



SCOI Newsletter- Spring 2010

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Lease Status Update

As you are no doubt well aware, the current cottage land leases with the Saugeen First Nation expire on April 30th, 2011. There are currently about 1,200 cottages on leased land. Between now and 2011 the Saugeen Band will consider if it wishes to designate the subject lands, in whole or in part for re-leasing. Only after the lands have been designated may a lease be offered to the cottager. For a more detailed description of the general designation and leasing

process please see the Designation/Leasing on Indian Reserve Lands excerpt on page 2 from the Department of Indian and Northern Affairs website.

The Saugeen Band has communicated to the SCOI executive that they have a lease working committee (LWC) that is busy on a number of fronts—including potential lease terms

In our most recent communications with Chief Kahgee, early in 2010, he

has indicated that the land re-designation and re-leasing will take place in the fall of 2010. While we are encouraged that a timeline and process has been set, we have expressed our concern in writing that the timelines are very tight, leaving little time for notice to cottagers if a lease is not offered.

Your SCOI executive will continue to work diligently on your behalf in this most important issue.

SCOI Annual Meeting 2010 Saturday, September 4th—10 A.M. Zion Amabel United Church, Sauble Beach.

Lease Terms

Your cottage lease is the legal document that explains the terms and conditions under which you may utilize the property. There are many restrictions including, timing of use, limits on alterations and payments. We suggest that all members review their lease. You may also access a generic sample at the SCOI website.

Winter Cottage Patrol Services

You may be interested to know that the area cottage associations offer a winter cottage patrol service. While each service is a little different generally they offer the following:

For a modest fee you will receive a monthly (some

are more frequent) visual inspection of your cottage from the fall to the spring. The inspection includes looking for break-ins, other damage (for example fallen trees) or snow overload. In the event of a serious prob-

lem you will receive direct notification or an e-mail for a minor situation.

If you are interested in winter cottage patrol service contact your local cottage owners association or follow the links on the SCOI website.

SCOI Contacts

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Saugeen Cottager's Organization Inc. (SCOI)

SCOI is a not for profit organization that was formed in the 1960's as an umbrella group to represent the interests of the four separate cottage associations in areas of common interest. The

four individual cottage owners associations are: Chiefs Point, South Sauble, French Bay and Block "B". SCOI's main role is to represent the collective interests of its members with the

Saugeen First Nations community. The objective is to maintain positive open dialogue at all times – seeking cooperative resolution of issues. Pricing and lease terms tend to be the most

dominant topic but others include policing, beach maintenance and

Saugeen Cottager's Organization Inc. (SCOI) continued

services issues. SCOI is acting in an advisory capacity, and membership in SCOI does not preclude a cottager acting on their own behalf. However, it is recommended that the cottagers stay within the framework of SCOI since the cottage associations and SCOI are a structure that have been historically recognized as an advocacy group. When you join or renew your membership with your local association a small portion of your fee goes to running SCOI. Each individual association appoints directors to the SCOI board. These persons must be a member of the local association board.

Background on Leased Lands

The following is an excerpt from the brochure on Designation/Leasing on Indian Reserve Land by the Department of Indian and Northern Affairs Canada. It is meant to be a general information piece only.

What is a designation?

When a First Nation wants to lease out reserve land, the Indian Act requires the land to be designated for leasing. A designation identifies an area of land for a certain use or purpose (e.g., leasing) and for a certain period.

A designation needs to include these important points: term (number of years), purpose (what the designation is for), land description (area of land), any additional conditions required by the First Nation

What is a lease?

A lease is a legal agreement between the Federal Crown and the lessee (the person or company who has use of the land). The lease grants exclusive use of the land to the lessee.

A lease needs to include these important points: term (cannot be longer than the term of designation), purpose (what the land can be used for), land description (must be within the designation area), rent (amount of money to be paid for using the land), rent review.

The lessee should pay enough rent to ensure a fair price for the use of the land. Determination of fair market rent is based on the appraisal, and the appraisal process recognizes that the leased lands have restrictions on use for four months of the year in the valuation process.

When land is designated, does it lose reserve status?

No, the land retains reserve status. The lessee is given use of the land for the term of the lease only. The land is designated for a certain period and the term of the lease cannot be longer than the term of the designation. If the lessee want to lease the land again, and the term of the designation is over, the land will need to be designated again. This requires another designation vote.

What does this mean?

The Chief and council will ask their membership if they agree to the proposed designation. This requires a designation vote. Informing the membership and getting their consent in a designation vote is essential.

What determines a successful vote?

A designation vote is successful if 50 percent plus one of eligible voters cast a ballot and of those, 50 percent plus one vote in favour of the designation. In other words, a majority of the majority must vote in favour of the designation to proceed. If the first vote is unsuccessful, a second designation vote may be held. This could occur only if a majority of eligible voters did not cast a ballot on a designation but a majority of those who did vote, voted in favour of the designation. In this situation, the First Nation may request a second vote. To be successful, this second vote requires only a simple majority, that is, 50 percent plus one of the voters who cast a ballot to vote in favour of the designation.