

**Regulation Respecting the Compliance Officer in the  
Kahnawà:ke Residency Law**

K.R.L c. R-3, r-8

Enacted by Mohawk Council Executive Directive #44/2022-2023 on July 18, 2022

- 1) **COMPLAINTS**
- 1.1 Complaints for eviction must be;
  - a) in the form provided by the *Regulation Respecting Complaints*,
  - b) accompanied by all supporting information,
  - c) fully completed and signed, and
  - d) submitted to the Compliance Officer.
- 2) Within ten (10) business days of the receipt of an *Application for Complaint for Eviction of an Individual in Violation of the Kahnawà:ke Residency Law*, the Compliance Officer will provide written notice to the person in question, including:
  - a) a copy of the complaint, with sensitive sections redacted
  - b) a deadline for the person in question to provide any written representations of additional evidence;
  - c) information for the person in question about their right to apply within ten (10) working days for a permit of authorization to be an Approved Kahnawake Resident or for recognition as a Kanien'kehá:ka of Kahnawà:ke.
  - d) The Compliance Officer will close the file if the person applies for a Permit for authorization as an Approved Kahnawà:ke Resident or for recognition as a Kanien'kehá:ka of Kahnawà:ke, within ten (10) working days of receiving the written notice in section 15.3 of the *Kahnawà:ke Residency Law*, the Compliance Officer will close the file and inform the person and the Complainant that the file will proceed by the application process and be decided by the Residency Registrar.
  - e) If the person has not applied for a Permit for authorization as an Approved Kahnawà:ke Resident or for recognition as a Kanien'kehá:ka of Kahnawà:ke within ten (10) working days of receiving the written notice in section 15.3 of the *Kahnawà:ke Residency Law*, the Compliance Officer must determine whether the complaint is admissible.

f) For a Complaint to be considered admissible by the Compliance Officer, the Complaint must be;

- i. factually based;
- ii. in writing or transcribed
- iii. sworn or solemnly affirmed and signed by the Complainant;
- iv. in accordance with the Law and Regulations;
- v. related to one of the criteria for eviction under 15.2 of the Kahnawà:ke Residency Law and;
- vi. supported by evidence.

g) If the Compliance Officer determines the Complaint as not admissible, they will provide a written decision to the Complainant within thirty (30) days of receiving the Complaint and the decision is without appeal.

h) If the Compliance Officer has decided that a Complaint is admissible, and the person does not have the entitlement or permission to Reside on the Territory, the Compliance Officer must enclose with their reasons for deciding a Notice of Eviction.

i) The person who is a subject of a Notice of Eviction has thirty (30) days to request a review of the Compliance Officer decision in section 15.12 as related to an admissible complaint.

## 2) **REVOCAATION OF PERMIT OR APPROVED KAHNAWAKE RESIDENT**

2.1 The Compliance Office must send the Person whose permit or authorization has been revoked, a Notice of Eviction within five (5) working days of receipt of the Residency Registrar decision.

## 3) **DENIAL OF APPLICATION BY REGISTRAR**

3.1 The Residency Registrar must provide the Applicant and the Compliance Officer with a written decision regarding the merits of the application within sixty (60) days of the last day of public notice. The written decision will be sent by registered mail.

3.2 If the Residency Registrar denies the application, the Compliance Officer must send the Applicant a Notice of Eviction within five (5) working days or receipt of the Residency Registrar decision.

## 4) **NOTICE OF EVICTIONS**

4.1 A Notice of Eviction must be delivered by hand to the person in question by bailiff, and must include;

- a) the full legal name of the person being evicted;
- b) written reasons for the eviction;

c) the date the person must leave the Territory;

d) the date, time and place when an eviction order will be sought before a Justice and the person's right to be present and be heard; and

e) any other information as required by this Law and Regulations.

4.2) If applicable, the Compliance Officer must send a copy of the Notice of Eviction to the landlord who is renting the property to the person who has received the Notice of Eviction.

4.3) Any delay agreed upon by the Compliance Officer must be in writing and signed by the subject of the Notice of Eviction.

#### 5) **EVICTIION ORDERS**

5.1 The Compliance Officer will create and bring forward a motion to evict to the Court of Kahnawà:ke.

5.2 The motion to evict will be brought to the Court Clerk as per the *Regulation Respecting Eviction*.

#### 6) **COMMUNITY REVIEW BOARD**

6.1 The Compliance Officer will respond to any requests and participate in any reviews by the Community Review Board.

#### 7) **COURT OF KAHNAWÀ:KE**

7.1 The Compliance Officer will respond to Court requests and participate in any Court hearings, as required.

#### 8) **EXTENDED ABSENCE**

8.1 The General Manager of the Office of the Kahnawà:ke Kanien'kehá:ka Registry will provide for an Alternate to assume the temporary function of the Compliance Officer in the event the Compliance Officer is;

a) out of the office for an extended absence, or,

b) the position is vacant,

8.2 Due to the time constraints contained in the Kahnawà:ke Residency Law, an extended absence is constituted by an absence from the office for longer than ten (10) business days.

8.3 It is the responsibility of the General Manager to have two (2) alternate Compliance Officers identified and be able to assume responsibility should the need arise.

9) **CONFLICT OF INTEREST**

9.1 If the Compliance Officer is in a conflict of interest with an individual or and individual subject to an investigation, or to individuals associated to the investigation, or in a conflict of interest with any individual associated with an application, complaint, review or decision related to their duties identified in the Kahnawà:ke Residency Law;

- a) the General Manager of the Office of the Kahnawà:ke Kanien'kehá:ka Registry will contact and secure an Alternate Compliance Officer for the affected file or;
- b) in the event the General Manager is unable to secure an Alternate, a private investigator will be contracted.

9.2 For the purposes of the Kahnawà:ke Residency Law, a conflict of interest is constituted by;

Personal Interest – the following constitutes a personal interest for the purposes of this regulation;

- a) A financial interest that the Compliance Officer, or acting replacement, has in a business that provides services to, or contracts with the Complainant, the individual being investigated, their partner or their landlord for remuneration;
- b) Any gift, gratuity, favor or compensation of any nature whatsoever that the Compliance Officer, or acting replacement may receive in the performance of their duties under this Law with the Complainant, the individual being investigated, their partner or their landlord that is not for remuneration in accordance with their employment contract;
- c) Any external commitment, including but not limited to employment, contract or volunteer work which by its nature, places the Compliance Officer, or acting replacement, in a position where the personal information of a person under investigation may be used without the written consent of the individual or;
- d) The advancement of personal/political agendas through the outcome of an investigation.

9.3 Related individual – the following constitutes a related individual for the purposes of this regulation;

- a) Related by blood or adoption including; parent, child, sibling, aunt, uncle, first cousin, nephew or niece;

b) Related by marriage including; current or former spouse, brother in law, sister in law, father in law, mother in law, son in law, daughter in law, step parent, step child or;

c) Related through another relationship, including: a close friendship, a current or former relationship, occurring outside the work setting that would make it difficult for the individual with the responsibility to make a decision or recommendation to be objective, or that would create the appearance that such individual could not be objective. Examples include, but are not limited to, amorous or intimate personal relationships and significant business relationships and affiliates with other organizations.

9) COMING INTO FORCE

9.1 This Regulation comes into force on the date fixed by Mohawk Council Executive Directive #44/2022-2023.