



**STÁUTW FIRST NATION
ÁLEÑENEÇ TFE (COMMUNITY LAND) DISPOSITION LAW
No. 01-2016**

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PREAMBLE

WHEREAS:

- A. The Members of the STÁUTW First Nation have in common inherent rights, customs, and traditions and the inherent right to self-government which are recognized in the Douglas Treaty and affirmed by Section 35 of the *Constitution Act*, 1982;
- B. The STÁUTW First Nation intends to honour and give expression in this Law to our CELÁNEN insofar as it relates to Interests and Licences in Community Land;
- C. The STÁUTW First Nation wishes to affirm through this Law the important relationship STÁUTW SCÁLEĆE (families) maintain with lands they have traditionally used and resided upon, and TFE SCÁLEĆE (the family's) role in looking after its SCÁLEĆE (family members);
- D. The STÁUTW First Nation also chose to assume control of its reserve lands and resources pursuant to the *First Nation Land Management Act*, S.C. 1999, c. 24 by entering into the Individual Agreement on First Nation Land Management between Tsawout First Nation and Her Majesty the Queen in Right of Canada, and by adopting the Land Code;
- E. Under the Land Code, "Community Land" (formerly "Band Land") is defined to mean any First Nation Land that is not subject to a Permanent Interest, and the Council wishes to ensure that such Community Land and the Natural Resources on, under or in Community Land are used and managed for the benefit of Members; and
- F. Section 28.4 of the Land Code provides that Council, in consultation with the Land Management Committee, will develop and enact a Law to: establish principles and factors that Council must consider when disposing of Interests and Licences in Community Land, and provide for a process for Disposition of Interests and Licences, which includes a role for the Land Management Committee in respect of certain Dispositions;

NOW THEREFORE this *ÁLEÑENEĆ TFE (Community Land) Disposition Law* is hereby enacted as a Law of the STÁUTW First Nation.

PART 1 - PRELIMINARY MATTERS

Title

- 1.1 This Law may be cited as the *STÁUTW* First Nation *ÁLENENEØ TFE* (Community Land) Disposition Law No. 01-2016.

PART 2 - PURPOSE

Purposes

- 2.1 The purposes of this Law are to:
- (a) set out the principles and factors that Council must consider when deciding whether to Dispose of an Interest or Licence in Community Land, including the granting of a Permanent Interest;
 - (b) set out the process for the Land Management Committee to make a written Recommendation concerning certain types of Dispositions of Interests and Licences in Community Land, pursuant to section 28.4 of the Land Code; and
 - (c) set out the authority of Council to Dispose of an Interest or Licence which varies from a Recommendation of the Land Management Committee.

PART 3 - INTERPRETATION

Definitions

- 3.1 For the purposes of this Law, the following definitions apply:

“*ÁLENENEØ TFE*” means Community Land (formerly Band Land);

“Application” means an application made under Part 8;

“Briefing Note” means the Briefing Note prepared by the Lands Manager under section 8.5;

“*ÓELÁNEN*” means the body of *WSÁNEĆ* laws, customs and traditions, and includes the traditions and laws of *SĆÁLEĆE* (individual families);

“Commercial Purposes” includes market rental housing developments but does not include:

- (a) market housing projects owned in whole or in part by the First Nation for Member benefit;

- (b) lawful home-based businesses; or
- (c) public utilities.

“Dispose” means to transfer or alienate by any method and includes assign, give, sell, grant, charge, convey, bequeath, devise, lease, divest, release and agree to do any of those things;

“Disposition” means the act of disposal or an Instrument by which the act of disposal is effected or evidenced, or by which an Interest or Licence in Community Land is disposed of or effected, or by which *STÁUTW* divests itself of or creates an Interest or Licence in Community Land;

“Land Code” means the *Tsawout First Nation Land Code*, which came into force and effect on May 29, 2007, as amended from time to time;

“Recommendation” means a recommendation of the Land Management Committee under Part 9;

“S,HI,WEK” means the head of the family, according to *CELÁNEN*;

“*STÁUTW*” means the *Tsawout First Nation*; and

“*TENEW TFE NE SCÁLECE* or Customary Allotment” means a widely-held understanding among Members as to the customary right of an individual or family to use or occupy a particular parcel or area of Community Land, which right has not been confirmed by an allotment under section 20(1) of the *Indian Act* or a location ticket under section 20(3) of the *Indian Act*, nor by the creation of a Permanent Interest under the Land Code.

Interpretation provisions of Land Code Apply

3.2 The interpretation provisions of the Land Code apply to this Law.

Land Code Definitions

3.3 For greater certainty, definitions in the Land Code apply to capitalized terms in this Law.

PART 4 - APPLICATION

Law Applies to Dispositions in Community Land

4.1 Subject to section 4.2, this Law applies to Dispositions of Interests and Licences in Community Land.

Natural Resource Licences

- 4.2 Licences to take Natural Resources from Community Land are only available by way of a development permit under the *Tsawout First Nation Subdivision, Development and Servicing Law, No. 02-2012*, as amended from time to time.

PART 5 - GENERAL PROVISIONS

Severability

- 5.1 In the event that all or any part of any Part, section or paragraph of this Law are found by a court of competent jurisdiction to be invalid, such sections are severable, and the remaining portions or sections remain in full force and effect.

Internal References

- 5.2 Internal references refer to this Law, references to a Part (e.g. Part 1), section (e.g. section 1.1), paragraph (e.g. paragraph 3.4(a)) is a reference to the specified Part, section, or paragraph of this Law, except where otherwise stated.

PART 6 - COMMUNITY LAND AVAILABILITY RESOLUTION REQUIREMENT

Land Availability Resolution Required

- 6.1 Interests and Licences in Community Lands are not available for Disposition unless Council passes a Resolution to make land available for Disposition.

Land Subject to Dispute not Available

- 6.2 Community Land that is the subject of an outstanding land dispute is not available for Disposition.

Information to be Contained in Resolution

- 6.3 A Resolution made pursuant to section 6.1 must include the legal description of the Community Land being made available for Disposition and may contain some or all of the following information:
- (a) the specific Interest or Interests that will be made available and any restrictions;
 - (b) restrictions or rules on who may apply for an Interest or Licence; and
 - (c) criteria that must be satisfied by an applicant seeking an Interest or Licence in the land.

Land Availability Resolution Posting

- 6.4 A Resolution made pursuant to section 6.1 must be:
- (a) posted at the STÁUTW main administration office within twenty-four (24) hours of being passed;
 - (b) published in the next edition of the First Nation's newsletter; and
 - (c) posted on the STÁUTW First Nation website within seventy-two (72) hours of being passed.

Principles and Factors

- 6.5 The Council will have regard to the following principles and factors when deciding whether to make Community Land available for Disposition:
- (a) whether sufficient Community Land will remain for present and future community needs, including for Member housing and community facilities;
 - (b) compatibility with all applicable land use plans and zoning Laws, and other STÁUTW Laws;
 - (c) protection and enhancement of cultural and heritage resources and sites;
 - (d) potential for economic development to STÁUTW Members;
 - (e) compatibility with STÁUTW and WSÁNEĆ culture;
 - (f) any information provided and any approvals already granted by Council, including any terms or conditions, in relation to the parcel of land; and
 - (g) any other factors which may have an impact on the community or First Nation Land.

PART 7 - LAND MANAGEMENT COMMITTEE RECOMMENDATIONS – GENERAL

Land Management Committee Decisions made by Committee as a Whole

- 7.1 Notwithstanding section 22.2.1 of the Land Code, Recommendations of the Land Management Committee pursuant to this Law will be made by majority vote of a quorum of the Land Management Committee appointed under section 23.1 of the Land Code in attendance at a duly convened meeting, or the unanimous approval of the Land Management Committee in writing.

PART 8 - APPLICATION PROCEDURE

Applications for Available Land Only

- 8.1 A Person seeking an Interest or Licence in Community Land may submit an Application only in relation to lands made available for Disposition under Part 6.

Refusal of Application

- 8.2 Despite section 8.1 the Lands Manager may refuse to accept an Application if:
- (a) the Application is incomplete; or
 - (b) Council has reserved or withdrawn the land from Disposition by Resolution.

Procedure on Receipt of Application

- 8.3 Upon receipt of an Application, the Lands Manager will:
- (a) check that the Application meets any applicable requirements set by Resolution;
 - (b) review the Application for completeness; and
 - (c) forward the Application to the Economic Development, Public Works, and Housing Departments for comment within a specified period of time.

Incomplete Applications

- 8.4 If the Application is incomplete, the Lands Manager may advise the applicant in writing to re-submit the Application.

Briefing Note – Single Application

- 8.5 Once the Lands Manager determines that the Application is complete, the Lands Manager will promptly advise the applicant, and prepare a Briefing Note which attaches:
- (a) the completed Application form; and
 - (b) a completed Schedule “B” checklist.

Briefing Note – Multiple Applications

- 8.6 In the event that more than one Application is submitted in respect of available Community Land, the Lands Manager will prepare a Briefing Note which attaches:

- (a) all completed Application forms received; and
- (b) the completed Schedule "B" checklists attached to their respective Application forms.

Land Manager Recommendation

- 8.7 For Applications where a Recommendation is not required, the Briefing Note may include a Recommendation by the Lands Manager about:
- (a) whether the Application should be approved or not; and
 - (b) conditions.

Timelines

- 8.8 In the event that a Resolution for available Community Land sets timelines for receiving Applications, the Land Manager will submit the Briefing Note prepared in accordance with section 8.6 or 8.7 after the deadline for Applications date has passed.

Council Decision

- 8.9 Council will consider the Briefing Note and make a decision concerning the Application or Applications:
- (a) where a Recommendation is not required, within 30 days of receiving the Briefing Note;
 - (b) where a Recommendation is required, within 10 days after the deadline for receipt of any further Representations under section 10.5 has passed.

Principles and Factors

- 8.10 The Council will have regard to the following principles and factors when deciding whether to approve or reject an Application:
- (a) compatibility with all applicable land use plans and zoning Laws, and other Tsawout Laws;
 - (b) adherence to Tsawout housing policies;
 - (c) whether the lands which are the subject of the Application are part of a Customary Allotment, and whether approving the Application would be consistent with the Customary Allotment;
 - (d) if applicable, whether the applicant or TFE SCÁLEĆE (his or her family) already has an Interest or Interests in First Nation Land that could accommodate the applicant's use;

- (e) whether the applicant has sufficient resources to develop the land consistent with the terms of the proposed Interest or Licence;
- (f) whether the Interest or Licence applied for is proportionate and appropriate in light of the applicant's objectives and community priorities;
- (g) protection and enhancement of cultural and heritage resources and sites;
- (h) compatibility with STÁUTW and WSÁNEĆ culture;
- (i) any information provided and any approvals already granted by Council, including any terms or conditions, in relation to the same project or the same parcels of land; and
- (j) any other factors which may have an impact on the community or First Nation Land.

Additional Principles and Factors – Permanent Interests

- 8.11 In addition to the principles and factors set out in section 8.10, the Council will also have regard to the following additional principles and factors when making deciding whether to approve or reject creation of a new Permanent Interest:
- (a) whether the creation of the Permanent Interest will serve to resolve an outstanding grievance or claim related to Customary Allotments; and
 - (b) whether the applicant's proposed use could be accommodated through a Residential Allocation or another, time-limited, Interest.

Approval

- 8.12 Upon receipt and consideration of an Application or a Recommendation (if required under Part 9), Council may do one of the following:
- (a) approve the Application, with or without conditions; or
 - (b) reject the Application.

Notice

- 8.13 The Lands Manager will notify applicants of a decision reached by Council to approve or reject an Application under section 8.12 as soon as practicable.

Approval Subject to Instrument Negotiation

- 8.14 Council decisions to approve an Application under section 8.12 are subject to negotiation of an instrument and are not final and binding.

Negotiation of Instrument

- 8.15 Upon being notified that an Application has been approved by Council under section 8.12, an applicant will be invited to negotiate the terms of an Instrument.

Final Approved Instrument

- 8.16 To be enforceable, Instruments negotiated and approved for Disposition of an Interest or Licence under this Law must be signed by Council and comply with all applicable provisions of the Land Code.

Concurrent Applications under other Laws

- 8.17 For greater certainty, applicants may deliver an Application for Disposition of an Interest or Licence under this Law concurrently with an Application for a Development Permit under the *Tsawout First Nation Subdivision, Development and Servicing Law* and when an applicant delivers such Applications concurrently, the Lands Manager will forward the Applications concurrently to the Lands Management Committee or the Council, as the case may be, provided that it is reasonable, feasible and practical to do so.

Advice of S,HI,WEK may be Sought

- 8.18 For greater certainty, nothing in this Law prevents the Lands Manager, the Land Management Committee, and Council from seeking the advice and guidance of the S,HI,WEK with respect to the exercise of their duties under this Law.

Time Extension

- 8.19 The Council may, in relation to any Application, extend any timeframe established under this Law by Resolution.

PART 9 - LAND MANAGEMENT COMMITTEE RECOMMENDATIONS – PROCEDURE

Where Land Management Committee Recommendation Required

- 9.1 In addition to any other procedure or approval required under the Land Code or a First Nation Law, the Land Management Committee will make a Recommendation to Council in respect of all of the following:
- (a) the proposed creation of a Permanent Interest or Residential Allocation;
 - (b) a proposed Disposition in respect of Community Land for a term of forty-nine (49) years or more, except rights of way for utilities servicing First Nation Land;
 - (c) a proposed renewal of a Disposition in respect of Community Land for a term of forty-nine (49) years or more, or that would have the effect of

- extending the original Disposition for a term exceeding forty-nine (49) years, except rights of way for utilities servicing First Nation Land;
- (d) a proposed Disposition in respect of Community Land for Commercial Purposes for a term of less than forty-nine (49) years where one or both of the following applies:
 - (e) the value of the proposed improvements is \$500,000 or greater; or
 - (f) the Disposition involves one acre or more of Community Land; and
 - (g) any other proposed Disposition, or class of Disposition, that Council, by Resolution, declares to be subject to this section.

Timeframe for Recommendation

- 9.2 Where a Recommendation is required under section 9.1, the Land Management Committee will make a Recommendation concerning the Application no more than fourteen (14) days after the notice period for community consultation pursuant to Part 10 has ended.

Committee to Consider Certain Information

- 9.3 The Land Management Committee will review and consider the following before making a Recommendation:
- (a) the Briefing Note;
 - (b) any Representations that were made in accordance with paragraph 10.4(d) or at a meeting referred to in paragraph 10.4(c); and
 - (c) the applicable principles and factors set out in sections 8.10 and 8.11.

Lands Manager to Write Up Recommendations

- 9.4 The Lands Manager will ensure that Recommendations from the Lands Management Committee are written up within 7 days after the Land Management Committee meeting.

Lands Manager to Forward Recommendation to Council

- 9.5 The Lands Manager will as soon as practical after having written up a Recommendation forward the Recommendation to Council along with:
- (a) An updated Briefing Note; and
 - (b) Any materials considered by the Land Management Committee.

Procedure if Council Decision Inconsistent with Recommendation

9.6 Council may not make a decision inconsistent with a Recommendation unless:

- (a) Council explains to the Land Management Committee in writing why, in its opinion, the Recommendation is not in the best interest of the First Nation, Members, or any of them, and has provided the Land Management Committee an opportunity to respond; or
- (b) the Land Management Committee does not make a Recommendation within the time frame required under section 9.2.

Recommendation Requirement only Applies to Certain Dispositions

9.7 For certainty, while the Lands Management Committee may advise Council on any Disposition in respect of Community Land, section 9.6 does not apply to a decision of Council in respect of Interests and Licences other than an Interest or Licence referred to in section 9.1.

PART 10 - COMMUNITY CONSULTATION

When Community Consultation Required

10.1 Community consultation as set out in this Part is required prior to any Disposition for which a Recommendation is required.

Notice

10.2 The Lands Manager will, at least sixty (60) days before the Land Management Committee makes a Recommendation:

- (a) post the notice at the STÁUTW main administration office;
- (b) publish the notice in the First Nation's newsletter; and
- (c) post the notice on the STÁUTW First Nation website.

Additional Notice Requirements for Commercial Applications

10.3 In addition to the requirements set out in section 10.2, where the Application is for an Interest or Licence for Commercial Purposes, the Lands Manager will:

- (a) send the notice, by mail or electronic means, to Members and every other government, organization, and individual who, in the opinion of the Council, may be affected by the Application; and

- (b) arrange for one or more open houses at which one or more members of the Land Management Committee will review and answer questions about the proposed Disposition.

Content of Notice

10.4 A notice referred to in section 10.2 will:

- (a) describe the proposed Interest or Licence to be disposed of;
- (b) state where more information about the Disposition can be obtained;
- (c) state the time and place of open houses, if applicable; and
- (d) invite representations regarding the proposed Disposition to be made, in writing, to the Land Management Committee within sixty (60) days after the time stated in the notice.

Further Representations

10.5 When the Land Management Committee makes a Recommendation, the Lands Manager will:

- (a) provide a copy of the Recommendation to any Persons who made representations under paragraph 10.4(d); and
- (b) invite those Persons to make written representations directly to Council within fourteen (14) days after the day on which they receive a copy of the Recommendation.

Information Accompanying Recommendation

10.6 A Recommendation will, when forwarded to the Council, be accompanied by:

- (a) a description of:
 - (i) the notices that were given;
 - (ii) the open house or open houses that were held, including a summary of comments made by Persons in attendance; and
 - (iii) copies of any written representations made to the Land Management Committee that were made in accordance with paragraph 10.4(d).

PART 11 – OFFENCES

Penalties

- 11.1 A Person who contravenes this Law or an order made by a Court pursuant to this Law is guilty of an offence and liable on summary conviction to a fine of not more than \$10,000 or to imprisonment for a term of not more than three months, or to both.

PART 12 - AMENDING PROCEDURES

Substantive Amendments

- 12.1 Substantive amendments to this Law may only be made in accordance with Division 7 of the Land Code.

Minor Amendments

- 12.2 Despite section 12.1 of this Law, Council may adopt minor amendments to this Law by Resolution at a duly convened meeting.

Examples of Minor Amendments

- 12.3 For the purposes of section 12.2, minor amendments include:
- (a) amendments to correct typographical errors;
 - (b) amendments required to reference any relevant new or amended First Nation Laws;
 - (c) amendments ordered by any court of competent jurisdiction; or
 - (d) amendments which serve to clarify the Law, where there is no reasonable dispute about the intention underlying the original provision.

PART 13 - REPEAL AND OTHER TSAWOUT LAWS

Previous Law Repealed

- 13.1 The Tsawout First Nation *Band Land and Natural Resource Disposition Law No. 01-2010* is hereby repealed in its entirety.

Compliance with all other Tsawout Laws Required

13.2 Compliance with this Law will not relieve any Person of the requirement to comply with all other applicable Laws.

PART 14 - COMING INTO FORCE

Date Law Comes into Force

14.1 This Law will come into force and effect on the date it is enacted by Council Resolution after complying with the requirements of Section 7 of Part 2 of the Land Code.

THIS LAW IS HEREBY ENACTED by Council at a duly convened meeting held on the 16th day of July, 2016 at Tsawout, British Columbia.

A quorum consists of **five (5)** Council Members.

Chief

Councillor

Councillor

Councillor

Councillor

Councillor

Councillor

Councillor

STÁUTW First Nation
ÁLENEŃEŃ TFE (Community Land) Disposition Law No. 01-2016

SCHEDULE A – Application Form – Interest or Licence in Community Land

SCHEDULE B – Checklist for Review of an Application

SCHEDULE C – Form of Community Notice



BAND COUNCIL RESOLUTION	Chronological No.
	File Reference No.

NOTE:

The words "from our Band Funds" "capital" or "revenue", whichever is the case, must appear in all resolutions requesting expenditures from Band Funds.

The council of the Tsawout First Nation			Cash free balance	
			Capital account	\$ _____
Date of duly convened meeting	DD / MM / YYYY 16 / 07 / 13	Province BC	Revenue account	\$ _____

DO HEREBY RESOLVE:

- At a duly convened meeting of the Tsawout First Nation Council held on July 13, 2016, the Tsawout First Nation Council approves and enacts the **STÁUTW FIRST NATION ÁLEÑENEØ TFE (COMMUNITY LAND) DISPOSITION LAW (No. 01-2016)**.

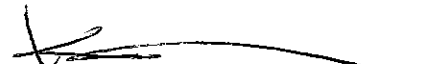
QUORUM: 5



 (Chief Harvey Underwood)

_____ (Councillor John Etzel)

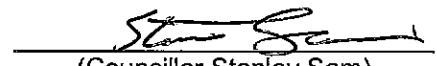
_____ (Councillor E. Samantha Etzel)



 (Councillor Karen Harry)



 (Councillor Abraham Pelkey)



 (Councillor Stanley Sam)

_____ (Councillor Bruce Underwood)

_____ (Councillor Mavis Underwood)



 (Councillor John Wilson)

FOR DEPARTMENTAL USE ONLY					
Expenditure	Authority (Indian Act Section)	Source of funds <input type="radio"/> Capital <input type="radio"/> Revenue	Expenditure	Authority (Indian Act Section)	Source of funds <input type="radio"/> Capital <input type="radio"/> Revenue
Recommending officer _____ Signature Date			Recommending officer _____ Signature Date		
Approving officer - Approuvé par _____ Signature Date			Approving officer _____ Signature Date		



SCHEDULE A: APPLICATION FOR AN INTEREST OR LICENCE IN COMMUNITY LAND
STÁUTW First Nation ÁLENENEØ TFE (Community Land) Disposition Law No. 01-2016, Part 8

To be completed by Applicant (ATTACH ADDITIONAL PAGES IF REQUIRED)

I. LAND AVAILABILTY RESOLUTION [insert title of applicable Land Availability Resolution]			
II. PERSONAL INFORMATION			
1. Name in full: 	2. Company Name: 		
3. Tsawout Member? <input type="checkbox"/> YES <input type="checkbox"/> NO			
4. Address: 			
5. Telephone Nos. (Res.) (Bus.)	(Fax) 6. Company No.		
7. Directors and officers of the company: <table style="width: 100%; border: none;"> <tr> <td style="border: none;"><u>Name</u></td> <td style="border: none;"><u>Position</u></td> </tr> </table>		<u>Name</u>	<u>Position</u>
<u>Name</u>	<u>Position</u>		

8. Applicant's Occupation	
9. Employer: Address:	10. Number of years with employer:

III. PROPERTY AFFECTED BY APPLICATION
1. Location of Property: Legal Description: _____ Legal Description of any adjacent land affected: _____
2. Interest in Land Sought: <input type="checkbox"/> Permanent Interest <input type="checkbox"/> Residential Allocation <input type="checkbox"/> Residential lease <input type="checkbox"/> Commercial lease <input type="checkbox"/> Easement <input type="checkbox"/> Licence: _____ <input type="checkbox"/> Other: _____
3. Intended Uses: What are the intended uses of the land? Explain why you wish to acquire this land, for what purpose it will be used? (attach additional documentation, such as development plans, building plans, reports and business plans if required to under the applicable <i>Land Availability Resolution</i>).
4. Existing Uses: Describe the existing use(s) of the land (e.g. residential, vacant, traditional holding):

5. Traditional Holdings and/or Claims:

Describe any traditional holdings and/or claims over the land and provide information on how traditional holdings and/or claims are being dealt with:

6. Improvements:

Are there any existing improvements located on the application area?

Yes No

If yes, please describe and state who owns the improvements (attach additional documentation if required)

7. Utilities:

Are there any overhead or underground utilities located within or adjacent to the application area?

Yes No

If yes, please describe (attach additional documentation if required)

What are your plans for the following services?

Drinking water:

Sewage Disposal:

Electricity:

8. Access:

(a) Is there existing vehicle access to the site: Yes No

If yes, please describe:

If no, how do you plan to access the site?

(b) Are you planning to construct new access or improve existing access?

If so, please describe:

(c) Are other people affected by your access plan? Yes No

If yes, please describe how you plan to obtain support for it:

9. Proposed commencement date (if applicable):

10. Proposed term (if applicable):

11. Proposed rent (if applicable):

12. Additional Requirements:

Copies of the following applicable applications and checklists pursuant to the *Land Availability Resolution* are attached:

- Subdivision, Development and Servicing Application Form and Checklist (including all applicable documentation and checklists)
- Project Description (to determine if Environmental Assessment required)
- Other applicable applications and checklists as identified in applicable Land Availability Resolution

I/WE HEREBY CERTIFY THAT THIS APPLICATION IS TRUE AND COMPLETE TO THE BEST OF MY/OUR KNOWLEDGE AND HEREBY CONSENT TO HAVING THE STAUTW FIRST NATION CONDUCT OR CAUSE TO BE CONDUCTED A CREDIT INVESTIGATION.

Dated at _____, this _____ day of _____, 20_____.

Witness (print name):

Applicant (print name):

Witness (print name):

Co-Applicant (print name)

SCHEDULE B: COMMUNITY LAND DISPOSITION APPLICATION CHECKLIST
STÁUTW First Nation ÁLENENEØ TFE (Community Land) Disposition Law No. 01-2016, Part 8.

CHECKLIST (to be completed by the Lands Manager)

GENERAL

Application:

- All sections of the **Application Form** pursuant to the applicable Land Availability Resolution are complete and contain sufficient information
- If satisfied that the **Application Form** is complete, the **Application Form** has been date stamped

Fees

- Payment of the Application Fee, per applicable *Land Availability Resolution*

FINANCIAL

The following are provided as required:

- Appraisal that meets applicable requirements or agreement in writing from the Applicant to provide an adequate appraisal, in the event his/her Application is approved
- A copy of a credit check from within the past 7 days or authorization for Tsawout to carry out a credit check
- Corporate status check

LEGAL DOCUMENTS / LAND STATUS CHECK

The following legal documents have been provided:

- First Nations Land Registry search that is less than 30 days old
- A copy of the Survey Plan, if available
- A copy of all encumbrances, rights of way, easements and permits affecting the land
- A copy of all existing and proposed subdivisions, easements, rights of way and draft surveys
- Document confirming that claims and/or traditional holdings have been dealt with and resolved

COMPLIANCE WITH OTHER TSAWOUT LAWS AND POLICIES

Applicants are required to demonstrate compliance with all applicable Tsawout laws and policies and may be required to submit additional application forms and checklist to demonstrate such compliance.

If applicable, copies of the following are attached:

- Subdivision, Development and Servicing Application Form and Checklist
- Project Description (to determine if Environmental Assessment required)
- Other applicable applications and checklists as identified in applicable Land Availability Resolution

SCHEDULE C: COMMUNITY LAND DISPOSITION NOTICE

*STÁUTW First Nation ÁLENENEØ TFE (Community Land) Disposition Law, No. 01-2016,
Sections 10.2, 10.3 & 10.4*

**NOTICE OF PROPOSED DISPOSITION OF COMMUNITY LAND (BAND LAND) AND
INVITATION TO MAKE REPRESENTATIONS [AND NOTICE OF OPEN HOUSE]**

STÁUTW proposes to grant an [select applicable] **Interest / Licence** in a parcel of Community Land pursuant to *Land Availability Resolution No. _____* passed by Council on _____ under the authority of Part 6 of the Law. A copy of the *Land Availability Resolution* may be obtained at the address set out below.

DESCRIPTION OF PROPOSED INTEREST / LICENCE:

The proposed **Interest / Licence** is: [insert description of Interest or Licence:

The proposed **Interest / Licence** is for the following Community Land: [insert legal description] _____

WRITTEN REPRESENTATIONS:

The *STÁUTW* Lands Management Committee invites written representations regarding the Proposed **Interest/Licence**. If you wish to make a written representation, your written representation must be received by the Lands Management Committee at the address set out below on or before [insert deadline date and time – to be 60 days from date of posting]. The Lands Management Committee will consider all written representations received in accordance with this Notice before making a recommendation to Council on the proposed Interest.

[Note: For an Interest or Licence for Commercial Purposes only, include the following section: Open House(s)]

OPEN HOUSE:

An Open House with members of the Lands Management Committee will be held on [insert date(s)] at [insert time] at [insert location].

ADDRESS AND CONTACT PERSON:

For further information or questions regarding the Proposed **Interest/Licence** or this Notice [or the Open House], please contact the Lands Manager at:

**Tsawout First Nation
Lands Department
7728 Tetayut Rd.
Saanichton, B.C. V8M 2C3
Phone: 250-652-9101
Fax: 250-652-9114**

Dated: [insert date of Notice]

