Kitselas Treaty – Treaty Benefit Payments – Q&As

Please note: *The Q&As below are for general guidance only and are not intended to provide formal legal or tax advice. Please speak to a qualified legal or accounting professional for formal advice on your specific circumstances.*

What is the amount of the Benefit?
Chief and Council have approved that each enrolled adult between 18 and 64 years of age will receive $10,000. Elders, those 65 years of age and older, will receive $20,000.

Additionally, enrolled adults will receive an extra payment of $10,000 upon turning 65.

Enrolled minors under 18 years old will be eligible to receive a payment of $10,000 upon reaching 18 years of age.

Who is eligible to receive the Benefit?
You must be enrolled in the Kitselas Treaty and over 18 years of age to receive the Treaty Benefit.

If you are not enrolled, it is not too late. Please download, complete, and return the appropriate Enrolment Form (Member or Non-Member) from our Treaty Website (https://kitselastreaty.ca/our-treaty/enrolment/) or contact the Treaty Office for paper copy.

Please submit your completed and signed application form and documentation to enrolment@kitselas.com or drop it off at the Treaty Office - 4562 Queensway or Gitaus Administration - 2225 Gitaus Rd.

What do I have to do to receive the benefit?
Enrolled adult Citizens must complete and sign the Kitselas Treaty Benefit Payment Form and return it by email to enrolment@kitselas.com or drop it off at the Treaty Office - 4562 Queensway or Gitaus Administration - 2225 Gitaus Rd to receive payment.

The Treaty Benefit Form is available here:
https://kitselastreaty.ca/our-treaty/treaty-benefit-payment/

When will I receive my money?
Subject to final confirmation by the Chief and Council, the Treaty Benefit Payments are expected to be distributed in the fall of 2025. Note: Payments will be made in the order that Treaty Benefit Claim forms are received.

My (or my child's) enrolment application was submitted, but not approved, before April 10, 2025, the Ratification Vote. Do I (or my child) still qualify?
Yes. On the advice of our lawyers, Chief and Council approved that all enrolled Citizens will receive benefits, not just those who were enrolled on April 10, 2025.

Will I have to pay tax on my payment?
No. It does not matter if you live on reserve or off reserve; the payment should not be taxable. Here's why: section 87 of the Indian Act exempts Indians from taxation for property on reserve, and section 90 of the Indian Act says that property given to Indians by the Crown under a treaty or agreement "shall be deemed always to be situated on a reserve." The payment is being made by the Crown under the Treaty; therefore, the payment is deemed to be made on reserve and is exempt from taxation.

What happens if I don't send in my completed Treaty Benefit Payment Form by the time the payment is made in fall 2025 ?
You remain eligible for the benefit, but won't receive payment until the completed form is submitted.

What if an enrolled Kitselas Citizen passes away before submitting a completed claim form?
If a Kitselas Citizen was enrolled but passed away prior to submitting their claim form, their estate may submit a completed Treaty Benefit Payment Form. The executor or administrator of the estate must submit legal documents confirming their authority (Will, Grant of Probate, Grant of Administration, or other legal documents).

Can my payment be taken, reduced or garnished without my consent for loan repayments, child support, etc.?
It is hard to give a definite answer to general questions about how pre-existing debts might affect an individual's Treaty Benefit Payment. This is because every person's situation is different. The basic rules are in sections 87, 89, and 90 of the Indian Act. You can read those sections at this link:
https://www.canlii.org/en/ca/laws/stat/rsc-1985-c-i-5/latest/rsc-1985-c-i-5.html.

What about if I owe money to Kitselas, such as Kitselas rental areas?
Again, it is difficult to give a definite answer, as each person's situation is unique. But, no 'clawback' is planned for Citizens with an up-to-date debt repayment plan. However, Chief and Council approved a reduction to the Treaty Benefit Payment of up to 50% for Kitselas Citizens with unresolved debt owed to Kitselas who do not have an agreed-upon plan (such as a repayment plan) in place to address the unresolved debt.

Will my Treaty Benefit Payment affect my eligibility for Social Assistance, EI, Old Age Pension or other income assistance or benefits?
No. On April 6, 2023, the Province of BC passed Order in Council No. 218, which grants broad exemptions for any money paid under or from an Indigenous financial settlement in relation to various provincial benefits programs.

Will I also receive my (enrolled) child's payment?
No. Enrolled minors will become eligible for this benefit on their 18th birthday, and the payment made to them directly.

When and how does a minor claim their payment?
For enrolled youth, after they turn 18, they must complete an enrolment form confirming their desire to remain or be enrolled in the Kitselas Treaty. They will then be eligible for the Treaty Benefit Payment, after completing the Treaty Benefit Payment Form.

Will a minor get interest on their money?
Yes, each minor will receive an inflation adjustment based on Cost-of-Living increases between 2025 and the year they become eligible.

What if I don't have a bank account?
Due to the large amount of your payment, we strongly encourage everyone to have a bank account so that we can pay you by direct deposit instead of issuing a cheque. You have the option of opening an account at any bank or credit union.

Do I need a bank account to receive my payment?
In special circumstances or upon request, we can mail you a cheque. Please contact the Treaty Office to discuss this matter further.

How do I cash my cheque if I don't have a bank account?
It will be very difficult to cash a cheque that large, especially if you don't have a bank account. We strongly encourage everyone to open a bank account before the payment date so that Kitselas can make your payment by direct deposit. This way, you will have immediate access to your funds, and you don't have to worry about the risk of carrying so much cash on your person.

Can I designate someone else to receive my direct deposit for me?
No, in general, the name of the bank account must match the name of the eligible enrolled Citizen. Notable exceptions are for a Citizen who has a legal guardian or the Executor of an estate.

Can I appeal a decision?

Yes. Kitselas Citizens may submit a written appeal to Chief and Council.

I don't live in Canada. What information do you need to send my payment to me?
Complete the Treaty Benefit Payment form. There is no difference for USA or International Citizens – Kitselas will deposit the funds in the bank account you choose in Canadian dollars

For questions about Treaty Benefit Payments not answered above, who do I contact?
Please contact the Kitselas Treaty Office or the Kitselas Eligibility and Enrolment Registrar by email at enrolment@kitselas.com. Please do NOT contact the Finance department.