

Indigenous Title & Private Property in B.C.

What the *Quw'utsun (Cowichan) Decision* **does** and **does not** mean

Two kinds of title.

Indigenous

- Recognizes Indigenous Peoples' historic occupation and stewardship of land
- A claim against the Crown, *not* individual homeowners
- Mainly affects government decisions about Crown land

Fee Simple

- Standard form of private property ownership
- Security of title is guaranteed through the B.C. land title registration system.
- The person on title owns the land, and can use it, develop it, and so forth, until they decide to sell it.

Indigenous title does NOT cancel private home ownership.

Courts require governments to **reconcile Indigenous rights with existing property rights**, not replace one with the other.



Cowichan (2025) is a unique case that highlights a specific historic injustice

Excerpt from the Quw'utsun Nation.

Use the QR code to read the statement & background.

"When British Columbia joined Canada in 1871, the Crown protected Indigenous settlement lands for the purpose of Indigenous reserve creation, absent treaty making in British Columbia.

Despite this, the new Province of British Columbia issued private fee simple title on the Cowichan Nation Aboriginal title at their Tl'uqtinus settlement lands.

Colonel Richard Moody, Chief Commissioner of Lands and Works, the very Crown official **who had been tasked with Quw'utsun reserve creation at Tl'uqtinus**, was the first to receive a Crown grant there.

Knowing of the Quwut'sun settlement and his Quw'utsun reserve creation responsibility, **Moody instead sold some of the land covertly to himself as a land speculator."**

Indigenous Rights, Title and the Duty to Consult

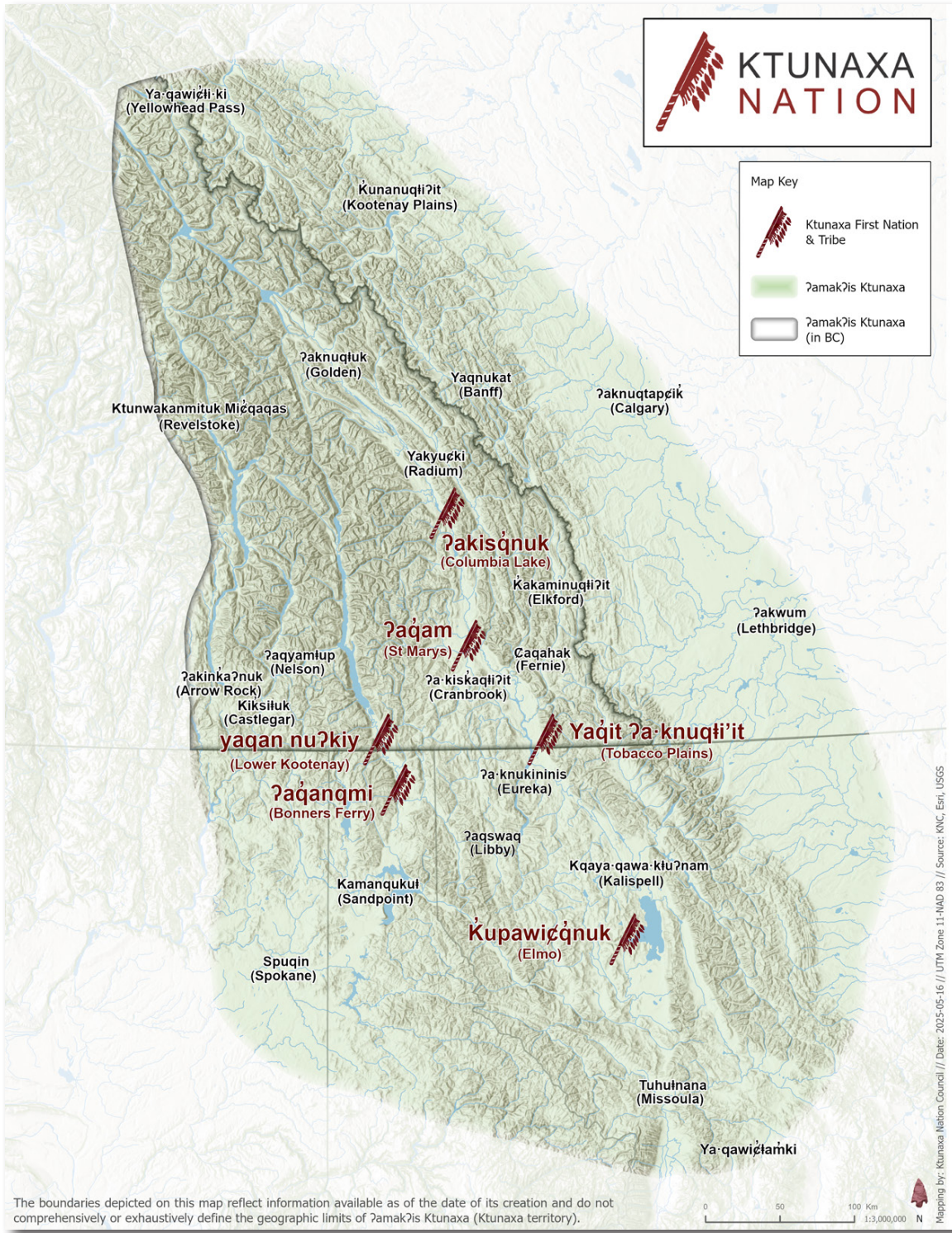
Learn about the Supreme Court of Canada rulings that have shaped Indigenous rights, title, and the duty to consult in this eBook by Indigenous Corporate Training.

<https://www.ictinc.ca/indigenous-rights-title-and-the-duty-to-consult>



ʔamakʔis Ktunaxa

Ktunaxa First Nations



The boundaries depicted on this map reflect information available as of the date of its creation and do not comprehensively or exhaustively define the geographic limits of ʔamakʔis Ktunaxa (Ktunaxa territory).



ʔakisčnuk First Nation
akisqnuuk.org



ʔaqam
www.aqam.net



Yačan Nuʔkiy
(Lower Kootenay)
lowerkootenay.com



Yačit ʔa·knučʔit
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tobaccoplains.org

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