

ASSESSMENT OF MATRIMONIAL REAL PROPERTY AND STATUTORY DECLARATION – INSTRUCTIONS

INTER : 83-166E

The [Family Homes on Reserves and Matrimonial Interests or Rights Act](#) provides matrimonial real property rights and protections to individuals living on reserve. If you wish to consult additional resources and information to learn more about how the Act may impact you, you may also visit Indigenous and Northern Affairs Canada's (INAC) [Matrimonial Real Property on Reserves](#) or the [Estates, Reserve Lands Management and Implementation Support for the Family Homes on Reserves and Matrimonial Interests or Rights Act](#).

Important Note:

Please submit the *Assessment of Matrimonial Real Property and Statutory Declaration* form (“the form”) with the land transaction request.

If you are an Executor of a Will or an Administrator of an estate wanting to distribute the estate of a deceased individual who held an interest on reserve, you do not have to complete this form. Please complete the form *Statutory Declaration of Executor of a Will or Administrator of an estate*.

This document is to be completed by applicants wanting to effect the following real property transactions:

- Leases pursuant to s. 58 of the [Indian Act](#)
- Assignments pursuant to s. 53(1)(b) and s. 58 of the *Indian Act*
- Mortgages requiring Ministerial approval
- Transfers
- Permits s. 28(2) (Locatee)
- Sub-Leases requiring Ministerial approval

In some cases, there may be a spouse (e.g. the couple remain legally married but are separated) and also a common-law partner. In this case, the *Statutory Declaration of the Spouse or Common-Law Partner* form needs to be completed by both the spouse and common-law partner.

Field Definitions :

Field	Definition
Section A – Legal Land Description	
Province/Territory Reserve Name Legal Land Description	The legal description, or legal land description, may be found on the Certificate of Possession or in the Indian Lands Registry System . The legal description is also referred to as the “Property”.
Section B – Statutory Declaration (made pursuant to s. 41 of the Canada Evidence Act, R.S. 1985, c. C-5)	
Real Property	Includes structures that are affixed to the land, as well as the land itself

Statutory Declaration	<p>A statutory declaration is of the same force and effect as if made under oath and therefore has value as evidence. <u>Warning to applicant/ declarant</u> – Under the Criminal Code of Canada, it is an offence to make a false statutory declaration.</p> <p>The following people can administer a statutory declaration: Any judge, notary public, justice of the peace, provincial court judge, recorder, mayor or commissioner authorized to take affidavits to be used either in the provincial or federal courts, or any other functionary authorized by law to administer an oath in any matter, may receive the solemn declaration of any person voluntarily making the declaration before him/her.</p>
Indian Registration Number	The 10 digit registration number found on the certificate of Indian Status.
Spouse	Includes either of two persons who have entered in good faith into a marriage that is voidable or void.
Common-Law Partner	<p>In relation to an individual, a person who is cohabiting with the individual in a conjugal relationship, having so cohabited for a period of at least one year.</p> <p>For clarity, in some cases, there may be a spouse (e.g., the couple remain legally married but are separated) and also a common-law partner. In that case, the form <i>Statutory Declaration of Spouse or Common-Law Partner</i> must be completed by both the spouse and the common-law partner.</p>
First Nation Member	A person whose name appears on the band list of a First Nation or who is entitled to have their name appear on that list.
Indian	A person who pursuant to the Indian Act is registered as an Indian or is entitled to be registered as an Indian.
Family Home	A structure that need not be affixed but that must be situated on reserve land-where the spouses or common-law partners habitually reside or, if they have ceased to cohabit or one of them has died, where they habitually resided on the day on which they ceased to cohabit or the death occurred. If the structure is normally used for a purpose in addition to a residential purpose, this definition includes only portion of the structure that may reasonably be regarded as necessary for the residential purpose.
Contact Information :	General Inquiries: 1 800 567-9604