environmental Site Assessment: Process used to evaluate a property for potential or existing environmental contamination. It helps identify risks before land is bought, sold, developed, or changed in use.

Fee-Simple Purchase: Buying full ownership of a piece of land and any buildings on it. The owner has the broadest property rights, subject only to laws and any registered interests like easements.

Geographic Information Systems (GIS): a computer system that analyzes and displays geographically referenced information.

Instrument: A formal legal document dealing with transactions relating to interests in Indian land; the document specifies the type of transaction, the parcel of land, the parties to the transaction, and any legal details and specifications.

Land Acquisition: The process of gaining ownership of land, often through purchase or agreement.

Land Appraisal: The process of determining the value of a piece of land based on factors like location, size, condition, and market trends.

Land Claim: A formal request for recognition of rights to a specific area of land, often based on historical, cultural, or legal grounds.

Land Status Report: A report that contains all the pertinent information regarding the encumbrances and/or interests on a particular parcel of reserve land. The report contains information from the Indian Lands Registry, if available, and appropriate departmental files. The report identifies existing registered interests such as leases, permits, easements, Certificates of Possession, or potential encumbrances.

Land Use Plan: A plan that outlines how land in a specific area will be developed, used, and managed.

Leaseholder: A person who holds the right to use and occupy land or property for a specified period, as outlined in a lease agreement.

Lot: A piece of land, regardless of size or ownership.

Municipal Service Agreement: A formal contract between a municipality and another party that outlines the delivery of services like water, sewer, waste management, or emergency services. It sets clear terms for the delivery, cost-sharing, and maintenance of those services.

Official Plan: A key planning policy document that guides long-term growth and development and outlines the municipality's vision and policies for land use, infrastructure, housing, transportation, and environmental protection generally over a 10 to 20-year horizon.

Parcel: A specific piece of land, often described by boundaries or legal terms.

Parcel Register: An official record that contains detailed information about a specific parcel of land, including its legal description, ownership history, and any legal interests.

Permit: A permit grants limited rights to use land but does not provide exclusive possession. It may allow specific uses, such as easements for utilities or grazing rights, and is typically short-term, though it can be extended for a defined period.

Register: A register is a public record of land transactions that identifies ownership, and any legal interests related to specific parcels.

Reserve: Land owned by the Crown, set aside for the use and benefit of a Band or First Nation.

Right-of-Way: A corridor or similar area of land, over which people, vehicles or other things such as pipelines and powerlines have a right to cross. A right-of-way may be owned as a limited interest in land, such as an easement, or it may be owned in fee simple or administered and controlled by exclusive use, such as a road.

Settlement: A community, typically on Provincial Crown lands, where the population is mainly Indigenous, including members of a First Nation, non-status Indians, or Métis. It is not an Indian reserve and is not governed by the Indian Act.

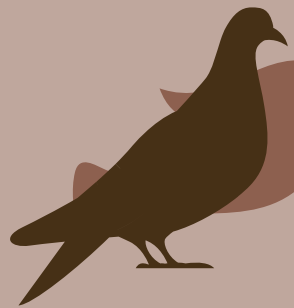
Third Party Claim/Interest: Refers to a legal claim or right held by someone who is not the primary landowner but has an interest in the property, such as through a lease, easement, or mortgage.

Treaty Land Entitlement (TLE): Refers to the land that is owed to a First Nation as part of a historical treaty agreement, typically as compensation for land that was not provided at the time of the treaty. This entitlement is fulfilled through land selection or financial compensation.

Undivided Interest: An ownership right to use and possession of a property that is shared among co-owners, with no one co-owner having exclusive rights to any portion of the property.

Zoning By-law: Establishes legally enforceable regulations that control how land can be used and developed. They are created by municipalities to implement the policies outlined in their Official Plans, providing specific details on permitted land uses, building regulations, and development standards.

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APPENDIX A

COMPANION DOCUMENTS AND RESOURCES

There are many resources and tools available to support you in planning to acquire land. Municipal Official Plans, Zoning By-laws, and other strategic documents are beneficial to review as a first step for acquiring lands that are under municipal ownership. Municipal land use regulation directly governs what can be legally done with the land and may also indicate future plans affecting the property's value and development potential. Municipal GIS (Geographic Information Systems) mapping also provides interactive data on land such as property boundaries, zoning layers, floodplains, environmentally sensitive areas, and infrastructure availability (e.g., water/sewer).

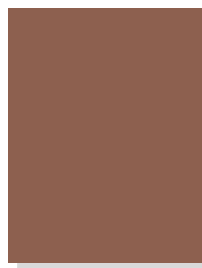
Without understanding these regulations, you risk buying land that can't legally support your intended use, or missing valuable opportunities tied to future planning. It also informs development feasibility, cost, and timelines.

Companion Documents



Government of Ontario First Nations Community Economic Development Guide

Covers key elements of community economic development



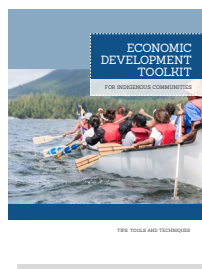
ATR FAQ Sheets

Shorter guides that provide additional details on specific components in the ATR process

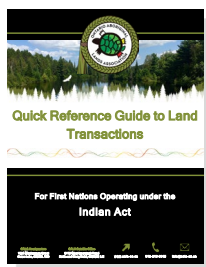


ATR Getting Started Guide

Step by step guide to help First Nations start the ATR process, including best practices, tips, and tricks to help speed up your application



Economic Development Toolkit for Indigenous Communities



Quick Reference Guide to Land Transactions For First Nations Operating Under the Indian Act

Online Resources

Several additional resources are available to you online to support you in planning to acquire land. These resources are referenced below:

[Environmental Registry of Ontario](#)

[Federal Contaminated Sites Inventory](#)

[First Nation Lands Management Resource Centre](#)

[Indigenous Services Canada](#)

[Ministry of Mines \(MINES\) Mining Lands Administration System \(MLAS\)](#)

[Ministry of Natural Resources MNR Non-Freehold Dispositions Data](#)

[Ministry of Natural Resources Natural Heritage Areas Map To](#)

[Ministry of Natural Resources Topographic Map Tool](#)

[OALA Land Appraisal Toolkit Training](#)

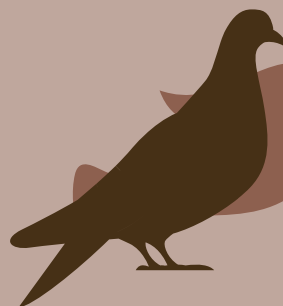
[Ontario Aboriginal Lands Association](#)

[Ontario Crown Land Use Policy Atlas](#)

[Ontario GeoHub Significant Ecological Area](#)

[ONLAND \(Ontario Land Registry\)](#)

[Ontario Title Search](#)





APPENDIX B

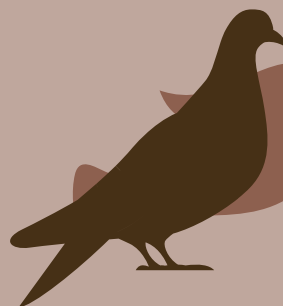
LAND JUSTIFICATION CHECKLIST



This checklist helps determine whether a parcel of land is a good fit for acquisition based on need, community alignment, and capacity.

Subject Area	Consideration	Parcel Analysis
Land Needed	What specific gap or purpose will this land address?	
	Can the need be met using land the nation already owns?	
Intended Purpose	Does the parcel have the right location, size, and features for what is planned?	
Availability of Alternatives	Is this the best option for the use in mind?	
	Are there other lands that may be better suited?	
Community Context	Is there community support or opposition to the potential land use?	
	Does this align with existing community plans (e.g. Comprehensive Community Plan, or Land Use Plan)?	
	Have you consulted with relevant departments or community group?	
Strategic Alignment	Does the acquisition align with your goals and priorities?	
	Are there long-term benefits or risks?	
Capacity and Readiness	Does the nation have the people, funding, or partnerships to use the land?	
	Would this acquisition stretch capacity or delay other priorities?	
Financial Considerations	What is the asking price, and how does it compare to market value?	
	What are the expected carrying costs (e.g. Maintenance)?	

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APPENDIX C

LAND ACQUISITION CHECKLIST



After confirming the justification for land, use this checklist to support due diligence and identify any potential constraints or challenges before moving forward.

Subject Area	Consideration	Parcel Analysis
Legal and Title Considerations	Is the land title clear and registered?	
	Are there any legal disputes or unresolved claims on the land?	
	Are there existing covenants, easements, or rights-of-way?	
	Is the seller authorized to transfer ownership?	
Environmental Conditions	Are there environmentally sensitive areas (e.g. wetlands, wildlife, corridors)?	
	Is the land in a floodplain, wildfire zone, or steep slope area?	
	Is an Environmental Site Assessment or additional studies required?	
Land Use History	Has the land been previously developed or distributed?	
	Are there known contamination or remediation issues?	
	Are there heritage or archaeological areas?	
Planning and Zoning	Is the intended use permitted under the current Zoning and Official Plan designation?	
	Are there development restrictions (e.g. setbacks, height limits)?	

Subject Area	Consideration	Parcel Analysis
Infrastructure and Servicing	Is the site serviced with water, sewer, electricity, etc.?	
	If un-serviced, are extensions feasible and cost-effective?	
	Will you need servicing for the proposed use of the land?	
Site Access and Connectivity	Is there legal and physical access to the site?	
	Is the site accessible year-round?	
	Are there road, transit, or trail connections?	