

Matrimonial Real Property (MRP)

FNHPA provides Matrimonial Real Property, education and awareness to First Nations Housing and Lands staff so they can create laws unique to their culture, tradition, and community needs.



Quick Facts

What is MRP?

MRP generally refers to the family home where both spouses or common-law partners live during marriage or common-law relationship.

Why is MRP Important for First Nations?

The Federal Legislation gives the courts more control to make decisions about your First Nation and property on reserves.

What is MRP in First Nation Housing?

Many of these important protections and rights related to matrimonial interests have not been available on-reserve until recently. The family home is the most common type of MRP.

Is there a Solution?

Enact your own laws to replace the Federal Legislation. Your community has the opportunity to develop a law that meets their needs. The idea is to keep the family land within your family.

Housing and Lands Staff are key players within their communities for the implementation of MRP

What are some Benefits of your own MRP Law?

- Created by the community, for the community
- Reflects the community's values and traditions
- Tailored to your First Nation's policies and procedures
- Allows a First Nation to govern their own land and MRP matters; on their own terms

Best Practice:

- Become familiar with the applicable legislation
- Know which rules apply to your First Nation and the coming into force dates
- Review your Housing Agreements: rentals, rent to own and mortgages and consider incorporating MRP
- Standardize your Housing Agreements which includes the rights and protections under the Legislation or your own MRP law.

Committed to helping housing and lands staff understand and administer MRP



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MRP Legislation

The *Family Homes on Reserves and Matrimonial Interests or Rights Act (FHRMIRA)* was enacted to ensure that people living on reserves have similar protections and rights as other Canadians when it comes to the family home and division of interests or rights.



FHRMIRA

Provides a mechanism for First Nations to create their own laws on Matrimonial Real Property on reserves and offers a set of provisional federal rules until a First Nation enacts their own MRP Laws.

Your home on reserve

The FHRMIRA Legislation provides rights and protections and generally refers to the family home where:

- Married or common-law partners reside during a relationship
- If you and your partner separate
- If your spouse or common-law partner passes away

Important sections for First Nation Housing

- S.6- Act applies to spouses or common law partners only if at least one of them is a First Nation member or Indian as defined by the Indian Act.
- S.20 and S.21 of the Act, provides that a spouse or common-law partner can apply to the court for an exclusive occupation order after separation or death of their spouse or common-law partner.
- **What about Rent to Own or Rental Units?**
 - If the structure is a family home, occupancy provisions would likely apply.
 - Definition of interest or right also includes an interest or right in or to a structure which interest or right is recognized by the First Nation. What does your rent-to-own or rental agreement state? That will help you understand the potential for remedies under FHRMIRA.
 - S.48 of FHRMIRA allows a court to determine whether a spouse or common-law partner, a survivor, or the estate of a deceased spouse or common-law partners holds an interest or right in or to a structure or land situated on reserve.
- **Is it better to have two people on the signed Rent to Own or Rental Agreement?**
 - Section 26 provides that when an order grants exclusive occupation of the family home to a spouse, common-law partner or survivor who is not a lessee under the lease for the family home, the spouse, common-law partner or survivor is bound by the lease during the period of the order.

A clear understanding of First Nation Housing is vital to ensure housing and lands staff provide leadership and equip members with a well-rounded understanding of Matrimonial Real Property (MRP). This approach respects the rights of spouses and common-law partners while safe guarding the collective interests of First Nations.

Legal Disclaimer

Be advised that the First Nations Housing Professionals Association does not provide legal advice on any Matrimonial Real Property laws under the Family Homes on Reserve and Matrimonial Interests or Rights Act. The material provided is for information purposes only and you should not rely upon the material or information as as basis for making any legal or any other decisions. The First Nations Housing Professionals Association strongly suggest you consult with a lawyer or legal clinics for guidance on next steps.