
**BAASKAANDIBEWIZIIBING OJIBWAY NATION
TRESPASS AND COMMUNITY PROTECTION LAW**

ENACTED THIS __ DAY OF _____, 2025

BON Law No. 2025 - ____ - ____

A land law of the **Baaskaandibewiziibing Ojibway Nation** to regulate and control access, residency, trespass, and removal from **Baaskaandibewiziibing Ojibway Nation** Lands for prohibited purposes.

WHEREAS: the First Nation of **Baaskaandibewiziibing Ojibway Nation** [also referred to as **Brokenhead Ojibway Nation** or **BON**] has the inherent right to self-government which emanates from its people, culture, language and land and this jurisdiction has never been ceded to any other government, including the jurisdiction to control and govern access to its lands and territories.

WHEREAS: the Council of **Baaskaandibewiziibing Ojibway Nation** recognizes its responsibility to provide a safe and healthy community and is of the opinion that uncontrolled or unregulated entry, access and occupancy on **Baaskaandibewiziibing Ojibway Nation** Lands or persons frequenting the Lands for prohibited purposes is detrimental to the observance of law and order and the safety, welfare and health of the Members and residents on Baaskaandibewiziibing;

WHEREAS: The Membership of **Baaskaandibewiziibing Ojibway Nation** enacted the *Brokenhead Ojibway Nation Land Management Code* (the “Land Code”) on August 25, 2014 pursuant to **Baaskaandibewiziibing Ojibway Nation’s** obligations as protector and steward of the Lands, providing for the regulation of the use, possession and granting of interests and licenses in the Lands, including section 10.1 providing for the establishment of offences and punishments for the violation of **Baaskaandibewiziibing Ojibway Nation** Land Laws;

WHEREAS: the Council of **Baaskaandibewiziibing Ojibway Nation** draws upon its powers of self-government, its inherent responsibilities, and statutory empowerment to undertake measures to protect the community and pass this Law pursuant to the Land Code to provide for the regulation and control trespassing of persons entering, occupying, and accessing **Baaskaandibewiziibing Ojibway Nation** Land or persons frequenting **Baaskaandibewiziibing Ojibway Nation** Land for a prohibited purpose and their activities and any matters ancillary thereto and for the penalty for the violation thereof;

WHEREAS: the Council of **Baaskaandibewiziibing Ojibway Nation** has enacted laws regarding access, control and residency on the Lands including By-law Number 2019-08-15 *A By-Law to Prohibit Illegal Drugs*;

NOW THEREFORE: the Council of **Baaskaandibewiziibing Ojibway Nation** hereby enacts Law Number _____, as follows:

PART 1- GENERAL

SHORT TITLE

1. This Law may be cited as the "**Baaskaandibewiziibing Ojibway Nation Trespass Law**".

INTERPRETATION

2. In this Law, unless context otherwise requires:

"Access" means approaching or entering the Lands or Premises as set out in section 37 of the *Brokenhead Ojibway Nation Land Management Code*;

"Allotment" means an allocation of land to Members, proof of which is given through a Certificate of Possession pursuant to the *Baaskaandibewiziibing Allotment Law*;

"BON" means **Baaskaandibewiziibing Ojibway Nation**, also known as Brokenhead Ojibway Nation;

"Certificate of Possession" means a certificate given to a Member as evidence of their right to possession of the Lands described therein, as established by section 20(2) of the Indian Act, RSC 1985, c I-5;

"Community Land" means any **Baaskaandibewiziibing Ojibway Nation** Land where all Members collectively share a common interest;

"Community Protection Order" means an Order of Council restricting a Person from remaining on the Lands;

"Council" means the duly elected Chief and Councillors of **Baaskaandibewiziibing Ojibway Nation** or any successor Council;

"Council Resolution" means a resolution in writing of the Council, passed by a **Quorum of** Council at a duly convened or special meeting;

"Dwelling" means the place of residence of a person and includes single unit homes being a fully or semi-detached building, multiple unit dwellings, an apartment home or any building on the Lands used or intended to be used for human habitation and in which normal domestic functions may be carried on;

"Dwelling property" means the parcel of land or property boundaries upon which a dwelling is situated;

"Emergency Personnel" means a person providing services related to fire protection, ambulance and hospitals;

"Enforcement Officer" means any Enforcement Officer, including:

- (a) a police officer or

(b) any person or organization that provides police services and has jurisdiction to provide police services, including authorized peace officer or (c) any other person who has been statutorily appointed and is lawfully authorized to enforce this Law. For greater certainty, an Enforcement Officer for the purposes of this Law does not include a First Nation Safety Officer (FNSO), unless or until such time as statutorily appointed to have authority and jurisdiction to enforce this Law;

“First Nation” means **Baaskaandibewiziibing Ojibway Nation**, also referred to as Brokenhead Ojibway Nation or BON;

“Granting Instrument” or **“Instrument”** means a valid and enforceable document or contract, issued by the appropriate authority, granting specific interests or rights in the Lands or Premises, including, without limitation, a license, lease or permit.

“Information” means a prescribed form to be completed by a Safety Officer under Part 8 of this Law;

“Invite” in the context of this Law means (a) asked to attend on or brought to the Lands as a guest by a Member or (b) welcomed to attend on the Lands by inherent right as a Member;

“Land”, “the Land” or “the Lands” means all land of the **Baaskaandibewiziibing Ojibway Nation** as defined in the Land Code and held in common for the members of **Baaskaandibewiziibing Ojibway Nation**, including but not limited to: IR #4, Na-sha-ke penais and Birch Landing reserve land, Treaty Land Entitlements located in East St. Paul, Lac du Bonnet, Whiteshell Provincial Park, Poplar Park, Libau and all such selected Treaty Land Entitlement Lands selected now or the future, as well as all lots and parcels to which a Certificate of Possession (CP) has been issued;

“Land Code” means the *Brokenhead Ojibway Nation Land Management Code*;

“Land Law” means any law enacted by **Baaskaandibewiziibing Ojibway Nation** pursuant to the *Brokenhead Ojibway Nation Land Management Code*;

“Lands Manager” or **“BON Lands Manager”** means the **Baaskaandibewiziibing Ojibway Nation** Lands Manager, meaning the Manager of the **Baaskaandibewiziibing Ojibway Nation** Lands Department as that department may be restructured or renamed from time to time;

“Loitering” means waiting idly without apparent purpose;

“Member” means a person admitted to membership or citizenship with Baaskaandibewiziibing whose name appears on the **Baaskaandibewiziibing Ojibway Nation** Band Membership List, including as set out in a membership or citizenship code as enacted from time to time;

“Non-Member Interest Holder” means a Person who has been granted a right to Occupy or Access the Lands or Premises pursuant to a valid and enforceable Instrument granting an interest in or right of access to the Lands or Premises, including Leases, Permits or Licenses;

“Notice of Trespass” means the warning issued to those trespassing on the Lands that may be given orally, by sign posted, in the prescribed form attached as Schedule “A”, or by Council Resolution;

“Occupier” or **“Occupant”** in the case of any Premises, Dwelling or Dwelling Property means any Person in actual or constructive possession of Land or Premises, Dwelling or Dwelling Property pursuant to a lease, license, permit, or other right to occupy, and includes:

- i. A person who is in physical possession of premises;
- ii. A person who is in lawful possession of a Premises pursuant to a certificate of possession, lease, permit or allotment from the Council;
- iii. A person who has responsibility for and control over the conditions of the Premises or the activities carried out there, or control over persons allowed to enter the Premises, even if there is more than one Occupier of the same Premises.

“Occupy” means to be on or in a Premises or in actual or constructive possession of a Premises pursuant to a lease, license, permit, or other right to occupy;

“Person” in addition to its ordinary meaning, includes a natural person, Members, Non-members, corporations, and any other entity having a separate personality, or style recognized in law, whether acting by themselves or by a servant, agent or employee, and the successors, assigns and personal or other legal representatives of such Person to whom the context can apply according to law;

“Premises” means lands, structures, Public Places, Dwellings or Dwelling Property, or any of them and includes air and water within the boundary of the Lands;



“Principles of Natural Justice” means the principles of natural justice require that a claimant be given a fair and impartial hearing before a body whose collective mind is free from bias.

“Prohibited Purpose” means a person who acts without authorization as set out in section 6 herein;

“Public Place” means any Community Land, Premises or place to which the public has access as a right or by invitation, express or implied, and includes, without limitation, streets, trails, paths, sporting facilities, school grounds, parks, ceremonial grounds, offices, or business enterprises on the Lands;



“Quorum of Council” means three (3) of the five (5) BON Members on Council;

“Removal Order” means an Order of Council banishing, or barring a Person from entering on, Accessing, or Occupying the Lands and Premises permanently or for a specified period of time;

“Resident” means any Member of **Baaskaandibewiziibing Ojibway Nation** that ordinarily resides on the Lands or any Person with lawful authority to use, possess, or occupy land on the Lands as set out in section 37 of the *Brokenhead Ojibway Nation Land Management Code*;

“Sign” means a poster, signboard or other visible item providing notice to a Person.

“Smoking” means the act of inhaling or exhaling tobacco smoke from a cigarette, cigar or pipe, and otherwise holding and having control of a lighted cigarette, cigar, pipe or other equipment used for smoking tobacco;

“Trespass” means an unauthorized or uninvited entry, Occupancy or Access onto or presence on the Lands or Premises without lawful justification as provided for in this law and section 37 of the *BON Land Management Code*;

“Trespasser” means a Person who commits Trespass under this law as set out in section 5 herein.

APPLICATION

3. This Law applies to all Persons residing on, occupying, visiting or accessing the Lands whether or not that Person is a Member.

PART 2 - RESIDENCY AND ACCESS

RESIDENCY AND ACCESS

4. Subject to section 4.1, any requirement in this Law or any other law of **Baaskaandibewiziibing Ojibway Nation** including but not limited to requirements to obtain a permit or licence in order to engage in any lawful activity, the following Persons have a right to access or reside (“Right of Access and Residence”) on the Lands,
 - (a) Members, their spouses and their minor or dependent children for residential, educational, social and employment or business purposes, including their spouses and children, who are conducting lawful activities in an authorized manner and location;
 - (b) Members, their spouses and their minor or dependent children who have been allocated a residential lot by Council or who have a registered interest in the Lands;

- (c) A Person invited onto the Lands by a Member and who, being accompanied by that Member, and while obeying laws of BON and general application to the Lands, will share that Member's right of access;
 - (d) A Person who is authorized by a government body or any other public body, established by or under an enactment of **Baaskaandibewiziibing Ojibway Nation**, Parliament or the province to establish, operate or administer a public service, to construct or operate a public institution or to conduct a technical survey, and who can produce evidence thereof;
 - (e) A Person authorized in writing by the Council or the BON Lands Manager or by a **Baaskaandibewiziibing Ojibway Nation** law, or a member of the public who has been invited onto the Lands and Premises by the Council for a short term social or business purpose, and who can produce evidence thereof;
 - (f) A Person who has entered commercial or government designated areas of the Lands as set out in BON laws and that Person is engaged in activities consistent with or related to those uses and is otherwise obeying all BON laws and laws of general application;
 - (g) A lessee or permittee in accordance with the provisions of the instrument granting the lease or permit;
 - (h) A Person authorized by BON law or laws of Canada and Manitoba which do not conflict with BON law;
 - (i) A Person travelling on a public road through the Lands;
 - (j) Emergency personnel acting in the course of their duties;
 - (k) An Enforcement Officer;
 - (l) A Person participating in activities on the Lands which are authorized by the Council;
 - (m) a person authorized in writing by the Council, the Lands Manager or by a BON law.
- 4.1 A Person listed in section 4 does not have the right of Access on the Lands or Premises if they:
- (a) are frequenting the Lands for a Prohibited Purpose,
 - (b) are actively committing the offence of Trespass,
 - (c) have been given a Notice of Trespass,
 - (d) are without lawful authorization to be on the Lands, or
 - (e) are subject to an order prohibiting the Person from frequenting the Lands.

PART 3- TRESPASS AN OFFENCE

OFFENCE OF TRESPASS

5. A Person is guilty of Trespass if they enter, are on, or continue to remain on the Lands for a Prohibited Purpose.

PROHIBITED PURPOSES

6. Subject to section 4.1, a Person is deemed to be frequenting the Lands for a Prohibited Purpose who is not acting under a right or authority conferred by the Land Code, this Law or another law or resolution of Council and who is:
- (a) hunting, fishing or trapping or other harvesting for sustenance or commercial purposes without a valid permit, license, or Aboriginal right to hunt, fish, trap or harvest;
 - (b) the sale of wares, merchandise, or services without a valid license from **Baaskaandibewiziibing Ojibway Nation**;
 - (c) the extraction of minerals or resources from on, above, below, or inside the Lands without a valid permit from **Baaskaandibewiziibing Ojibway Nation**;
 - (d) any agricultural activity on the Lands without a valid agreement duly executed by the **Baaskaandibewiziibing Ojibway Nation Council**;
 - (e) loitering in public places;
 - (f) threatening the peace or safety of Members or Community Members as defined in this law;
 - (g) Impeding or disrupting the ability of Council to govern in their lawmaking and decision making capacities;
 - (h) Impeding or disrupting BON operations, including the ability of the Council or BON employees or agents to effectively function;
 - (i) Soliciting financial assistance;
 - (j) engaging in any activity prohibited by law, or any By-Law of the First Nation including:
 - i. the possession or soliciting of illegal drugs;
 - ii. violation of a community protection order;
 - iii. disorderly conduct;
 - iv. disruption of natural resources; and
 - v. any other activity prohibited by law or by-law.

- (k) Any activity in breach of any BON law, land or environmental law, the Land Code, or the Criminal Code (Canada) or any order of a court of competent jurisdiction or the Council;
- (l) disorderly conduct pursuant to any law prohibiting disorderly conduct;
- (m) does not leave the Premises immediately after he or she is directed to do so by the occupier of the Premises or a person authorized by the occupier; or
- (n) does not leave the Lands immediately after he or she is directed to do so by BON Council or the Lands Manager or any authorized representative of BON government;

shall be deemed to be frequenting the Lands for a Prohibited Purpose and is guilty of an offence and on conviction is liable to a fine of not more than \$10,000.00 or to imprisonment of a term not exceeding six months, or to both.

NOTICE OF TRESPASS

- 7. A Person is guilty of Trespass if they continue to remain on the Lands or premises when that person has been given Notice of Trespass.
- 8. Notice of Trespass shall be given:
 - (a) As a verbal warning by an Enforcement Officer or by Council.
 - (b) In writing by an Enforcement Officer or by Council.
 - (c) By means of Signs posted so that a Sign is clearly visible under normal conditions from the approach to each ordinary point of access to the Reserve lands or Premises to which it applies.
 - (d) By Council Resolution duly published or posted in a conspicuous place on the Lands, unless delivery to a Member is specifically provided for in this Law.
- 9. Substantial compliance with Section 8(a) is sufficient notice.
- 10. A Person who fails to exit the Lands or Premises immediately upon receiving Notice of Trespass is guilty of a separate offence under this Law.

SIGNS

- 11. A Sign naming an activity or showing a graphic representation of an activity is sufficient for the purpose of giving notice that the activity is permitted.
- 12. A Sign expressly naming an activity as prohibited or naming an activity with an oblique line drawn through the name or showing a graphic representation of an activity with an oblique line drawn through the representation is sufficient for the purpose of giving notice that the activity is prohibited.

13. It is an offence to intentionally deface or otherwise vandalize a sign located on the Lands.
14. All Signs where possible will be clearly visible and unobstructed by view.

PART 4 - OFFENCES AND PENALTIES

OFFENCES AND PENALTIES

15. Every person who contravenes any of the provisions of this Law including any Resolution of Council, notice, rule or regulation, is guilty of an offence and is liable on summary conviction to a fine of not more than \$10,000.00, to imprisonment for a term not exceeding six (6) months, or to both, in respect of each act of trespass.
16. Any penalty imposed pursuant to this Law shall be in addition to, and not in substitution for, any other penalty or remedy imposed pursuant to any other applicable statute, law or regulation.
17. Any person who is deemed to be in trespass and does not leave the premises immediately after they are directed to do so by the occupier of the premises or a person authorized by the First Nation is guilty of an offence.
18. It is a defence to a charge under this section in respect of a Premises that the person charged reasonably believed that he or she had a right or interest in the Lands that entitled them to do the act complained of, if such belief has an air of reality and the conduct did no damage to premises or to the Lands.
19. Notwithstanding this section, a person does not violate this Law if they:
 - (a) enter a premises when necessary to access services, and 48 hours notice has been given, where possible, by the person in receipt of an Order, to the Council or its designate;
 - (b) are required to be present on the Lands or on the Lands due to an emergency; or
 - (c) attend at the Lands or Premises on the Lands in accordance with the terms as outlined in the law.
20. A person, other than an individual who commits an offence of trespass under this Law, is also guilty of an offence if that person is shown to be complicit in the commission of the offence by:
 - (a) purporting to give permission for entry to the premises where that person is not, or was not at the relevant time, an occupier or otherwise authorized to give such permission under this land law;
 - (b) being the employer of the individual who committed acts of trespass, directed or counseled them to do so as part of their employment;

- (c) being the principal of the individual who committed acts of trespass, directed or counseled them to do so as an agent;
 - (d) being a person in authority over an individual, counsels or directs that individual to commit and act of trespass; or
 - (e) knowing that conduct would be a trespass, assists an individual by providing them with the means, tools or equipment to commit the trespass.
21. A person may be a party to the offence of trespass whether or not the acts subsequent to entry exceeded the scope of such counseling, authorization, direction or assistance and whether or not any other individual was convicted under this Law in respect of the same trespass.

PART 5 - COUNCIL AUTHORITY

COUNCIL AUTHORITY FOR USE OF THE LANDS

22. Council may make a resolution, law, rule, regulation or policy:
- (a) setting out the rules and regulations for the use of any Premises on the Lands, including arenas, community halls, recreational facilities, schools, health clinics and similar Premises;
 - (b) setting out penalties for a breach of a resolution, law, rule, regulation or policy or an offence under this Law including prohibition from entering and remaining on any the Lands for any period of time;
 - (c) Prohibiting entry or activity on Premises on Community Land, provided that notice is given that the entry to the Premises is prohibited or one or more activities are prohibited on the Premises;
 - (d) regulating the hours and seasons in which Premises located on Community Land may be used for specific purposes;
 - (e) imposing limits on the activities to be engaged in at Premises located on Community Land; or
 - (f) imposing a requirement for a permit to engage in activities on Community Land or in Premises on Community Land or for using Community Land or Premises for specific purposes.
23. Council resolutions and regulations may apply to any Person with respect to the Lands or Premises, whether or not that person is a Member.
24. Council may make a resolution or regulation providing that a Person who breaches a resolution, rule, regulation or the terms of any permit authorized in this Law, or who is charged with a violation of this Law, is banned from entering onto or remaining on any or all the Lands for such period of time as set out in the resolution or regulation.

25. Council may impose a curfew on any individual with respect to all or any of the Lands or Premises, which may prescribe hours, dates or times when that Person is permitted or prohibited from attending at or on those premises, or restricting that individual to specified premises during specific hours, dates or times, and shall arrange for personal service of a resolution to that effect upon the Person unless service can only be effected by other forms of notice pursuant to this law.
26. Council may prohibit, by resolution, entry or activity on Premises located on the Lands, provided that notice is given that the entry to the Premises is prohibited or one or more activities are prohibited on the Premises.
27. Council may regulate, by resolution, the hours or seasons in which Premises located on the Lands may be used for specific purposes, impose limits on the activities to be engaged in and may impose a requirement for a Granting Instrument to engage in such activities or purposes.

PART 6 – COMMUNITY PROTECTION ORDERS

COMMUNITY PROTECTION ORDERS

28. Council may issue a Community Protection Order by Council Resolution.
29. If the Council has reasonable grounds to believe that there is just cause to seek a Community Protection Order under this section, then it shall appoint an investigator by Council Resolution, who shall conduct an investigation into the matter and report back to Council on their findings.
30. A Community Protection Order shall be enforceable by an Enforcement Officer and any other body or Person delegated such authority by resolution of Council.
31. A Person subject to a Community Protection Order issued pursuant to section 28 may be:
 - (a) prohibited or restricted from attending specified locations or events on the Lands;
 - (b) prohibited from being within a prescribed distance from another Person or Persons;
 - (c) subject to time limits, curfews, or other restrictions, for a Person to attend on the Lands;
 - (d) evicted from BON housing or dwellings in accordance with any BON Housing policy, as may be created or amended from time to time, and any applicable housing or tenancy agreements;
 - (e) removed and/or banished from visiting, using, occupying, possessing, or attending on land on the Lands;

- (f) reintegrated into the BON community and attending to the Lands.
- 32. A Community Protection Order may be effective for a specified or indefinite period and may only be extended or amended pursuant to this Law.
- 33. Council may stay or withdraw the enforcement of a Community Protection Order or any part thereof for a specified or indefinite period of time by resolution of Council.
- 34. Any person subject to a Community Protection Order who attends on the Lands in violation of that Order and without written permission from Council commits a separate offence under this Law and is subject to removal and liability as a Trespasser.

CONSIDERATIONS

- 35. Council may consider the following factors in determining whether to issue, extend, reconsider, amend or stay any Community Protection Order:
 - (a) Any credible information available to Council, including from an Enforcement Officer, BON Member, BON resident, or any other Person.
 - (b) The existence of any relevant criminal charges and the specific findings or resolution of any criminal process.
 - (c) The risk of harm to any Person, to public health or safety, or to Council's ability to ensure the observance of law and order on the Lands.
 - (d) The personal circumstances of any Person that may be subject to a Community Protection Order, including their age, family dynamic, criminal record, prior character and background, community support, and any past or present rehabilitation efforts.
 - (e) The personal circumstances of other affected BON Members or residents on the Lands.
 - (f) The circumstances of BON as a whole, including the availability of resources.
 - (g) Whether any less restrictive order or measure could reasonably satisfy the needs of the BON community.
- 36. Prior to issuing a Community Protection Order, Council shall provide notice to any Person who may be subject to the Order and shall provide a reasonable opportunity for that Person to make oral or written submissions concerning any alleged conduct and the effect of that conduct and the Person's presence on the Lands or any part thereof on public health, safety, law and order.
- 37. Prior to issuing a Community Protection Order, Council may provide notice to any BON Member or resident of the Lands that may be affected by the Order and may consider any oral or written submissions received.

38. Council shall keep a written and/or electronic record of the information regarding a Community Protection Order for so long as the Order is in place, or for ten (10) years following the termination, withdrawal or stay of an Order, where applicable.

AMENDMENT, EXTENSIONS, AND WITHDRAWAL OF COMMUNITY PROTECTION ORDERS

39. Council may amend or extend a Community Protection Order for a specified or indefinite period of time after providing notice and an opportunity to make oral or written submissions to any Person who may be subject to the Order and to any BON Member or resident of the Lands who may be affected by the Order. Council shall consider any such submissions prior to amending or extending the Community Protection Order and shall provide written reasons for any amendment or extension.
40. Council may stay or withdraw a Community Protection Order or any part thereof by resolution of Council at any time.

RIGHT OF RECONSIDERATION

41. A Person who is subject to a Community Protection Order may apply in writing to Council for reconsideration once, at any time after the Order is made or amended, or any time to a maximum of once every twelve (12) months after an Order is extended.
42. An application for reconsideration shall set out in writing the factual circumstances on which it is based and any change in circumstances since the Community Protection Order was made or amended, focusing on any risks related to the applicant's presence on the Lands or any part thereof to public health, safety, and law and order.
43. Council may request and consider further oral or written submissions from the applicant, or any other Person who may have relevant information, in addition to the written application for reconsideration.
44. Council shall provide notice and an opportunity to the applicant to make oral or written submissions to Council and may provide an opportunity to make oral or written submissions to Council to any BON Member or resident of the Lands who may be affected by an application for reconsideration.
45. Within thirty (30) days from the receipt of an application for reconsideration, Council shall decide to either maintain, amend, stay, withdraw or extend the Community Protection Order and shall provide written reasons for its decision. Council may extend that period for another thirty (30) days with written reasons.

PART 7 – REMOVAL ORDERS AND ENFORCEMENT

REMOVAL ORDER

46. A person may be made the subject of an order removing, banishing, or barring the person from entering on, Accessing, or Occupying the Lands and Premises permanently or for a specified period of time, if there is just cause for the order.

47. If the Council has reasonable grounds to believe that there is just cause to seek a Removal Order under this section, then it shall appoint an investigator by Council Resolution, who shall conduct an investigation into the matter and report back to Council on their findings.
48. The following persons may be subject to a Removal Order and must leave the Lands or Premises as directed:
 - (a) Any person not authorized to be on the Lands
 - (b) Any person directed to do so by an Enforcement Officer authorized to enforce this Law or by Council
49. Any other person who Occupies or Accesses the Lands and Premises (including Members and Non-Member Interest Holders) may be ordered to leave or vacate the Lands and Premises in accordance with:
 - (a) The law, By-law or instrument which granted the person the right to Occupy or Access the Lands and Premises; or
 - (b) By a resolution of the Council.
50. No person may Access or Occupy the Lands and Premises if an order has been made barring or banishing the person from entering the Lands and Premises in accordance with this Law.

FORCIBLE REMOVAL AND ARREST

51. Upon the request of Council, an Enforcement Officer with jurisdiction on the Lands and Premises, shall be authorized to remove from the Lands a person in respect of whom this Law applies or in respect of whom a Removal Order has been made and to apprehend without warrant, arrest and detain the person according to this and any other applicable law.
52. An Enforcement Officer may arrest without warrant, any person found on or in any premises if the Enforcement Officer believes on reasonable and probable grounds that the person is committing an offence under this Law.
53. If an Enforcement Officer believes on reasonable and probable grounds that a person has committed an offence under this Law, and has recently departed from the premises, the Enforcement Officer may arrest the person without warrant if:
 - (a) The person refuses to give their name and address to the Enforcement Officer on demand.
 - (b) The Enforcement Officer believes, on reasonable and probable grounds, that the name or address given by the person to the Enforcement Officer is false.

FORM OF ORDER

54. Notice in writing giving effect to a resolution by Council shall be in the form of a Removal Order which shall include:
- (a) Reason for the Removal Order;
 - (b) Effective Date;
 - (c) Specific time and date by which a person must leave the Lands or Premises;
 - (d) Any other additional information Council deems appropriate.

PART 8 – PROCEDURE AND HEARING

COMMENCING PROCEEDING BY INFORMATION

55. Upon the conclusion of an investigation commenced under Parts 6 or 7, an Enforcement Officer will swear an Information in front of Council in a prescribed form containing:
- (a) The name of the person alleged to have committed the offence;
 - (b) The alleged offence;
 - (c) The date on which and the approximate location where the offence is alleged to have been committed;
 - (d) Sufficient detail of the circumstances of the alleged offence to give the person alleged to have committed the offence reasonable information about the act of trespass or omission to be proved against them.
56. Upon the swearing of an Information, Council will deliberate on whether to proceed with the Order and set a hearing date no earlier than 14 days after the Information has been sworn.
57. An Enforcement Officer will serve upon the subject of the intended Order a ticket containing:
- (a) The alleged offence;
 - (b) The date on which and the approximate location where the offence is alleged to have been committed;
 - (c) Any other sufficient details of the circumstances of the alleged offence to give the person alleged to have committed the offence reasonable information about the act or omission to be proved against them;
 - (d) The Order which is being sought; and
 - (e) the hearing date.

HEARING

58. A Person is entitled to a fair hearing and to notice of the case against them prior to a decision being made, including an opportunity to respond before a decision adverse to their interests is made.
59. Notice of the case against a Person includes the right to be notified of the prohibited purpose for which the person is charged under this Law or for which their removal from the Lands is being considered.
60. A Person may apply at any time for reconsideration of a previous decision of the Council with respect to removal from the Lands.

FORM OF THE HEARING

61. Council will choose whether the form of the hearing is:
 - (a) In writing only; or
 - (b) An oral hearing.

THE HEARING

62. Council may receive and accept any evidence, including oral history, and other information, whether on oath or by affidavit or otherwise, that it sees fit, whether or not that evidence or information is or would be admissible in a court of law, unless it would be inadmissible in a court by reason of any privilege under the law of evidence.
63. Subject to section 64, Council has discretion to determine the procedure for the hearing.
64. Council may receive and accept any evidence, including oral history, and other information, whether on oath or by affidavit or otherwise, that it sees fit, whether or not that evidence or information is or would be admissible in a court of law, unless it would be inadmissible in a court by reason of any privilege under the law of evidence.
65. The parties to a hearing shall bear the burden of contacting their witnesses and arranging for them to attend the hearing.
66. At a minimum, all hearings before the Council shall comply with the rules of procedural fairness and the principles of Natural Justice and shall provide each party with the opportunity to make oral or written submissions and to know and respond to the case against them.
67. After the hearing, Council shall deliberate in closed session and shall reach a decision on whether to issue the Order.
68. If the Council cannot reach a consensus decision, the hearing shall be decided by a majority vote of Councillors present.

69. Within 21 days of the hearing, Council shall provide written reasons for its decision and shall serve the decision on the intended subject of the Order within 14 days of the decision.
70. Council will finalize the Order in the form of a Council Resolution and provide the same to the subject of the Order.

APPEAL OF ORDER

71. The Person receiving an Order issued under Parts 7 and 8 may provide the Council with an appeal application within 30 days if they believe that the Order was issued by mistake.

PART 9 – APPEALS

APPLICATION FOR APPEALS

72. Within 30 days of being served an Order or any other decision made under this law, a Person may apply to Council to dispute the decision by filing an appeal application with the Council.
73. Council may extend the time for making the appeal application if it is satisfied that the extension is in the interests of justice.
74. An appeal application must include:
 - (a) The applicant's legal name and address to which documents may be delivered to the applicant;
 - (b) The Council Resolution that is the subject of the appeal;
 - (c) The reason(s) for challenging the Council Resolution; and
 - (d) The relief sought by the applicant.
75. Upon receipt of the appeal application, Council shall review the appeal application for completeness, notify the applicant at the address in writing of any deficiencies and set a reasonable timeframe for the applicant to correct such deficiencies.
76. If the applicant does not correct the deficiencies in the appeal application within the timeframe provided in the notice under section 73, the appeal shall be deemed to be withdrawn.

FORM OF THE APPEAL HEARING

77. In the appeal application, the applicant may request that the form of the hearing be:
 - (a) In writing only; or
 - (b) An oral hearing.

78. If a hearing based on written submissions only is requested, the applicant shall include in the appeal application:
 - (a) A statement that they do not want to appear in-person for a hearing; and
 - (b) Written reasons for requesting that the decision be reversed or modified.
79. Council has full discretion to determine the form of the hearing, but shall take into account the request of the applicant.

HEARING OF AN APPEAL

80. Within 14 days after receipt of a complete appeal application, Council shall schedule a hearing.
81. Council shall determine the date, time, length, procedure and form of the hearing.
82. At least seven days before the hearing, Council shall send a Notice of Appeal Hearing to the applicant and to Council.
83. A Notice of Appeal Hearing shall include:
 - (a) The date of the hearing;
 - (b) The time and length of the hearing; and
 - (c) The procedure for the hearing.
84. Subject to section 85, Council has discretion to determine the procedure for the hearing.
85. Council may receive and accept any evidence, including oral history, and other information, whether on oath or by affidavit or otherwise, that it sees fit, whether or not that evidence or information is or would be admissible in a court of law, unless it would be inadmissible in a court by reason of any privilege under the law of evidence.
86. The parties to an appeal shall bear the burden of contacting their witnesses and arranging for them to attend the hearing.
87. At a minimum, all appeal hearings before the Council shall comply with the rules of procedural fairness and the principles of Natural Justice, and shall provide each party with the opportunity to make oral or written submissions and to know and respond to the case against them.
88. After the hearing, Council shall deliberate in closed session and shall reach a decision on the appeal.
89. If the Council cannot reach a consensus decision, the appeal shall be decided by a majority vote.
90. The Council may:

- (a) Reverse or modify with or without conditions the decision; or
 - (b) Confirm the decision.
91. Within 21 days of the appeal hearing, Council shall provide written reasons for its decision and shall serve the decision on the applicant within 14 days of the decision.

PART 10 – MISCELLANEOUS

MISCELLANEOUS

92. Nothing in this law shall be deemed to limit any other remedies available to **Baaskaandibewiziibing Ojibway Nation**, including remedies in the civil courts.
93. Should a court of competent jurisdiction determine that a provision of this law is invalid for any reason, the provision shall be severed from the law and the validity of the rest of the law shall not be affected.
94. Nothing in this law shall be interpreted, or construed in such manner as to abrogate, derogate or otherwise prejudice the rights of **Baaskaandibewiziibing Ojibway Nation** or its Members as protected by Section 35 of the *Constitution Act*, 1982.

CIVIL TRESPASS

95. Nothing in this Law extinguishes the right of a person, including **Baaskaandibewiziibing Ojibway Nation**, to bring a civil action for damages arising out of a trespass on any premises on the Lands, and all civil remedies for trespass are preserved.

REGULATIONS

96. Council may make regulations or pass Resolutions respecting any matter that the Council considers necessary or advisable to meet the objectives of this law.

COMING INTO FORCE

97. This law is in force and effective as of the enactment date where it has been approved and duly passed by the Council.

THIS LAW IS HEREBY effective as of the date made at a duly convened meeting of the Council of **Baaskaandibewiziibing Ojibway Nation** this ____day of _____, 2025.

Chief

Councillor

Councillor

Councillor

Councillor

The quorum of the Council is ____ members.

SCHEDULE A – WRITTEN NOTICE OF TRESPASS

[Address]

[Postal Code]

[Province]

Re: Notice of Trespass

This Notice is to inform you, _____, that pursuant to the **Baaskaandibewiziibing Ojibway Nation *Trespass Law***, you are **NOT authorized, permitted, or invited** to enter or remain on any **Baaskaandibewiziibing Ojibway Nation** Lands. Any attempt to enter or remain on **Baaskaandibewiziibing Ojibway Nation** Lands upon receipt of this Notice is an offence under the Law and may result in your removal from the premises.

Regards,

SCHEDULE B – REMOVAL ORDER

[Address]

[Postal Code]

[Province]

REMOVAL ORDER

Pursuant to the ***Baaskaandibewiziibing Ojibway Nation Trespass Law*** and effective _____, you are **NOT authorized, permitted, or invited** to enter or remain on any **Baaskaandibewiziibing Ojibway Nation** Lands for the following reasons:

Failure to exit the premises before _____ will result in your removal. You may not enter, access, or occupy and **Baaskaandibewiziibing Ojibway Nation** Land until _____. Any attempt to enter, access, or occupy the premises before this date will result in your removal.

If you wish to dispute this Order, you must submit an Appeal Application to Council within 30 days of receipt.

Regards,

Chief and Council

SCHEDULE C – COMMUNITY PROTECTION ORDER

[Address]

[Postal Code]

[Province]

COMMUNITY PROTECTION ORDER

Pursuant to the ***Baaskaandibewiziibing Ojibway Nation Trespass Law*** and effective _____, you are hereby under a Community Protection Order with the following conditions:

Failure to follow these conditions will result in your removal. You must follow the conditions of this Order on **Baaskaandibewiziibing Ojibway Nation** Land until _____. Failure to abide by the conditions before this date will result in your removal.

If there has been a change in circumstances that will affect your compliance with this Order, you may apply for Reconsideration any time after its issuance or amendment, for a maximum of one application every 12 months. If you wish to Appeal this Order, you must submit an Appeal Application to Council within 30 days of receipt.

Regards,

Chief and Council

SCHEDULE D – APPLICATION FOR RECONSIDERATION

Baaskaandibewiziibing Ojibway Nation

Chief and Council

1 Anishinabe Way

PO Box 180

Scanterbury, Manitoba

R0E 1W0

Re: Application for Reconsideration

I _____ am the subject of the Community Protection Order issued on _____, 20__ pursuant to ***Baaskaandibewiziibing Ojibway Nation*** Trespass Law. The following circumstances have changed since the Order has been issued:

I am requesting that Council reconsider the conditions of my Order based on these submissions.

Regards,

[Legal Name]

SCHEDULE E - INFORMATION

I _____, am a duly authorized Enforcement Officer of **Baaskaandibewiziibing Ojibway Nation** as defined in the ***Baaskaandibewiziibing Ojibway Nation Trespass Law***.

I affirm that on [DATE], I witnessed [NAME OF ACCUSED] in violation of the following **Baaskaandibewiziibing Ojibway Nation** laws:

[List provisions of law(s) violated]

The alleged offences occurred at [APPROXIMATE LOCATION]

SCHEDULE F – APPEAL APPLICATION FORM

Baaskaandibewiziibing Ojibway Nation

Chief and Council

1 Anishinabe Way

PO Box 180

Scanterbury, Manitoba

R0E 1W0

Re: Appeal Application

I _____ am the subject of Council Resolution # _____ issued pursuant to the ***Baaskaandibewiziibing Ojibway Nation Trespass Law***. I wish to appeal this decision of Council on the following grounds:

I am seeking the following relief:

Regards,

[Legal Name]