

CONSOLIDATION OF RELIGIOUS SOCIETIES LAND ACT
R.S.N.W.T. 1988,c.R-4

(Current to: December 11, 2014)

AS AMENDED BY NUNAVUT STATUTES:

S.Nu. 2010,c.14,s.19

s.19 in force June 10, 2010

This consolidation is not an official statement of the law. It is an office consolidation prepared for convenience only. The authoritative text of statutes can be ascertained from the *Revised Statutes of the Northwest Territories, 1988* and the Annual Volumes of the Statutes of the Northwest Territories (for statutes passed before April 1, 1999) and the Statutes of Nunavut (for statutes passed on or after April 1, 1999).

A copy of a statute of Nunavut can be obtained from the Territorial Printer at the address below. The Annual Volumes of the Statutes of Nunavut and this consolidation are also available online at <http://www.justice.gov.nu.ca/english/legislation.html> but are not official statements of the law.

Any certified Bills not yet included in the Annual Volumes of the Statutes of Nunavut can be obtained through the Office of the Clerk of the Legislative Assembly.

Territorial Printer
Legislation Division
Department of Justice
Government of Nunavut
P.O. Box 1000, Station 550
Iqaluit, NU X0A 0H0

Tel.: (867) 975-6305
Fax: (867) 975-6189
Email: Territorial.Printer@gov.nu.ca

GLOSSARY OF TERMS USED IN CONSOLIDATIONS

Miscellaneous

- c. means "chapter".
- CIF means "comes into force".
- NIF means "not in force".
- s. means "section" or "sections", "subsection" or "subsections", "paragraph" or "paragraphs".
- Sch. means "schedule".
- SI-005-98 means the instrument registered as SI-005-98 in 1998. (*Note: This is a Northwest Territories statutory instrument if it is made before April 1, 1999, and a Nunavut statutory instrument if it is made on or after April 1, 1999 and before January 1, 2000.*)
- SI-012-2003 means the instrument registered as SI-012-2003 in 2003. (*Note: This is a Nunavut statutory instrument made on or after January 1, 2000.*)

Citation of Acts

- R.S.N.W.T. 1988,c.D-22 means Chapter D-22 of the *Revised Statutes of the Northwest Territories, 1988*.
- R.S.N.W.T. 1988,c.10(Supp.) means Chapter 10 of the Supplement to the *Revised Statutes of the Northwest Territories, 1988*. (*Note: The Supplement is in three volumes.*)
- S.N.W.T. 1996,c.26 means Chapter 26 of the 1996 Annual Volume of the Statutes of the Northwest Territories.
- S.Nu. 2002,c.14 means Chapter 14 of the 2002 Annual Volume of the Statutes of Nunavut.

TABLE OF CONTENTS**GRANTS, DEEDS AND TRANSFERS**

Transfers for religious purposes	1	(1)
Trustees		(2)
Trustees' right of action		(3)
Limitation on size of holding		(4)
Registration of grant, deed or transfer	2	(1)
Effect of non-registration		(2)

MORTGAGES

Mortgages	3	
-----------	---	--

LEASES

Term of lease	4	(1)
Restrictions on leasing		(2)
Where consent of society required		(3)
Form of consent		(4)
Renewal of lease and payment for improvements	5	(1)
Provision for ascertaining rent or value		(2)
Trustees' right of action		(3)

SALE OF LAND

Sale by public auction	6	(1)
Public notice		(2)
Reserve bid		(3)
Re-sale where public auction abortive		(4)
Sanction of judge of Nunavut Court of Justice		(5)
Private sale	7	(1)
Previous offer at public sale		(2)
Order of judge of Nunavut Court of Justice	8	

GENERAL

Annual statement	9	(1)
Contents		(2)
Manner of appointing succeeding trustees	10	(1)
Resolution to be annexed to transfer		(2)

RELIGIOUS SOCIETIES LAND ACT

GRANTS, DEEDS AND TRANSFERS

Transfers for religious purposes

1. (1) Any religious society or congregation in Nunavut may take a grant, conveyance or transfer of land for the site of a church, chapel, meeting house, burial ground, minister's residence or glebe or for the support of public worship.

Trustees

(2) A religious society or congregation may appoint trustees to whom and to whose successors

- (a) appointed in the manner specified in the grant, deed of conveyance or transfer, or
- (b) if the manner of appointment is not specified in the grant, deed of conveyance or transfer, by resolution passed in the manner provided for in section 10,

the land required for all or any of the purposes in subsection (1) may be granted, conveyed or transferred.

Trustees' right of action

(3) The trustees, and their successors in perpetual succession who are named in the grant, deed of conveyance or transfer or in a resolution under section 10 may take, hold and possess the land and maintain and defend all actions or suits for the protection of the land or of their property in the land.

Limitation on size of holding

(4) No religious society or congregation shall hold more than 130 ha of land taken under this Act. S.Nu. 2010,c.14,s.19.

Registration of grant, deed or transfer

2. (1) Within 12 months after the execution or issue of a grant, deed of conveyance or transfer under section 1, the trustees shall register it in the appropriate land titles office.

Effect of non-registration

(2) A grant, deed of conveyance or transfer that is not registered in compliance with subsection (1) is void.

MORTGAGES

Mortgages

3. Where a debt has been or is intended to be contracted

- (a) for building, repairing, extending or improving a church, chapel, meeting house, burial ground or minister's residence or glebe on land held by trustees under this Act, or

(b) for the purchase of land for the purposes named in paragraph (a), the trustees or a majority of them may from time to time secure payment of all or a part of the debt with or without interest, by mortgage on the land, church, chapel, meeting house, burial ground, minister's residence or glebe and may borrow money to pay the debt or any part of the debt and may secure repayment of the loan, with or without interest, by mortgage.

LEASES

Term of lease

4. (1) Trustees may lease any part or all of the land held by them under this Act for any term not exceeding 21 years at the rent and on the terms that they or a majority of them may consider reasonable.

Restrictions on leasing

(2) Trustees shall not lease land that at the time of the making of the lease is necessary for the purpose of erecting a church, chapel, meeting house or minister's residence or for a burial ground for the religious society or congregation for whose use the land is held.

Where consent of society required

(3) Trustees shall not lease any land for a term exceeding three years without the consent of the religious society or congregation for whose use they hold the land.

Form of consent

(4) The consent required under subsection (3) shall be signified by a resolution passed by the votes of a majority of those persons who

- (a) by the constitution of the religious society or congregation or by the practice of the church with which it is connected, are entitled to vote in respect of its business; and
- (b) are present at a meeting of the religious society or congregation duly called for the purpose of considering the proposed lease.

Renewal of lease and payment for improvements

5. (1) In any lease made under section 4, the trustees may

- (a) covenant or agree for the renewal of the lease at the expiration of the term of the lease including a term of 21 years for a further term not to exceed 21 years at the rent and on the terms that the trustees may agree on with the lessee, his or her executors, administrators or assigns; or
- (b) covenant or agree for payment to the lessee, his or her executors, administrators or assigns of the value of any buildings or other improvements that may be on the demised premises at the expiration of the term of the lease.

Provision for ascertaining rent or value

(2) The mode of ascertaining the amount of the rent or the value of the improvements may be provided for in the original or in any subsequent lease.

Trustees' right of action

(3) The trustees for the time being holding land under this Act that has been leased under section 4 may take any proceedings for the recovery of rent or arrears of rent to which landlords are entitled.

SALE OF LAND

Sale by public auction

6. (1) The trustees may sell the land held by them under this Act at public auction where

- (a) the land is no longer required; and
- (b) they consider it advantageous to sell the land.

Public notice

(2) Before any land may be sold at public auction under subsection (1), the trustees shall give public notice of the intended sale by publication of a notice specifying the premises to be sold, the terms of payment and the time of sale at least once in each week for four consecutive weeks in a newspaper published at or near the place where the land is situated.

Reserve bid

(3) The trustees may place a reserve bid at a sale by public auction of land held by them and are not obligated to sell to any buyer at the sale whose offer is lower than the reserve bid placed by them.

Re-sale where public auction abortive

(4) Where land offered at public auction is not sold, the trustees may subsequently sell the land either at public auction or by private sale but a lesser sum shall not be accepted at a private sale than was offered at the last preceding public auction.

Sanction of judge of Nunavut Court of Justice

(5) Before a deed of conveyance or transfer is executed pursuant to a public sale, the trustees shall notify the religious society or congregation for whose use the land is held and shall obtain the sanction of a judge of the Nunavut Court of Justice for the execution of the deed of conveyance or transfer. S.Nu. 2010,c.14,s.19.

Private sale

7. (1) The trustees may sell land held by them under this Act by private sale or agreement of sale where

- (a) the sale has been approved by 80% of the persons present and entitled to vote at a meeting of the religious society or congregation for whose use the land is held duly called in

- accordance with its rules and regulations for the purpose of considering the proposed sale; and
- (b) the sale is sanctioned and confirmed by a judge of the Sanction of judge of the Nunavut Court of Justice.

Previous offer at public sale

(2) Land held under this Act may be sold by private sale or agreement for sale pursuant to this section notwithstanding that it may not have been previously advertised or offered for sale by public auction. S.Nu. 2010,c.14,s.19.

Order of judge of Nunavut Court of Justice

8. On registration of a deed of conveyance or transfer of land sold by trustees under this Act, the order or a certified copy of the order of the judge of the Nunavut Court of Justice sanctioning and confirming the sale must accompany and be registered with the deed of conveyance or transfer. S.Nu. 2010,c.14,s.19.

GENERAL

Annual statement

9. (1) Trustees who sell or lease land under this Act shall, in January of each year, prepare a statement to be presented to and open for inspection at a meeting of the religious society or congregation for whose use the land has been or is held duly called according to the constitution of it or according to the practice of the church with which it is connected.

Contents

- (2) An annual statement under subsection (1) must contain and show
- (a) all rents that accrued during the preceding year;
 - (b) all sums of money in the hands of the trustees for the use and benefit of the religious society or congregation that were in any manner derived from the land under their control or subject to their management including the proceeds of sales of land; and
 - (c) the manner in which the trustees have expended or dealt with the moneys or any part of the moneys in their hands.

Manner of appointing succeeding trustees

10. (1) Where

- (a) land is granted, conveyed or transferred to trustees for the use of a religious society or congregation, and
- (b) the grant, deed of conveyance or transfer does not specify the manner in which the successors to the trustees named in the grant, deed of conveyance or transfer are to be appointed,

the religious society or congregation may, at a meeting duly called according to the constitution of it or according to the practice of the church with which it is connected, by a majority vote of the persons entitled to vote at the meeting, pass a resolution specifying the manner in which the successors of those trustees are to be appointed.

Resolution to be annexed to transfer

(2) A resolution under subsection (1) signed by the chairperson and secretary of the meeting at which it was passed and endorsed on or annexed to a grant, deed of conveyance or transfer governs and regulates the manner in which the successors of the trustees named in the original grant, deed of conveyance or transfer are to be appointed and on the passing of the resolution, the provisions of this Act apply to the religious society or congregation and the trustees of it.