

QUESTIONS

Q1. Senator Patterson: You described a program called the Climate Change Adaptation Program that your department has to provide funds to communities and organizations to deal with climate adaptation, and there has been development of a Northern Infrastructure Standardization Initiative. Could you provide more details on that initiative and its impacts in the regions we're studying?

ANSWER

A1. The Northern Infrastructure Standardization Initiative (\$3.5 million) is a five year (2011-12 to 2015-16) program addressing priority infrastructure issues affected by climate change. Indigenous and Northern Affairs Canada has provided support to the Standards Council of Canada to engage the participation of Northerners in the standards development process. A Northern Advisory Committee was established, comprised of senior management representation from departments with direct responsibility for infrastructure, including representation from Yukon, Northwest Territories, Nunavut and Nunavik. The Northern Advisory Committee provides strategic advice and guidance, while a technical committee and its associated working groups work with the standards development organizations. Altogether, 48 northerners have been directly involved in the standards development process at the working group and technical committee level.

The Initiative has completed four new standards related to: 1) Thermosyphon foundations for buildings in permafrost regions; 2) Managing changing snow load risks for buildings in Canada's North; 3) Moderating the effects of permafrost degradation on existing building foundations; and, 4) Community drainage system planning, design, and maintenance in northern communities. A fifth standard on Geotechnical site investigation for building foundations in permafrost is under development. The standards are available free of charge for five years to ensure widespread dissemination. In addition, several capacity building activities have been undertaken including developing videos, training modules and e-learning activities.

The Government of Canada recently announced new funding of \$50 million in Budget 2016 for the Standards Council of Canada to improve climate resilience in building and infrastructure codes across Canada. The Standards Council of Canada will work with the National Research Council going forward.

For further information on the Northern Infrastructure Standardization Initiative and the five standards, please refer to: <https://scc.ca/en/nisi>.

Q2. Senator Beyak: Would you be able to elaborate on the four standards that you identified that directly relate to the creation of resilient buildings that you mentioned in your presentation?

ANSWER

A2. Indigenous and Northern Affairs Canada is supporting the Standards Council of Canada in delivering the Northern Infrastructure Standardization Initiative (\$3.5 million over five years, 2011-12 to 2015-16). The Initiative addresses priority infrastructure issues affected by climate change in the North and has developed four new standards to increase climate resiliency of infrastructure. Partners from across the North have participated in the Northern Advisory Committee, Technical Committee and working groups to develop the standards, while many more northerners will benefit from the dissemination of, and training on, the use of the standards.

The four standards include:

1. Thermosyphon foundations for building in permafrost regions

Thermosyphons transfer the heat from the ground to the air to protect the permafrost under a heated structure and increase the lifespan of the building. This standard outlines requirements for all lifecycle phases of thermosyphon foundations for new buildings in permafrost, including site characterization, design, installation and commissioning phases as well as for monitoring and maintenance. The standard will support the long-term performance of these types of foundation systems under changing environmental conditions.

2. Managing changing snow load risks for buildings in Canada's North

In response to an increase in snowfall and extreme snow events in some parts of the Arctic, this standard establishes ongoing practices to avoid structural damage and reduce snow overloading risks over the lifespan of the building. The standard addresses pre-season roof snow removal planning and building maintenance, maintenance procedures, monitoring, detection and assessment methods, and procedures for snow removal.

3. Moderating the effects of permafrost degradation on existing building foundations

Many buildings were built in the North without consideration for the impact on permafrost or the rate of degradation under a changing climate. This standard outlines steps to moderate the effects of permafrost degradation on existing buildings and structures including in the areas of pre-emptive and proactive maintenance and long-term maintenance and monitoring.

4. Community drainage system planning, design and maintenance in northern communities

This standard addresses the minimum planning, design and maintenance requirements for community drainage systems in northern communities as precipitation levels change. Use of the standard will increase the capacity of communities and individuals to prepare and implement effective community drainage plans in an increasingly complex environment.

A fifth standard is under development, focusing on Geotechnical Site Investigations for Building Foundations in Permafrost. The standard is expected to be completed in early 2017. It will provide a standardized approach for collecting information and evaluating site conditions by addressing procedures, protocols or methods for assessing soil, substrate, groundwater conditions and permafrost, ground and air temperature, geothermal profile for the site and test methods and lab requirements.

For further information on the Northern Infrastructure Standardization Initiative and the five standards, please refer to: <http://www.scc.ca/en/nisi>.

Q3. Senator Patterson: I think it would be useful, considering Senator Watt's broad question, to ask INAC to get back to us with a summary of the obligations respecting housing in comprehensive land claims agreements in the regions we're studying. What are the commitments or obligations, and are there any constitutional obligations from these modern treaties related to housing?

ANSWER

A3. Canada is responsible for meeting Canada's obligations to First Nations, Inuit, Metis, and Non-Status Indians and for fulfilling Canada's constitutional responsibilities in the North. Its mandate is derived from the *Constitution Act, 1867*, the *Constitution Act, 1982*, Supreme Court of Canada decisions, comprehensive land claims and self-government agreements, and various other statutes affecting Aboriginal peoples and the North. When modern treaties are ratified, the treaty rights they contain (and the obligation provisions therein), are also constitutionally recognized and protected. There are currently 28 modern treaties being implemented in Canada which include both comprehensive land claims and self-government agreements or a combination of both. Many modern treaties in Northern and Inuit communities include housing provisions (For a list of these treaty provisions see Annex A). It is the role of the parties to interpret and implement land claims and self-government agreements, as well as ancillary fiscal arrangements as they relate to housing.

The scope of Canada's modern treaty obligations in relation to housing varies from treaty to treaty. In certain cases, Indigenous and Northern Affairs Canada (INAC) has direct housing-related obligations under modern treaties or corollary negotiated housing

arrangements (for example, under the James Bay and Northern Québec Agreement – (Nunavik Housing Agreement), and under the Labrador Inuit Land Claims Agreement). In these cases funding is flowed from Canada to treaty partners through the treaties' ancillary fiscal arrangements.

The 11 Self-Governing Yukon First Nations have each assumed responsibility for Capital, Housing and C-31 Housing programs through negotiated programs and services transfer agreements - which relieved Canada of any ongoing program delivery responsibilities. Funding to administer these programs is flowed from Canada to the Self-Governing First Nations through their fiscal arrangement.

In other areas there are less direct federal obligations pertaining to housing in the treaties and associated fiscal arrangement, although Canada continues to share broader responsibility with the provinces and territories with respect to housing in the North. The federal government and the governments of the Northwest Territories, Nunavut, Quebec, and Newfoundland and Labrador have intergovernmental and fiscal agreements that flow federal funding to the provinces and territories to administer housing programs relating to the construction, maintenance and management of housing, including Inuit housing.

Currently, Canada, through the Canada Mortgage Housing Corporation provides funding to provinces and territories under the Investments in Affordable Housing bilateral agreements. These programs do not generally earmark funding for treaty beneficiaries, and prioritization of program funding is at the discretion of provinces and territories and may or may not benefit treaty beneficiaries.

Federal Budget 2016 announced up to \$177.7 million over two years starting in 2016-17 for northern and Inuit housing and committed to consultations with provinces and territories, Indigenous and other communities and key stakeholders on the development of a National Housing Strategy. In order to further resolve existing housing crises, further assessments will need to be conducted to identify how many houses need to be built, develop population projections, define a long-term planning period during which houses will be built, and standardize the collection and analysis of data across northern and Inuit communities that have modern treaties. Moving forward, INAC and Canada Mortgage Housing Corporation will discuss immediate next steps on engaging with Indigenous communities on a National Housing Strategy.

Q4. Senator Patterson: Mr. Van Dine, you mentioned the department's Climate Change Adaptation Program and that you would provide us with some details. The program is ending March 31, 2016. Has it been evaluated? Is there a recommendation from the department that it should be continued in light of the topicality of climate change? Could that evaluation be shared with the committee?

ANSWER

A4. The Climate Change Adaptation Program received \$20 million over five years (2011-12 to 2015-16) as part of the Government of Canada's Clean Air Agenda. This was a renewal of the \$14 million that the program received from 2008-09 to 2010-11. The program funds Indigenous and northern communities to prepare for, and respond to climate changes, including permafrost degradation, coastal erosion, changes to ecosystem structure and function, changes to ice and water quality and quantity, and extreme weather events.

The program intends to assist Indigenous and northern communities with the planning of adaptation measures and decisions, ultimately reducing their overall vulnerability to climate impacts and protecting community health and safety. The main beneficiaries include Indigenous and northern communities, territorial governments, northern organizations, Indigenous community groups (volunteer groups, community associations and institutions), territorial governments, professional organizations, technical experts and research institutions.

The Climate Change Adaptation Program provides direct funding support to each of the three territorial governments to support capacity and deliver regional and pan-northern projects. Up to \$500,000 has been provided each year over a four year period to support projects that assess and plan for climate change impacts on areas such as infrastructure, transportation, mountain pine beetle, water resources, forest fires, and hazard mapping. A total of 25 projects have been funded through the territorial agreement process, many of which were multi-year projects. Territorial funding has provided much-needed capacity to address impacts and adaptation planning that addresses specific needs in each territory but also allows the three territories to work together and address priorities identified in their Pan-Territorial Adaptation Strategy. For example, the three governments worked together to host a Pan-Territorial Permafrost Workshop in 2013, bringing together researchers and decision-makers to share knowledge, network and plan for future adaptation.

Northern communities are also eligible to apply for funding through the national Call for Proposals. Multi-year projects were supported in Nunavik and Nunatsiavut at the community level.

The Climate Change Adaptation Program was funded as one of ten programs under the Adaptation Theme of the Government of Canada's Clean Air Agenda. Environment and Climate Change Canada is the lead federal department on climate change, as well as the lead of the Adaptation Theme, and is therefore implementing the theme level

program evaluation. The evaluation is expected to be high level, addressing overall federal progress towards Theme level targets and outcomes. Although the evaluation may comment on the need for continued Government of Canada programming, it is not expected to produce program-specific recommendations. The final report is expected to be completed in 2016-17.

Due to participation in the Adaptation Theme evaluation, the Climate Change Adaptation Program is not being separately evaluated by Indigenous and Northern Affairs Canada.

Budget 2016 proposes to provide \$129.5 million over five years, starting in 2016–17, to seven federal departments and agencies to implement programming focused on building the science base to inform decision-making, protecting the health and well-being of Canadians, building resilience in the North and Indigenous communities, and enhancing competitiveness in key economic sectors.

For further information on Climate Change Adaptation Program projects, please refer to the following links:

<http://www.aadnc-aandc.gc.ca/eng/1448905081695/1448905254047>
<http://www.aadnc-aandc.gc.ca/eng/1412172921686/1412172949182>
<http://www.aadnc-aandc.gc.ca/eng/1383581140841/1383581166994>

Q5. Senator Patterson: I would like to have your undertaking to follow up on the Nunavik work once it reaches a conclusion toward the spring. [Referring to the study with Inuit and Makivik Corporation in Northern Quebec on innovative financing options for market housing with Inuit]

ANSWER

A5. The department certainly commits to follow up on the work with Makivik Corporation on the study of innovative financing options for market housing in Nunavik as well as other pertinent work and will seek the concurrence of Makivik Corporation to provide the Senate Committee with a copy of the final report. It is expected that the conclusions and recommendations of the study would also be applicable to Inuit regions outside of Nunavik and, indeed, with northern communities generally.

Northern Land Claim and Self-Government Agreement
References to Housing

Below is a list of Housing provisions (by Region) found in the presently ratified Modern Treaties and Agreements:

Atlantic Region:

LABRADOR INUIT LAND CLAIMS AGREEMENT

The Labrador Inuit Land Claims Agreement provides the Nunatsiavut Government lawmaking authority for the construction, maintenance, allocation, improvement, renovation and removal of housing on Inuit lands, for housing owned by Inuit Governments in Inuit communities, and for housing and residential facilities in a wide range of child and family services. The parties may negotiate or enter into cooperative arrangements for the transfer of public housing to the Nunatsiavut Government.

Part 17.15 Powers of the Nunatsiavut Government in Relation to Social, Family, Youth and Children's Services

17.15.1 The Nunatsiavut Government may make laws in Labrador Inuit Lands and the Inuit Communities in relation to the following matters respecting social, family, youth and children's programs, services and facilities for Inuit:

(b) the recruitment, approval, support and monitoring of residential services for children and youth, including caregivers, emergency housing, and group homes;

(c) the placement of children in approved residential services;

(e) residential facilities, including emergency shelters, safe houses, transition houses and group homes for individuals suffering from neglect, abuse or harm or who are otherwise in need of rehabilitation, care, support, help or protection;

(f) programs, services and residential facilities for the assistance and development of individuals with special needs, in need of rehabilitation, care, support or help or who are unable to care for themselves;

[...]

Part 17.19 Powers of the Nunatsiavut Government in Relation to Housing

17.19.1 Subject to section 17.19.2, the Nunatsiavut Government may make laws with respect to the development of Labrador Inuit Lands for housing purposes and for the construction, maintenance, allocation, control, improvement, renovation and removal of housing in Labrador Inuit Lands and housing owned by an Inuit Government in the Inuit Communities.

17.19.2 Housing provided by the Nunatsiavut Government pursuant to an Inuit Law under section 17.19.1 must meet or exceed standards established under federal and provincial building codes.

17.19.3 If there is a Conflict between an Inuit Law under section 17.19.1 and a federal or Provincial Law, the Inuit Law prevails to the extent of the Conflict.

Part 17.20 Intergovernmental Co-operation and Other Arrangements

17.20.1 The Nunatsiavut Government and the Province and, when appropriate, Canada, shall, as the Parties may agree is necessary, enter negotiations or co-operative arrangements that the appropriate Parties consider necessary or desirable for the implementation of this part, including negotiations or arrangements respecting:
(b) the transfer to the Nunatsiavut Government of existing schools, nursing stations and health facilities, public housing and social service facilities in the Inuit Communities;

Quebec:

JAMES BAY AND NORTHERN QUEBEC AGREEMENT

Under section 29.0.40: “The existing provision of housing, electricity, water, sanitation and related municipal services to Inuit shall continue, taking into account population trends, until a unified system, including the transfer of property and housing management to the municipalities, can be arranged between the Regional Government, the municipalities and Canada and Quebec.”

To meeting its obligation, Canada, through Indigenous Affairs and Northern Affairs is a party to the Nunavik Housing Agreement with Inuit organizations in Nunavik (Makivik Corporation/Kativik Regional Government/ Kativik Municipal Housing Bureau) and Quebec.

Funding:

Under the Nunavik Housing Agreement, Canada pays for the capital costs of the social housing units built in the Nunavik communities. The Government of Quebec matches Canada’s contribution through paying for the management and maintenance of the units.

“Capital costs” include: cost of preparing housing construction sites; cost of purchasing prefabricated housing units, including transport, packing and assembly costs on the worksite or the cost of purchasing construction materials, including transport, packing and storage costs; labour costs for construction and assembly; municipal building permit costs; cost of insurance for the transport of construction materials or prefabricated housing units, as well as for construction and assembly; professional fees and expenses associated with the calls for tenders, design, construction and purchase of housing units; costs incurred to obtain guarantees under the Regulation respecting the

Guarantee Plan for New Residential Buildings adopted under the *Building Act* (C.Q.L.R., c.B-1.1); cost of purchasing, transporting and installing stoves and refrigerators; although the following are not actual capital costs, Canada recognizes, for each housing unit built, management and administration costs equal to 5% of construction costs in the case of housing built by Makivik, and 2% otherwise; accrued interest charges on materials previously purchased and on labour prior to April 1 of a given fiscal year and prior to the construction season; interest charged due to a temporary shortage of cash as a result of the payment of the Goods and Services Tax (GST) and the Québec Sales Tax (QST), which qualify as capital expenses.

NUNAVIK INUIT LAND CLAIMS AGREEMENT

6.2.3 In developing planning policies, priorities and objectives, factors such as the following shall be taken into account:

- (a) economic opportunities and needs;
- (b) community infrastructural requirements, including housing, health, education and other social services, and transportation and communication services and corridors; [...]

6.3.1 A land use plan shall be a document containing text, schedules, figures and maps for the establishment of objectives and guidelines for short-term and long-term development, taking into account factors such as the following:

- (a) demographic considerations;
- (b) the natural resource base and existing patterns of natural resource use;
- (c) economic opportunities and needs;
- (d) transportation and communication services and corridors;
- (e) energy requirements, sources and availability;
- (f) community infrastructural requirements, including health, housing, education and other social services;

Nunavut:

NUNAVUT LAND CLAIMS AGREEMENT

The Nunavut Land Claims Agreement provides for the negotiation of housing in impact and benefit agreements in relation to Parks, and resource development on Inuit owned lands, and identifies housing as a matter for consultation in preparation of benefit plans prior to the exploration, development or production of petroleum on Crown lands, and prior to the development or production of other resources on Crown lands.

SCHEDULE 8-3

MATTERS APPROPRIATE FOR INUIT IMPACT AND BENEFITS AGREEMENTS IN RELATION TO PARKS

...

7. Housing, accommodation and recreation for Inuit working in the park services and at park facilities including their dependents.

SECTION 11.2.3

LAND USE PLANNING

11.2.3 In developing planning policies, priorities and objectives, factors such as the following shall be taken into account:

- (a) economic opportunities and needs;
- (b) community infrastructural requirements, including housing, health, education and other social services, and transportation and communication services and corridors;

SECTION 11.3.1

11.3.1 A land use plan shall be a document containing text, schedules, figures and maps for the establishment of objectives and guidelines for short-term and long-term development, taking into account factors such as the following:

- (a) demographic considerations;
- (b) the natural resource base and existing patterns of natural resource use;
- (c) economic opportunities and needs;
- (d) transportation and communication services and corridors;
- (e) energy requirements, sources and availability;
- (f) community infrastructural requirements, including health, housing, education and other social services;

SECTION 26.1.1

IMPACT AND BENEFIT AGREEMENTS

Definitions:

“capital costs” shall consist of expenditures for designing, procuring, constructing and installing all buildings, housing, machinery and equipment and infrastructure associated with a project, including any such costs incurred outside of the Nunavut Settlement Area in relation to the project; but shall not include financing costs;

SCHEDULE 26-1

MATTERS CONSIDERED APPROPRIATE FOR INUIT BENEFITS

(Section 26.3.1)

1. Inuit training at all levels.
2. Inuit preferential hiring.
3. Employment rotation reflecting Inuit needs and preferences.
4. Scholarships.
5. Labour relations.
6. Business opportunities for Inuit including:
 - (a) provision of seed capital;
 - (b) provision of expert advice;
 - (c) notification of business opportunities;
 - (d) preferential contracting practices.
7. Housing, accommodation and recreation.

SCHEDULE 27-1

MATTERS CONSIDERED APPROPRIATE FOR CONSULTATION

(Sections 27.1.2, 27.2.1)

1. Inuit training.
2. Inuit hiring.
3. Employment rotation.
4. Labour relations.
5. Business opportunities for Inuit.
6. Housing, accommodation and recreation on project site.

Northwest Territories:

GWICH'IN COMPREHENSIVE LAND CLAIMS AGREEMENT

Schedule 1 "Permitted Activities of Settlement Corporations"

4. HOUSING Funding or providing for the construction, operation and administration of housing or subsidized, cooperative or communal housing for low-income participants in Canada.

4 MATTERS FOR NEGOTIATION

4.1 Self-government negotiations shall address, and self-government agreements may include, the following matters in a manner not inconsistent with this agreement:

(f) housing;

INUVIALUIT FINAL AGREEMENT

The Inuvialuit Final Agreement acknowledges that the health, education, housing and standards of living of the Inuvialuit need to be improved, and Canada provided \$7.5M to contribute to the accomplishment of these goals.

INUVIALUIT SOCIAL DEVELOPMENT PROGRAM

17. (1) It is acknowledged that the health, education, housing and standards of living of the Inuvialuit need to be improved. Canada agrees to provide special funding as described in subsection (3) to contribute to the accomplishment of these social goals by the Inuvialuit.

17. (2) The Inuvialuit Social Development Program shall pertain to social concerns such as housing, health, welfare, mental health, education, elders and the maintenance of traditional practices and perspectives within the Inuvialuit Settlement Region.

17. (3) Canada shall establish a Social Development Fund and shall deposit therein \$7.5 million. The Fund shall be incorporated, non-profit and tax exempt.

TLICHO AGREEMENT

Tlicho Agreement Implementation Plan – Annex A

7.4.4 The Tlicho Government has the power to enact laws in relation to

- (a) protection of spiritual and cultural beliefs and practices of Tlicho Citizens and protection and promotion of the Tlicho language and of the culture of the Tlicho First Nation;
- (b) the use of Tlicho language in operations of the Tlicho Government and standards for the Tlicho language;
- (c) the practice of traditional medicine of Tlicho Citizens, including the certification of such practitioners;
- (d) heritage resources on Tlicho lands or in Tlicho communities;
- (e) training by the Tlicho Government for Tlicho Citizens;
- (f) social assistance, including social housing, for Tlicho Citizens on Tlicho lands or in a Tlicho community, provided that such laws provide for standards, including standards for equitable access, portability and availability of appeal mechanisms;

7.5.5 The Government of the Northwest Territories shall develop, and amend as necessary, core principles and objectives for social assistance, social housing, child and family services, guardianship and trusteeship of adults and pre-schooling and early childhood development. In developing these principles and objectives, the Government of the Northwest Territories shall consult the Tlicho Government. Standards established by the Government of the Northwest Territories and Tlicho Government shall be compatible with these core principles and objectives.

SAHTU DENE AND METIS COMPREHENSIVE LAND CLAIM AGREEMENT

Schedule I - Permitted Activities of Settlement Corporations

4. Housing

Funding or providing for the construction, operation and administration of housing or subsidized, cooperative or communal housing for low-income participants in Canada.

Yukon:

YUKON FIRST NATION FINAL AND SELF-GOVERNMENT AGREEMENTS*

(*there are 11 such agreements in effect in Yukon using the Yukon Umbrella Final Agreement Framework)

Through these 11 Agreements, all Beneficiary Governments have the same arrangements related to housing, in that they assumed responsibility for "capital" jurisdiction through a program and service transfer arrangement (PSTA); which includes housing. They also receive some funding directly from Canada through their Financial Transfer Agreements, and additional funding is available to manage their housing through territorial housing programs.

Excerpt from the Yukon Umbrella Final Agreement:

Schedule A “Permitted Activities for Settlement Corporations”

Housing and Municipal and Local Taxes Assistance

3. Funding or providing:

- a) low interest or no interest mortgages or other loans to low income people to enable them to acquire freehold or leasehold interests in residential properties in the Yukon;
- b) grants or forgivable loans to low income people to enable them to make down payments on conventional purchases of residential properties in the Yukon;
- c) funds for the construction, operation and administration of subsidized cooperative or communal housing for low income people in the Yukon;
- d) funds for the renovation or repair of residential properties owned or leased by low income people in the Yukon; and
- e) financial assistance to low income people to enable them to pay municipal or other local taxes on improved Settlement Land.