

Before:

Metis Settlements Appeal Tribunal

Land Panel

Between:

**Sarah Spence Aulotte**

Appellant

-and-

**Greydon Aulotte, Mabel Aulotte, Fishing Lake Metis Settlement,  
Metis Settlements General Council, and  
Metis Settlements Land Registry**

Respondents

Concerning:

Land Dispute

Decision Date:

March 6, 2017

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**DECISION**

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The Hearing – parties, place and date

MSAT Panel members:

Don Cunningham, Panel Chair  
Phyllis Collins, Panel member  
Joyce Parenteau, Panel Member

Parties present at the hearing:

Sarah Spence Aulotte, Appellant

Ateika Harper – Sarah’s daughter

Greydon Aulotte, Respondent

Diahann Polege-Aulotte – Greydon’s Mom

Fishing Lake Metis Settlement, Respondent

Terry Parenteau, Chairperson  
Shirley Calliou, Council Member  
Dwayne Laboucane, Council Member  
Maureen Delorme, Lands and Membership Clerk

Morris Aulotte – Council Member, Observer

MSAT staff present:

Karen Mustus, Appeal Tribunal Officer  
Harold Robinson, Tribunal Secretary

Place and date of the Hearing:

Metis Settlements Appeal Tribunal, Edmonton  
February 8, 2017

## 1.1 Context

[1] In 1999 Mabel Aulotte held the Metis Title interest for the entire quarter, SW 03-057-02-W4M. On May 14, 1999, Mabel subdivided the quarter, creating a 15.3 acre lot (900203-00-01, *Lot 1*). The Metis Title interest in Lot 1 was registered in Mabel's name. Following the subdivision, a house was built on Lot 1 for her son, Henry Aulotte.

[2] Sadly, Henry died on February 28, 2011. After Henry died, Mabel's daughter, Sarah Spence Aulotte lived in Henry's house with her family for a while, but moved out.

[3] In 2013, Mabel's grandson, Greydon Aulotte moved into the house with his family, undertaking extensive cleaning and renovation work. On November 3, 2015, Fishing Lake Metis Settlement (FLMS) approved the transfer of the Metis Title interest for Lot 1 from Mabel Aulotte to Greydon Aulotte. Sarah Spence Aulotte filed her appeal of Council's decision within days of the decision being made and this matter was heard in Edmonton on February 8, 2017.

[4] Having heard the submissions for this matter and considered the evidence and law, we find that FLMS Council's approval was reasonable and should stand because Council and its administration addressed the transfer requirements set out in the *Metis Settlements General Council Land Policy*.<sup>1</sup>

## 1.2 Evidence before the Panel

### Sarah Spence Aulotte, Appellant

[5] At the hearing in Edmonton, Sarah said that after her brother, Henry Aulotte, passed away in 2011, his house and interest in the land (Lot 1 on the SW 3-057-02-W4M) went to their mother, Mabel Aulotte. Sarah said that Mabel wanted her to have Henry's house and interest in the land. Sarah brought this Panel's attention to a letter dated March 6, 2013, which was at Tab 14 of the hearing package for this matter, which reads as follows:

*March 6, 2013*

*I, Mabel Aulotte, am signing over house #33, 900203-00-01 SW3 to Sara Spence and if anything should happen to her, the house shall go to her son Vincent Vernell Aulotte*

*Sara Spence  
Mabel Aulotte*

*Witness  
Vernon Aulotte*

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<sup>1</sup> See *Metis Settlements General Council Land Policy* (Policy GC-9201) at Tab 4 of the hearing kit.

[6] Sarah said that the letter was handed into the Land and Membership Clerk at the time, but that nothing more was done concerning the letter after it was handed in.

[7] Sarah said that she doubted that the Metis Settlements Land Registry documents in the hearing package transferring the house and Metis title interest in the land from Mabel to Greydon were legitimate. She said that her mother had trouble reading and that if the documents were not read to her, she may not have known what she was signing. Sarah also said that it was not clear that Mabel actually signed the transfer documents because her signature seemed different, and Mabel's name was sometimes spelled "Mable" on a document instead of "Mabel," which is peculiar.

[8] Sarah also said that she was interested in Henry's house and interest in land because she remembers how the Aulotte family used to go through Henry's property to access the lake and have family gatherings.

**Greydon Aulotte, Respondent**

[9] Greydon said that he and Mabel filled in all the necessary documents to notify the FLMS about the transfer of Metis Title interest in Lot 1 to himself and to otherwise complete the transfer. He also said that Fishing Lake Metis Settlement did what it needed to do to review and validate the transfer.

**Fishing Lake Metis Settlement Council**

[10] The Chairperson for FLMS Council, Terry Parenteau, drew the Panel's attention to Tab 18 of the hearing package, containing Council's minutes for November 3, 2015 and other information documents used to aid Council's decision-making. Terry said that Council considered a number of factors when it approved the transfer of the Metis Title interest for Lot 1 from Mabel to Greydon.

[11] Firstly, Council determined that Mabel Aulotte was the holder of the Metis Title interest in Lot 1, and that it is the exclusive right of every holder of Metis Title to transfer that interest providing other rules in the Land Policy and local bylaws are met. Secondly Council took note of the March 6, 2013 letter signed by Mabel outlining her apparent interest in signing over the house on Lot 1 to Sarah, or Sarah's son, Vernell, but that the letter was not signed before a commissioner for oaths, nor were any formal transfer documents (i.e. Metis Settlements Land Registry documents) completed by Sarah and Mabel. Thirdly, Council noted that Greydon's father, Morris Aulotte, spent time and money renovating the house on Lot 1, and that Greydon agreed to take over any debt owed to the Settlement relating to the housing unit. Fourthly Council noted that Greydon had submitted all the necessary transfer documents, which were properly executed, including notice to the Settlement Administrator, to see the transfer of Metis Title through and to have it registered.

### 1.3 Findings of Fact

[12] This Panel considered the oral evidence given by the parties at the hearing and the contents of the hearing package that was prepared and distributed to the parties prior to the hearing. In this regard, we find the following evidence more likely than not to be true:

- In 1999 Mabel Aulotte held the Metis Title interest for the entire quarter, SW 03-057-02-W4M.
- On May 14, 1999, Mabel subdivided the quarter, creating a 15.3 acre lot (900203-00-01, *Lot 1*). The Metis Title interest in Lot 1 was registered in Mabel's name.
- Following the subdivision, a house was built on Lot 1 for her son, Henry Aulotte.
- Henry died on February 28, 2011.
- Sarah moved into Henry's house for a while, but moved out by June 2013 (See Greydon's letter to Council at Tab 16 of the hearing package).
- Mabel signed a letter on March 6, 2013 indicating her desire to sign over Henry's house to Sarah, or Sarah's son, Vernell, but did not follow up by executing any official notification or transfer documents mandated by the Metis Settlements Land Registry.
- Greydon's father, Morris Aulotte, used a car that he valued at \$6000 as consideration to "purchase" Henry's house from Mabel in 2013 and commenced cleaning up and renovating the house so that Greydon could move in with his family.
- Greydon was subsequently granted membership in the Fishing Lake Metis Settlement and Greydon and Mabel executed Metis Settlements Land Registry transfer forms, MSLR 01, 02, 02A and Dower Form B on October 13, 2015.
- The Settlement Administrator received notice of transfer request (MSLR 02A) and forwarded the request and related documents to Council for its consideration. Council reviewed the transfer documents, as well as Mabel's letter of March 6, 2013 and approved the transfer of Metis Title interest in Lot 1 from Mabel to Greydon.
- Sarah Spence Aulotte filed her appeal concerning this matter within 30 days of Council's decision to transfer the Metis Title interest from Mabel to Greydon.

#### 1.4 How the law applies to this matter

[13] MSAT can decide matters when the matter falls within the scope of work that we do and when the appellant files his or her appeal on time.<sup>2</sup>

[14] In this regard, section 8.1(1) of the Metis Settlements General Council Land Policy reads that when Settlement Council makes a decision relating to the transfer of an interest in settlement lands “any person affected by the decision” can appeal the matter, providing they submit their appeal within 30 days of Council’s decision. Looking at the facts at hand, this matter clearly involves the transfer of an interest on settlement lands involving a Council decision, and Sarah is clearly a person who is affected by the decision and she filed her appeal within 30 days of Council’s decision. Accordingly, Sarah has met the appeal requirements set out in section 8.1 of the Land Policy and this matter is properly before the Appeal Tribunal.

[15] In reviewing the matter now before us, it is important to note that our purpose is to determine if FLMS Council identified the correct legal framework for transferring Metis Title on settlement lands and, furthermore, our purpose is to determine if Council’s application of the legal framework to the facts before it was reasonable.

[16] In our view, FLMS Council was correct to refer to the Metis Settlements General Council Land Policy when considering Mabel and Greydon’s transfer request. It was right to consider whether notice had been provided to the Settlement Administrator in the form prescribed by the Registrar’s rules and whether other forms prescribed by the Registrar were properly executed and submitted so as to give full effect to the transfer of interest. Furthermore, FLMS Council was right to recognize that no such forms had been filed to give effect to the purported transfer between Mabel and Sarah, thereby limiting the impact of the March 6, 2013 letter. It was also right for FLMS Council to recognize that the holder of Metis Title enjoys the exclusive right to transfer the Metis Title interest to another member providing the rules in the Land Policy and local bylaws are met.

[17] Given that FLMS Council addressed its mind to the appropriate legal requirements (including Part 2.4 of the Land Policy—Nature of Metis Title—and Part 5 of the Land Policy—Changes in Interest Holder) and to the relevant facts, (which are the same facts as those listed in our Findings of Fact, above), this Panel is of the view that FLMS Council’s decision approving the transfer of Metis Title from Mabel to Greydon is entirely reasonable.

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<sup>2</sup> Or if all the parties to a matter agree in writing that the Appeal Tribunal should decide the matter.


[18] If this Panel has one minor qualm, though, it is that additional forms be made available by the Registrar (through consultations with the Metis Settlements General Council) to trigger open consideration by settlement councils and administrators of settlement housing policies and agreements, especially for those housing units in which monies are still owing a settlement for their construction, restoration, or other maintenance. However, we are not aware of any such forms being in place, and it would not be fair to expect FLMS Council to apply forms that have not yet been developed.

[19] Finally, this Panel was struck by the degree to which “family” was discussed at the hearing. Our mandate is to preserve and enhance Metis culture and it is our hope that the Aulotte family—extended, and all—takes this opportunity to hear the positives coming out of this hearing; that while Metis Title comes with exclusive use and occupancy, it also affords families a place to meet with each other, enjoy each other’s company and celebrate past and present memories.

## 1.5 Decision

[20] Sarah’s appeal is dismissed.

Dated in the City of Edmonton, in the Province  
of Alberta on this 6<sup>th</sup> day of March 2017.

  
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for Don Cunningham  
Panel Chair

