

March 12, 2024

**Notice re Loss of Membership  
Ashcroft Indian Band**

The Band wishes to bring this urgent matter regarding loss of Band membership to the attention of those persons.

**1. The Court Decision**

The Federal Court has in its October 5, 2022 judgment in *Pittman et al. v. Ashcroft First Nation* 2022 FC 1380 (the “**Court Decision**”) confirmed that any person who was admitted to discretionary membership in the Band after December 31, 1996 must have his or her membership confirmed by way of a Membership Admission Vote.

**2. The Membership Admission Vote**

The Membership Admission Vote was held on January 25, 2024. Each of the persons applying for membership in the Band by way of that vote, was accepted for membership in the Band.

Many existing members who had the opportunity to submit an application for membership to be voted on in that Membership Admission Vote, did not do so. The result of the Court Decision is that effective on and after April 6, 2024, these persons will no longer be members of this Band.

As stated at paragraph 134 of the Court Decision, a person either is a member of the Band for all purposes, or is not a member. There is no partial membership, or membership for certain purposes but not others.

**3. Results of Loss of Membership**

Following the loss of membership, those persons:

- (a) will no longer receive any health, education, social welfare or other benefits from the Band;
- (b) lose the right to reside on the reserve lands of the Band;
- (c) cannot buy or inherit any reserve lands held by another Band member under a certificate of possession;
- (d) will not have the right to vote in any Band elections, referenda or general band meetings; and
- (e) lose the right of attendance at Council meetings, general band meetings or activities involving some or all the general band membership.

**4. Indian Status**

Loss of Band membership does not affect Indian status.

**5. Tax Exemption**

Those persons losing their membership should obtain independent legal advice on whether the loss of Band membership will affect any tax exemptions which they currently enjoy as a status Indian.

**6. The 2025 Membership Admission Vote**

The next Membership Admission Vote will be held by the Band at the same time as the next election of Chief and Council, in late April or early May, 2025. The Band will give notice to those who have lost discretionary membership in the Band as of April 6, 2024, of their right to apply for discretionary membership in the 2025 Membership Admission Vote.

**7. Other Matters**

While the Band is pleased to advise generally about the loss of membership, the Band cannot give legal advice and recommends that each person losing membership seek independent legal advice about this memo.

For any questions, please contact the Membership Clerk by phone at 250-453-9154 or by e-mail to [membership@ashcroftband.ca](mailto:membership@ashcroftband.ca).

**8. Date**

This notice is dated March 12, 2024.