

Listuguj Mi'gmaq
Government
Order-In-Council



Chronological no.: 3071	Subject: Land Transfer: Peter Arsenault & Tammy Lynn Isaac	Originated by:
The Council of the Listuguj Mi'gmaq Government	District Gespe'gewa'gi	
Date of duly convened meeting 020726	Province Gepeg	

WHEREAS: Pursuant to a “Deed of Sale with Deferred Transfer of Ownership” dated June 1, 2009, Peter Arsenault and Tammy Lynn Isaac purchased from the Listuguj Mi'gmaq Government a housing unit located at Dundee Road in Listuguj and the rights to the certificate of possession of Lot Restigouche Indian Reserve, No. shown on Plan CLSR #, for the price of \$

WHEREAS: by Order-In-Council #1721 dated October 23, 2007, Peter Arsenault and Tammy Lynn Isaac had been selected for a housing unit under the Ministerial Guarantee Program;

WHEREAS: Peter Arsenault had already transferred said lot to the Listuguj Mi'gmaq Government on October 12, 2007, for the sum of

WHEREAS: said land transfer was registered at the Indian Land Registry on December 7, 2007, under registration number

WHEREAS: according to section 3 of the above-mentioned “Deed of Sale with Deferred Transfer of Ownership,” the Listuguj Mi'gmaq Government would remain the sole owner of the housing unit and the rights to the certificate of possession until total and final payment;

WHEREAS: according to section 4 of the above-mentioned “Deed of Sale with Deferred Transfer of Ownership,” Peter Arsenault and Tammy Lynn Isaac would become the owners of the housing unit and the rights to the certificate of possession only after total and final payment;

WHEREAS: Peter Arsenault and Tammy Lynn Isaac have fully fulfilled their financial obligations to the complete satisfaction of the Listuguj Mi'gmaq Government;

WHEREAS: Peter Arsenault has requested that the Listuguj Mi'gmaq Government transfer ownership of the above-described housing unit and the certificate of possession solely to him, claiming that he assumed the financial obligations and that said lot belonged to him at the time when the “Deed of Sale with Deferred Transfer of Ownership” was passed;

Moved: Macy Metallic
Seconded: Wendell Metallic
Abstain: -
Opposed: -
Absent: Christie Caplin, Tanner Isaac, Chris Wysote, Gordon Isaac Jr., Annette Barnaby

Status: ☒ Passed ☐ Defeated ☐ Tabled

Quorum 7

 Councillor Annette Barnaby	 Chief Scott Martin	 Councillor Sky Metallic
 Councillor Erwin Peter Molley	 Councillor Dr. Cathy Martin	 Councillor Christie Caplin
 Councillor Wendell Metallic	 Councillor Macy Metallic	 Councillor George Martin
 Councillor Gordon Isaac Jr.	 Councillor Tanner Isaac	 Councillor Chris Wysote

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WHEREAS: the Listuguj Mi'gmaq Government has sought the legal advice of Me Jules Grenier regarding this matter;

WHEREAS: Counsel Grenier is of the opinion that the Listuguj Mi'gmaq Government has been the sole holder of all rights to the certificate of possession since 2007 and that such rights were transferred unconditionally by Peter Arsenault;

WHEREAS: Counsel Grenier is of the opinion that, according to sections 3 and 4 of the “Deed of Sale with Deferred Transfer of Ownership,” the Listuguj Mi'gmaq Government has the obligation to grant a full and final release to Peter Arsenault and Tammy Lynn Isaac and to transfer jointly to Peter Arsenault and Tammy Lynn Isaac the ownership of the housing unit and the rights to the certificate of possession, regardless of either party’s contribution to the payment of the sale price;

WHEREAS: Counsel Grenier recommends that the Listuguj Mi'gmaq Government not act as the arbitrator in the litigation pending between Peter Arsenault and Tammy Lynn Isaac;

BE THEREFORE RESOLVED THAT:

The Listuguj Mi'gmaq Government transfer ownership of the housing unit located at [redacted] Dundee Road in Listuguj and allot the whole of Lot [redacted] [redacted], Restigouche [redacted] Indian Reserve, No. [redacted], as shown on Plan [redacted] CLSR, to both Peter Arsenault, Band number [redacted], and Tammy Lynn Isaac, Band number [redacted];