



SUBDIVISION, DEVELOPMENT AND SERVICING LAW

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Hegus [SIGNATURE]

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DEPOSITED IN THE REGISTRY OF
LAWS

ON 12 / 04 / 16
(Day/Mo/Year),

Judith King
Signature of Law Clerk

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PREAMBLE

WHEREAS:

- A. Since the beginning of time, Tla'amin people have lived on the lands that the Creator provided for our ancestors and all future generations of Tla'amin people;
- B. Our ancestors lived by a traditional system of governance grounded in our *Ta'ow* (teachings) and *Ee ah ju thum* (language), which were our unwritten constitution that influenced all forms of environmental stewardship matters, social and political relations. It is this system that has sustained our way of life and *Tums gijeh* (lands) and resources;
- C. Our vision of self-government and of a healthy, self-sufficient Tla'amin Nation began long ago with our ancestors and our leadership of the past. Many of those who were involved in shaping and advancing our vision have since passed on and we acknowledge their contributions and sacrifice. They put in place the foundation that we have built upon today. Those respected ones have cleared the path so that we, the Tla'amin Nation, could achieve our vision of "one heart, one mind, one Nation". It is on this basis that we accept the obligations and responsibilities inherent in governing and work to blend our traditional and modern-day governing approaches, including the development of governance laws;
- D. Under section 31 of the *Constitution of the Tla'amin Nation*, the Tla'amin Government may exercise any right, power, privilege or authority, and may carry out any duty, function or obligation, of the Tla'amin Nation or Tla'amin Government in accordance with Tla'amin law, the *Constitution of the Tla'amin Nation* and the *Tla'amin Final Agreement* including making any law within the authority of the Tla'amin Government;
- E. Under Chapter 15 [Governance], section 1 of the *Tla'amin Final Agreement*, the Tla'amin Nation has the right to self-government, and the authority to make laws, as set out in the *Tla'amin Final Agreement*, including the authority to make laws with respect to the use of Tla'amin Lands, including the management, planning, zoning and development of Tla'amin Lands;
- F. Under Chapter 15 [Governance], section 3 of the *Tla'amin Final Agreement*, the authority of the Tla'amin Nation to make laws in relation to a subject matter under the *Tla'amin Final Agreement* includes the authority to make laws and do other things as may be necessarily incidental to exercising its authority; and
- G. The Tla'amin Nation wishes to make this law to establish a fair and effective system for decisions on the subdivision, development, servicing and management of Tla'amin Lands and to make sure that Tla'amin Lands are developed in a sustainable and well-planned manner.

NOW THEREFORE the Tla'amin Legislative Assembly enacts as follows:

PART 1 – CITATION, APPLICATION, DEFINITIONS AND INTERPRETATION

Citation

1. This Law may be cited as the *Subdivision, Development and Servicing Law*.

Application

2. This Law applies to all Tla'amin Lands.

Definitions

3. In this Law:

“Approving Officer” means the person appointed to that position under section 8:

“Authorized Public Officer” means the Director, the Approving Officer, Enforcement Officer, a Building Inspector or a person authorized in writing by the Director or the Executive Council;

“building” includes a structure;

“Building Code” means the British Columbia Building Code established under the *Building Act* (British Columbia) or related legislation;

“Building Inspector” means a person appointed to that position under section 9;

“building permit” means a permit issued by the Building Inspector authorizing the construction of a building on Tla'amin Lands;

“building regulations” includes the Building Code, this Law, the regulations to this Law, and any applicable building standards established in accordance with section 144 of chapter 15 of the Final Agreement;

“construction” includes alteration, repair, removal and demolition;

“Director” means the person appointed to the position of Director of Lands and Natural Resources under section 7;

“excess or extended services” means

(a) a portion of a highway that will provide access to land other than the land being subdivided or developed;

(b) a portion of a water, sewage or drainage system that will service land other than the land being subdivided or developed;

“Interest Holder” means

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- (a) the holder of an interest in Tla'amin Lands, and for the purposes of this Law, includes a fee simple interest held by the Tla'amin Nation, and
- (b) a person who is authorized in writing to act on behalf of a person under paragraph (a);

"land use plan" means the land use plan established under the *Land Use Planning and Zoning Law*;

"soil" includes sand, gravel, rock and other materials of which land is formed;

"subdivision" includes subdivision by any means, including by subdivision plan, strata, leasehold division or shares; and

"zoning regulations" means zoning regulations established under the *Land Use Planning and Zoning Law*.

Interpretation

4. (1) In addition to the terms defined in this Law, terms used in this Law may be defined in the *Interpretation Law*.

(2) Only those defined terms that are capitalized in section 3 or in the *Interpretation Law* are presented capitalized in the text of the Law, and all other defined terms are presented in lower case.

Severability

5. The provisions of this Law are severable, and where any provision of this Law is for any reason held to be invalid by a decision of a court of competent jurisdiction, the invalid portion must be severed from the remainder of this Law and the decision that it is invalid must not affect the validity of the remaining portions of this Law.

Validity

6. Nothing under this Law must be rendered void or invalid by

- (a) an error or omission in a notice, form, permit or other document given or authorized under this Law; or
- (b) a failure of the Tla'amin Nation, a Tla'amin official or an Authorized Public Officer to do something within the required time.

PART 2 – ADMINISTRATIVE PROVISIONS

Appointment of Director of Lands and Natural Resources

7. (1) The Executive Council must appoint a Director of Lands and Natural Resources to exercise the powers, duties and functions of the Director under this Law, the regulations and other Tla'amin enactments.

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(2) If at any time a Director is not appointed under subsection (1) or the Director is unable to act, the Chief Administrative Officer must act as the Director and perform the powers, duties and functions of the Director, until such time as the Executive Council appoints a Director to fill the vacancy.

Appointment of Approving Officer

8. (1) The Executive Council must appoint an Approving Officer to exercise the powers, duties and functions of the Approving Officer under this Law and the regulations, the *Land Title Act* (British Columbia), and under any other enactment under which the Approving Officer has powers, duties or functions in respect of subdivisions of Tla'amin Lands.

(2) The Approving Officer may be a Tla'amin Public Employee or a contractor, and may hold other positions with the Tla'amin Nation, including as the Director.

(3) The Executive Council may appoint a Deputy Approving Officer to carry out the powers, duties and functions of the Approving Officer when the Approving Officer is not able to act.

(4) If at any time an Approving Officer is not appointed under subsection (1) or is unable to act, the Deputy Approving Officer must act as the Approving Officer and perform the powers, duties, and functions of the Approving Officer until such time as the Executive Council appoints a new Approving Officer to fill the vacancy.

Appointment of Building Inspector

9. (1) The Chief Administrative Officer may appoint one or more persons as Building Inspectors to exercise the powers, duties and functions of the Building Inspector under this Law, the regulations, and other Tla'amin enactments.

(2) The Chief Administrative Officer may enter into agreements with other governments or persons to provide building inspection services for Tla'amin Lands, provided that each individual acting as a Building Inspector must be appointed in accordance with subsection (1).

Delegation

10. (1) Subject to subsection (2) and this Law, the Executive Council may delegate its powers, duties and functions under this Law in accordance with Tla'amin delegation laws and policies.

(2) Despite subsection (1) the Executive Council must not delegate the power to make, amend or repeal regulations made under this Law, or the power to delegate under this section.

PART 3 – GENERAL DEVELOPMENT REQUIREMENTS

Prohibited Activities without Authorization

11. No person may undertake any of the following activities on Tla'amin Lands except in strict compliance with the requirements of this Law and any other applicable enactments:

(a) the subdivision of Tla'amin Lands;

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- (b) the construction of a building, including for clarity, structures such as signs, swimming pools and decks;
- (c) the installation of a highway, intersection, sewer system, water system or other infrastructure of any kind;
- (d) the clearing, grading, blasting or other alteration of Tla'amin Lands; and
- (d) the deposit or removal of more than 10 m³ of soil.

Exemptions

12. Despite section 11, the following activities do not require any approvals under this Law provided the activity complies with the building regulations and all other applicable enactments:

(a) the construction of a non-residential building having a footprint of less than 18.5 m² (approximately 200 square feet);

(b) the construction of trails, driveways, or internal roads for single family residential sites on which the internal road or driveway is located entirely on a single parcel of land;

(c) landscaping and yard work that does not require an excavation deeper than 1.5 m or the removal or deposit of more than 10 m³ of soil; and

(d) the installation of recreational or storage trailers and temporary structures, provided such trailers and temporary structures are not used for permanent residence and have no hook-ups or connections to services.

Compliance with Standards and Policies

13. (1) In addition to any other requirements set out in this Law, every person applying for a building permit, subdivision approval, or other approval to carry out an activity described in section 11 must meet all applicable requirements set out in the following standards and policies:

- (a) the Tla'amin General Engineering Requirements for Land Development on Tla'amin Lands;
- (b) the Tla'amin General Requirements for Environmental Assessments on Tla'amin Lands;
- (c) Tla'amin culture or heritage laws;
- (d) the Tla'amin Heritage Policy; and
- (e) any other prescribed requirements.

General Principles to be Considered in Approvals

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14. In addition to any other considerations set out in this Law and other applicable enactments, the following general principles and factors must be considered when considering approval for a subdivision, building permit or other approval required to carry out an activity under this Law:

- (a) the promotion of health, safety, convenience and welfare of Tla'amin Citizens and of Interest Holders, residents, occupants of Tla'amin Lands;
- (b) the well-planned and orderly development of Tla'amin Lands and the preservation of amenities and special features of Tla'amin Lands;
- (c) compliance with the land use plan and other Tla'amin enactments and with applicable federal, provincial and municipal laws and standards;
- (d) environmental protection and enhancement;
- (e) flood plain measures;
- (f) adherence to Tla'amin Nation housing policies;
- (g) the provision of community benefits and the development of community amenities;
- (h) the protection and enhancement of cultural and heritage sites;
- (i) compatibility with Tla'amin Nation culture;
- (j) viewsapes, aesthetics and visual qualities;
- (k) the provision of adequate parking, access and emergency access;
- (l) the character of the proposed activity or project in relation to the character of the zone, neighbourhood, and the existing buildings in the area;
- (m) the conservation of property values;
- (n) the potential impacts on adjacent uses, Interest Holders and occupants;
- (o) the development of the zone, neighbourhood and Tla'amin Lands in a manner that contributes to the economic, environmental, cultural and community health of Tla'amin Nation, Tla'amin Citizens and the occupants of Tla'amin Lands;
- (p) any information provided and any approvals granted by the Tla'amin Nation, including any terms or conditions, in relation to the same project or the same lands; and
- (q) any other factors which may have an impact on the community or Tla'amin Lands.

Special Use Permits relating to Forest Activities

15. (1) A person authorized under a Special Use Permit may use Tla'amin Lands for the following:

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- (f) a logging camp and associated facilities, including a waste disposal site;
 - (g) a log dump or dry land sort;
 - (h) a temporary Timber processing site;
 - (i) burning slash or wood waste;
 - (j) air strip or helicopter landing;
 - (k) establishing or using a borrow pit for road building and maintenance; and
 - (l) any other prescribed purpose.
- (2) A person may apply to the Director for a Special Use Permit.
- (3) An application under subsection (2) must
- (a) be in the prescribed form,
 - (b) contain the information that the Director requires, and
 - (c) be accompanied by a plan that sets out how the land will be used.
- (4) The Director may issue a Special Use Permit if:
- (a) The applicant meets the requirements set out in the regulations; and
 - (b) the Director is of the opinion that the Special Use Permit complies with the requirements of the Tla'amin Land Use Plan, the *Land Law*, the *Forest Law* and all applicable laws, regulations and policies, and would not impair the proper management and conservation of Forest Resources.
- (5) The Director may issue a Special Use Permit under this Law subject to one or more of the following conditions:
- (a) a condition that the holder of the permit will use the land in accordance with the plan submitted under subsection (3)(c);
 - (b) any conditions the Director determines necessary to manage and conserve the Forest Resources within the area, including:
 - (i) restricting, regulating or prohibiting the building of or disposal of any chattel or fixture, or
 - (ii) requiring the clean-up and restoration of the land under the permit in accordance with any applicable Laws and Regulations and to the satisfaction of the Director on the expiry of the Special Use Permit; and

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- (c) a condition that the holder of the permit provide, in an amount specified in the permit, a bond or deposit in the form of money or other security acceptable to the Director
 - (i) to ensure that the conditions of the permit are met,
 - (ii) to protect the environment, or
 - (iii) to protect the property of Tia'amin Nation or individuals.
- (6) The Director may, in his or her sole discretion, use any or all of the bond or deposit referred to in subsection (5)(c):
 - (a) for any purpose relating to section (5), including to satisfy a claim for damages made by the owner of the personal property referred to in section (5)(c)(iii); or
 - (b) to defray or cover the costs incurred by the Tia'amin Nation resulting from a failure of the holder of the permit to meet the conditions of the permit.
- (7) Subject to subsection (6), on expiry or cancellation of a Special Use Permit, the Director must release the bond or security or return the remainder of the deposit to the holder of the permit.
- (8) On the expiry of a Special Use Permit, the Director may issue a replacement Special Use Permit if the Director is satisfied that the holder:
 - (a) has met the conditions of the expired permit; and
 - (b) will meet the conditions set out in subsection (5).
- (9) A holder of a Special Use Permit must not assign or transfer the Special Use Permit without the prior written consent of the Director.

Temporary Use Permits

- 16. (1) An Interest Holder may apply for a temporary use permit to allow them to carry out for up to one year an activity or land use that would otherwise be prohibited by this Law or the *Land Use Planning and Zoning Law*.
- (2) The intent of a temporary use permit is to enable the Interest Holder to carry on a use, which is not a major deviation from the allowable uses in that zone, for a short period of time while they apply for a rezoning or land use plan amendment.
- (3) An Interest Holder for a temporary use permit must pay the prescribed fee, complete the prescribed application form, and provide security in the form and amount prescribed by regulation, or if no amount is prescribed, in the amount satisfactory to the Director.

Approval of Temporary Use Permits

- 17. The Director shall decide whether or not approve of the temporary use permit and without

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limiting the generality of the Director's authority, the Director may:

- (a) request further information, reports, or other relevant material from the applicant;
- (b) reject the temporary use permit application; or
- (c) approve the temporary use permit with terms or conditions, including terms or conditions upon which the temporary use may be carried on, as the Director determines appropriate.

Expiry of Temporary Use Permits

18. A temporary use permit expires upon the earlier of:

- (d) the date set for expiration by the Director in the temporary use permit; or
- (e) the day one year after the date of issuance of the temporary use permit by the Director.

Renewal of Temporary Use Permits

19. (1) An Interest Holder may apply to renew the temporary use permit only once for a period of up to one more year.

(2) It is prohibited for an Interest Holder to apply for more than one renewal for a temporary use permit for the same use on the same parcel of land.

Soil Deposit or Removal

20. (1) No person may deposit more than 10 m³ of soil on Tla'amin Lands or remove more than 10 m³ of soil from Tla'amin Lands unless that person has first obtained a permit in compliance with the regulations, or where there are no regulations, has obtained written approval from the Director, on such terms and conditions, including the payment of a fee, as the Director determines appropriate.

(2) Any soil deposited contrary to subsection (1) of this Law must be removed from the land by the Interest Holder of the land at their cost.

(3) Unless specifically authorized by a valid permit from the Tla'amin Nation, no person may deposit soil or remove soil from Tla'amin Lands on a statutory holiday, on Saturday or Sunday, or between the hours of 7:00 pm and 7:00 am on any day.

(4) Subsections (1) and (3) do not apply where the soil deposit or removal

- (i) is initiated by the Tla'amin Government,
- (ii) occurs on lands held by the Tla'amin Government, or
- (iii) is part of a development project or building permit and has been specifically approved as part of that project or a permit or approval from the Tla'amin Government.

Tree Cutting

21. (1) The Tla'amin Government may regulate in relation to trees located on Tla'amin Lands, and for that purpose the Executive Council may make regulations under section 69.

(2) An Interest Holder must not cut down, or permit any person to cut down, any tree on lands held by the Interest Holder, except in accordance with the regulations or in accordance with approvals issued under the *Forest Law*.

(3) For the purposes of subsection (2), "cut down" includes killing or removing a tree by any means, including by topping, damaging the root system, or the application of chemicals.

Phased Development Agreements

22. (1) In this section and in sections 23 to 26

"developer" means an Interest Holder who enters into, or who by assignment becomes a party to, a phased development agreement;

"development" means a development on lands held by a developer and described in a phased development agreement;

"phased development agreement" means an agreement under this section;

"specified subdivision servicing regulation provision" means a provision of the regulations made pursuant to section 65 that is specified under subsection (3) for a phased development agreement; and

"specified zoning regulation provision" means a provision of the zoning regulations that is specified under subsection (3) for a phased development agreement.

(2) The Executive Council may, by order, enter into a phased development agreement with a developer.

(3) A phased development agreement must identify the land that is being developed and specify the provisions of the zoning regulations and the subdivision servicing regulations to which subsection (5) applies while the agreement is in effect.

(4) A phased development agreement may include additional terms and conditions agreed to by the Executive Council and the developer, including but not limited to terms and conditions respecting one or more of the following:

(a) the inclusion of specific features in the development;

(b) the provision of amenities;

(c) the phasing and timing of the development and of other matters covered by the agreement;

(d) the registration of covenants on the affected lands;

(e) subject to section 25(3), minor amendments to the agreement, including a definition

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of "minor amendment" for the purpose of the agreement;

(f) dispute resolution between the parties;

(g) early termination of the agreement, either automatically in the event that terms and conditions are not met or by mutual agreement; and

(h) the amount and location of any park land or payment in lieu to be provided in respect of land being subdivided.

(5) Subject to subsection (6), if the specified zoning regulation provisions or specified subdivision regulation provisions are amended or repealed while the phased development agreement is in effect, those changes do not apply to the development unless the developer agrees in writing that the changes apply.

(6) The following changes to the specified zoning regulation provisions or specified subdivision regulation provisions apply to the development without the written agreement of the developer:

(a) changes to enable the Tla'amin Nation to comply with an enactment of Canada or the Province;

(b) changes to comply with the order of a court or arbitrator or another direction in respect of which the Tla'amin Nation has a legal requirement to obey;

(c) changes that, in the opinion of the Tla'amin Nation, are necessary to address a hazardous condition of which the Tla'amin Nation was unaware at the time it entered into the phased development agreement.

(7) If a specified zoning regulation provision is a provision regulating

(a) the use of land, buildings and other structures;

(b) the density of the use of land, buildings and other structures;

(c) the siting, size and dimensions of

(i) buildings and other structures, or

(ii) uses that are permitted on the land; or

(d) the location of uses on the land and within buildings and other structures,

and the Tla'amin Nation approves a development permit under the zoning regulations that

(e) varies the siting, size or dimensions of buildings and other structures; or

(f) varies the siting, size or dimensions of uses that are permitted on the land,

that development permit does not apply to the development unless the developer agrees in writing that the development permit will apply.

(8) For certainty, if a matter included in a phased development agreement is specifically

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authorized under this Law or the zoning regulations, the requirements that would apply in relation to that matter under those provisions continue to apply.

(9) In considering an application for subdivision approval in respect of land that is subject to a phased development agreement and in determining if the deposit of the subdivision plan is against the public interest, the approving officer

- (a) must take account of the phased development agreement; and
- (b) must not consider any amendments to or repeals of specified zoning regulation provisions and specified subdivision servicing regulation provisions that have not been agreed to by the developer under subsection (5).

Term and Assignment of Phased Development Agreement

23. (1) Executive Council may, by order, approve a phased development agreement for a term not exceeding 20 years.

(2) A phased development agreement

(a) may be renewed or extended by agreement of the parties, provided the renewal or extension will not make the agreement effective for a term that could exceed 20 years; and

(b) must not require the Tla'amin Nation to renew or extend the agreement or enter into a subsequent phased development agreement for the same development.

(3) The developer may assign a phased development agreement to a subsequent Interest Holder of the land identified in the agreement only if

(a) the subsequent Interest Holder is identified in the agreement;

(b) the subsequent Interest Holder is a member of a class of persons identified in the agreement; or

(c) Executive Council, by order, agrees to the assignment.

Process for Phased Development Agreements

24. (1) The Tla'amin Nation must hold a community meeting before entering into a phased development agreement.

(2) Not less than 10 days before a community meeting held under subsection (1), the Director must post a notice of the community meeting and must include the following information on the notice:

(a) the name of the developer;

(b) a general description of the specified zoning regulation provisions or specified subdivision regulations for the phased development agreement;

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- (c) the term of the phased development agreement;
- (d) a general description of the nature of the development that will be subject to the agreement; and
- (e) any other information required by a Tla'amin enactment.

Amendments to Phased Development Agreements

25. (1) Subject to subsections (2) to (4), a phased development agreement may be amended if the Executive Council and the developer agree to amend the agreement.

(2) If the phased development agreement provides for minor amendments, Executive Council may agree to a minor amendment by resolution or order.

(3) The following matters must not be dealt with as minor amendments to the phased development agreement:

- (a) a change to the specified zoning regulation provisions;
- (b) a change to the specified subdivision servicing regulation provisions;
- (c) a change to provisions regarding the assignment of the agreement to a subsequent Interest Holder;
- (d) the term of the agreement, unless the amendment will reduce the length of the term;
- (e) a renewal or extension of the agreement;
- (f) a change to the land that is the subject of the agreement;
- (g) the definition of "minor amendment" for the purpose of the agreement.

(4) An amendment to a phased development agreement, other than a minor amendment, may only be approved by order of Executive Council.

Information that must be Available for Public Inspection

26. The Director must make the following information available for public inspection at the Tla'amin Nation administration office during regular office hours:

- (a) the phased development agreement;
- (b) any amendments to the phased development agreement; and
- (c) any agreements, permits, plans and other documents that are incorporated into the phased development agreement, whether directly or by reference.

PART 4 – SUBDIVISION OF TLA'AMIN LANDS

Subdivision of Tla'amin Lands

27. (1) An Interest Holder must not subdivide or allow the subdivision of Tla'amin Lands held by that person except in compliance with this Law.
- (2) As a condition of subdivision approval, every Interest Holder must
- (a) comply with all applicable requirements of this Law and all other enactments, rules and policies that apply to Tla'amin Lands; and
 - (b) obtain all necessary approvals and permissions from the Tla'amin Government and from any other authorities having jurisdiction.
- (3) Compliance with this Law does not relieve an Interest Holder from compliance with all other applicable enactments.

Requirements for Subdivision of Tla'amin Lands

28. An Interest Holder must not subdivide or allow the subdivision of Tla'amin Lands held by that person unless the Interest Holder:
- (a) submits to the Approving Officer a subdivision plan that meets all land use, zoning, subdivision servicing and other applicable requirements;
 - (b) completes and submits to the Approving Officer all required subdivision application forms and supporting documents, and pays all applicable fees in respect of the application;
 - (c) constructs all works and services required under sections 32 and 33, or enters into an agreement and deposits security under section 34;
 - (d) pays any applicable development cost charges and latecomer charges in respect of the subdivision application; and
 - (e) receives the Approving Officer's approval in writing to the subdivision.

Role of Approving Officer

29. (1) The Approving Officer must
- (a) carry out the powers, duties and functions of the Approving Officer under this Law and the regulations, the *Land Title Act* (British Columbia), and under any other enactment under which the Approving Officer has powers, duties or functions in respect of subdivisions of Tla'amin Lands; and
 - (b) monitor and oversee compliance by Interest Holders with the requirements of this Law and the regulations in respect of the subdivision of Tla'amin Lands.
- (2) In carrying out the powers, duties and functions of the Approving Officer, the Approving Officer must take into account Tla'amin enactments and the *Land Title Act* (British Columbia) as they apply to the subdivision of Tla'amin Lands.

Land Title Act Provisions

30. (1) For the purposes of granting relief from compliance with section 75(1)(a)(i) of the *Land Title Act* (British Columbia), the Approving Officer must consider whether access by statutory right of way is adequate access.

Approving Officer Considerations

31. Without limiting any considerations or requirements set out in this Law, the regulations, other Tla'amin enactments, and the *Land Title Act* (British Columbia), the Approving Officer must refuse to approve a subdivision application if the proposed subdivision
- (a) does not comply with Tla'amin enactments or applicable Provincial law;
 - (b) adversely affects the interests of the Tla'amin Nation;
 - (c) is not in the public interest; or
 - (d) is not suited to the configuration of the land being subdivided, or the use for which it is intended.

Completion of Works and Services as a Condition of Approval

32. (1) The Tla'amin Government may regulate and require the provision of access, roads, works and services in relation to the subdivision or development of Tla'amin Lands, and for that purpose the Executive Council may make regulations under section 65.
- (2) As a condition of the Approving Officer granting approval for a subdivision, all works and services required to be constructed and installed at the expense of the Interest Holder of the land being subdivided must be constructed and installed to the standards prescribed by a regulation referenced in subsection (1).

Completion of Additional Works and Services

33. (1) As a condition of the Approving Officer granting approval for a subdivision, the Executive Council may require the Interest Holder seeking the approval to provide, at the Interest Holder's expense,
- (a) works and services on the part of any highway immediately adjacent to the site of the proposed subdivision, up to the centre line of the highway;
 - (b) works that serve Tla'amin Lands other than the parcel being subdivided, or that extend beyond the boundary of Tla'amin Lands.
- (2) The works and services required under subsection (1) must be provided in accordance with prescribed standards when located on Tla'amin Lands, and in accordance with Provincial or local government requirements, as applicable, when not located on Tla'amin Lands.

- (3) Requirements under this section

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- (a) may only be imposed on an Interest Holder to the extent the requirements are directly attributable to the subdivision; and
- (b) must not include specific services that are included in the calculations used to determine the amount of development cost charges, unless the Interest Holder agrees to provide the services.

Posting Security for Completion of Works and Services

34. (1) As an exception to sections 32 and 33, the Approving Officer may approve a subdivision if the Interest Holder

(a) deposits with the Director security issued in favour of the Tla'amin Nation in the form and amount prescribed by regulation, or

(b) if no amount or form is prescribed, in a form and amount satisfactory to the Approving Officer having regard to the cost of installing and paying for all required works and services, and

(c) enters into an agreement with the Tla'amin Nation to construct and install the required works and services by a specified date, or to forfeit to the Tla'amin Nation the amount secured under paragraph (a) or (b).

(2) The security required under subsection (1) must be deposited with the Director before the approval of the subdivision by the Approving Officer, and within a time period specified by the Director.

Parcel Frontage on Highway

35. (1) If a parcel being created by subdivision fronts on a highway, the minimum frontage on the highway must be the greater of

(a) 10% of the perimeter of the parcel lot that fronts on the highway; and

(b) the minimum frontage required by the zoning regulations for that parcel.

(2) The Executive Council may exempt a parcel from the minimum frontage requirement provided for in subsection (1).

(3) The Executive Council may delegate the power under subsection (2) to the Approving Officer.

Highway Provision and Widening

36. (1) The Approving Officer may require that the Interest Holder of the land being subdivided provide, out of the land that is being subdivided and without compensation, land not greater than

(a) 20 metres in depth, for a highway within the subdivision, or

(b) the lesser of

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- (i) 10 metres in depth, and
- (ii) the difference between the current width of a highway and 20 metres,

for widening an existing highway that borders or is within the subdivision.

(2) If the Approving Officer believes that, due to terrain and soil conditions, a highway of a width of 8 metres cannot, within the 20 metre limit referred to in subsection (1), be adequately supported, protected or drained, the Approving Officer may require the Interest Holder to provide, without compensation, land of a greater width than that referred to in subsection (1) that, in the Approving Officer's opinion, would permit the highway to be supported, protected or drained.

Subdivision Approval Decision

37. (1) A subdivision must be approved or rejected by the Approving Officer within two months of the date the completed application, subdivision plan and all supporting documents and requirements are tendered for examination and approval.

(2) As an exception to subsection (1), the Approving Officer may take longer than two months to complete a review of a subdivision application if additional information is required from the applicant, or if the applicant agrees in writing to waive or extend this requirement.

Subdivision Refusal

38. If the Approving Officer refuses to approve a subdivision application, the Approving Officer must

- (f) notify the Interest Holder in writing,
- (g) state briefly the reasons for rejecting the subdivision application, and
- (h) list the requirements or modifications, if applicable, that may enable the Approving Officer to approve the subdivision application.

PART 5 – BUILDING REQUIREMENTS

Requirements for Construction on Tla'amin Lands

39. An Interest Holder must not construct, or allow the construction of, a building on Tla'amin Lands held by that person unless the Interest Holder

- (a) submits to the Building Inspector a building permit application that meets all land use, zoning, subdivision servicing, building regulations and other applicable requirements;
- (b) completes all required application forms and pays all applicable fees in respect of the building permit application;
- (c) constructs all required works and services under sections 43 and 44, or enters into an agreement and deposits security under section 45;

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(d) pays any applicable development cost charges and other charges in respect of the building permit application; and

(e) receives a building permit from the Building Inspector that authorizes the construction.

Regulations in Relation to Construction on Tla'amin Lands

40. The Tla'amin Government may, subject to chapter 15 of the Final Agreement, regulate in relation to the design, construction, maintenance, repair and demolition of buildings on Tla'amin Lands, and for that purpose the Executive Council may make regulations under section 66.

Compliance with Building Regulations

41. A person must not undertake any construction on Tla'amin Lands

(a) except in compliance with the building regulations; and

(b) unless the person holds a valid building permit that authorizes the construction by that person.

Building Permits

42. An Interest Holder may, in accordance with the regulations, apply for a building permit authorizing the construction of a building on a parcel of Tla'amin Lands held by that person.

Completion of Works and Services as a Condition of Building Permit Issuance

43. As a condition of the Building Inspector issuing a building permit to an Interest Holder, all works and services required to be constructed and installed at the expense of the Interest Holder on the parcel being developed must be constructed and installed to prescribed standards.

Completion of Additional Works and Services

44. (1) As a condition of the issuance of a building permit to an Interest Holder, the Executive Council may require the Interest Holder seeking the approval to provide, at the Interest Holder's expense,

(a) works and services on the part of any highway immediately adjacent to the site of the proposed development, up to the centre line of the highway;

(b) works and services that serve Tla'amin Lands other than the land being developed, or that extend beyond the boundary of Tla'amin Lands.

(2) The works and services required under subsection (1) must be provided in accordance with prescribed standards when located on Tla'amin Lands, and in accordance with Provincial or local government requirements, as applicable, when not located on Tla'amin Lands.

(3) Requirements under this section

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- (a) may only be imposed on an Interest Holder to the extent the requirements are directly attributable to the development, and
- (b) must not include specific services that are included in the calculations used to determine the amount of development cost charges, unless the Interest Holder agrees to provide the services.

Posting Security for Completion of Works and Services

- 45.** (1) As an exception to sections 43 and 44, the Building Inspector may issue a building permit if the Interest Holder
- (a) deposits with the Director security issued in favour of the Tla'amin Nation in the form and amount prescribed by regulation; or
 - (b) if no amount or form is prescribed, in a form and amount satisfactory to the Director having regard to the cost of installing and paying for all required works and services; and
 - (c) enters into an agreement with the Tla'amin Nation to construct and install the required works and services by a specified date, or to forfeit to the Tla'amin Nation the amount secured under paragraph (a) or (b).
- (2) The security required under subsection (1) must be deposited with the Director before the issuance of the building permit by the Building Inspector, and within a time period specified by the Director.

Building Inspector and Authorized Public Officer Authority

- 46.** (1) For the purposes of the administration and enforcement of the building regulations and in addition to any other powers of enforcement, the Building Inspector or an Authorized Public Officer may:
- (a) at any reasonable time, enter on and inspect any parcel of Tla'amin Lands on which construction of one or more buildings is in progress or has been completed;
 - (b) order an Interest Holder to comply with one or more specified building regulations or other applicable enactments;
 - (c) issue a stop work order for all or part of any construction if
 - (i) the construction is proceeding in contravention of building regulations or other applicable enactments, or
 - (ii) the Building Inspector or the Authorized Public Officer considers the work to be unsafe;
 - (d) order an Interest Holder to provide, at the Interest Holder's expense, evidence that the construction complies with building regulations;
 - (e) terminate the occupancy of any building or ban entry into any building, if the building is not in compliance with the building regulations or other applicable enactments; and

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- (f) exercise any other powers that may be prescribed for the Building Inspector or Authorized Public Officer.
- (2) Orders made under subsection (1) must be issued in the form of a compliance notice under section 58.
- (3) Without limiting the matters to which this section applies, an Authorized Public Officer may enter on property to inspect and determine whether all regulations, prohibitions and requirements are being met in relation to any matter for which the Authorized Public Officer has authority under this or another Tla'amin Law to regulate, prohibit and impose requirements.

PART 6 – DEVELOPMENT COST CHARGES

Development Cost Charges

47. (1) The Executive Council may, by regulation, impose development cost charges on an Interest Holder who obtains
- (a) subdivision approval on Tla'amin Lands, or
 - (b) a building permit.
- (2) Development cost charges under subsection (1) may be imposed for the purpose of providing funds to
- (a) pay the capital costs of providing, constructing, altering or expanding sewage, dams and water works, drainage, highway facilities, parking facilities, pedestrian infrastructure, community facilities, recreational facilities and schools;
 - (b) acquire additional lands with the intention of adding these to Tla'amin Lands;
 - (c) acquire land for park land, green space, trails or other community amenities;
 - (d) protect and enhance Tla'amin Nation cultural heritage and resources and facilities; and
 - (e) carry out such other activities for the benefit of the Tla'amin Nation as may be prescribed by Executive Council, including land use planning and associated planning, market research and land appraisals, legal analysis, feasibility studies, surveys, environmental assessments, landscaping, project management and other related items.

Amount of Development Cost Charges

48. (1) A regulation referenced in section 47 must set out the applicable development cost charges for each category of development, and how the development cost charges are to be calculated.
- (2) Development cost charges may vary as provided in subsection (3), but must be similar for all

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developments that impose similar capital cost burdens on the Tla'amin Nation.

(3) Development cost charges may vary with respect to one or more of the following:

- (a) different zones or different defined or specified areas;
- (b) different uses;
- (c) different capital costs as they relate to different classes of development; and
- (d) different sizes or different numbers of lots or units in a development.

(4) The Executive Council must take the following into consideration when setting development cost charges in a regulation under subsection (1):

- (a) the future anticipated land use patterns and development;
- (b) the phasing of works and services;
- (c) the provision of park land, trails or green space described in the land use plan;
- (d) the protection of Tla'amin Nation cultural heritage and resources;
- (e) how development designed to result in a low environmental impact may affect the capital costs of infrastructure; and
- (f) whether the charges
 - (i) are sufficient to assist in addressing historic infrastructure deficits and to deal with shortfalls in infrastructure funding for Tla'amin Nation,
 - (ii) are excessive in relation to the capital cost of prevailing standards of service, taking into account sub-paragraph (i),
 - (iii) may deter development,
 - (iv) may discourage the construction of reasonably priced housing or the provision of reasonably priced serviced land, or
 - (v) may discourage development designed to result in a low environmental impact.

(5) The Executive Council must make available to the public, on request, the considerations, information and calculations used to determine the development cost charges, but any information respecting the contemplated acquisition costs of specific properties need not be provided.

(6) The development cost charges set out in a regulation under subsection (1) must be indexed to the annual rate of inflation for British Columbia, as determined by the consumer price index for British Columbia set by Statistics Canada or its successor.

Calculation of Development Cost Charges

49. (1) When an Interest Holder, in compliance with this Law and all applicable enactments,

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applies for

(a) subdivision plan approval; or

(a) building permit issuance,

the Director must calculate the amount of development cost charges payable in relation to the application, in accordance with this Law and the regulations, using the applicable charges and formula set out in the regulations.

(2) Where a type of development is not identified in the regulations, the amount of development cost charges to be paid must be equal to the development cost charges that would have been payable for the most comparable type of development, as determined by the Director.

(3) Where a development contains two (2) or more uses, the development cost charges must be calculated separately for each use within the development, and the total amount payable must be the sum of the development cost charges levied for all uses in the development.

(4) Where a building permit relates only to the expansion or alteration of an existing development, the development cost charges must be levied only on that portion of the development that expands the existing development.

(5) Where required by the Director, the Interest Holder must provide to the Director the calculation of the development cost charges payable as determined and certified by a professional engineer who is registered and licensed under applicable Provincial legislation.

Payment of Development Cost Charges

50. (1) Except as provided in this section, development cost charges must be paid in full at the time of, and as a condition of, the issuance of a building permit.

(2) The Director may, in his or her sole discretion, require a person to pay development cost charges in full at the time of, and as a condition of, subdivision approval.

(3) In the case of a phased development, development cost charges paid at the time of subdivision approval are payable only in respect of the phase respecting which a subdivision approval is given.

(4) Despite subsection (1), if development cost charges exceed \$50,000, a person may elect to pay in installments, as follows:

(a) a first installment of 1/3 of the total development cost charges owing before approval of a subdivision plan or issuance of a building permit;

(b) a second installment of 1/2 of the balance of the development cost charges owing, within one year of the date of the first installment; and

(c) a final installment of the remaining development cost charges owing, within two years of the date of the first installment or on completion of the subdivision or building, whichever comes first.

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(5) If an installment is not paid in accordance with subsection (4), the total balance of the development cost charges owing becomes due and payable immediately.

(6) Interest is payable to the Tla'amin Nation on the total balance of the development cost charges owing under subsection (5) from the date the installment was due but not paid, at the rate prescribed by Executive Council.

(7) At the time of payment of the first installment, the Director may require the person to secure the balance of the development cost charges owing by

(a) depositing with the Director security issued in favour of the Tla'amin Nation in the form and amount prescribed by regulation, or if no amount or form is prescribed, in a form and amount satisfactory to the Director; and

(b) entering into an agreement with the Tla'amin Nation to pay the balance of development cost charges owing and any interest on those charges, determined in accordance with this section, or to forfeit to the Tla'amin Nation the amount secured under paragraph (a).

Development Cost Charges Reserve Fund

51. (1) A reserve fund to be known as the "development cost charges reserve fund" is established.

(2) Development cost charges received under this Law must be deposited in the development cost charges reserve fund.

(3) Money in the development cost charge reserve fund, together with any interest on it, must

(a) be maintained by the Tla'amin Government separate and apart from other monies of the Tla'amin Nation;

(b) not be used for purposes other than those set out in section 47(2); and

(c) be spent in a manner consistent with the land use plan and projects and activities planned in accordance with Tla'amin Law.

Exemptions from Development Cost Charges

52. (1) Development cost charges must not be levied where development cost charges have previously been paid for the same building or development, unless as a result of that further development there will be new or additional demand on, or usage of, an existing or planned service or facility of the Tla'amin Nation.

(2) Development cost charges must not be levied for development authorized by a building permit

(a) for the construction of places of public worship, community halls, cultural centres and other community facilities; or

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(b) if the value of the work identified in the building permit is estimated by the Building Inspector or the Director at \$50,000 or less.

Contributions under Written Agreements

53. (1) If a person has, pursuant to a written agreement with the Tla'amin Nation, provided or paid the cost of providing a specific service outside the boundaries of the parcel being subdivided or built upon that is included in the calculations used to determine the amount of development cost charges, the cost of the service must be deducted from the development cost charges otherwise owing for that development.

(2) Where a service is included in the calculations used to determine the amount of a development cost charge and a person has, pursuant to a written agreement with the Tla'amin Nation,

(a) provided that service outside the boundaries of the parcel being subdivided or built upon; and

(b) provided the service to a standard that exceeds the standard required by the Tla'amin Nation,

the Tla'amin Nation must offer a rebate of development cost charges for the incremental portion of costs beyond the standard required by the Tla'amin Nation.

Waiver or Reduction of Development Cost Charges

54. (1) The Executive Council may provide for a full or partial rebate of development cost charges otherwise payable where the development

(a) incorporates environmental or green initiatives greater than any required by the Tla'amin Laws or standards;

(b) is designed to minimize or eliminate the development's use of Tla'amin Nation physical infrastructure; or

(c) involves the construction of all or part of a project that is contained within the Tla'amin Nation's capital works plan.

(2) The amount of the rebate under subsection (1) must not be greater than the amount of the development cost charges payable in respect of the development.

Refund of Development Cost Charges

55. (1) A person may apply to the Director for a refund of development cost charges previously paid by the person in whole or in part when the subdivision is not proceeding or the building permit is cancelled, provided that an application for a refund is made within six months of the abandonment of the subdivision or building permit cancellation, as the case may be, and a new or replacement subdivision or building permit application has not been received or approved in respect of the land.

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(2) On application under subsection (1), the Director must determine whether the development cost charges should be refunded and, if so, refund the development cost charges.

PART 7 – EXCESS OR EXTENDED SERVICES AND LATECOMER PAYMENTS

Excess or Extended Services and Latecomer Payments

56. (1) The Director may require an Interest Holder of land that is being subdivided or developed to provide excess or extended services.

(2) For clarity, if an Interest Holder is required to provide a highway or water, sewage or drainage facilities that serve land other than the land being subdivided or developed, this section applies.

(3) Where an Interest Holder is required to provide excess or extended services, the Tla'amin Nation may pay to the Interest Holder the costs of providing those services, or may require the Interest Holder to pay all or a portion of the costs of the excess or extended services.

(4) Where the Interest Holder is required to pay all or a part of the costs of the excess or extended services, the Director must:

- (a) determine the proportion of the cost of providing the works that it considers constitutes the excess or extended service;
- (b) determine which part of the excess or extended service that it considers will benefit each of the parcels of land that will be served by that service;
- (c) impose as a condition of an Interest Holder connecting to or using the excess or extended service, a charge related to the benefit determined under paragraph (b), including interest calculated annually at the prescribed rate, calculated from the date the services were completed to the date the connection is made or use begins.

(5) Where the Interest Holder pays all or a part of the costs of the excess or extended services, the Tla'amin Nation must pay the Interest Holder

- (a) all of the charges collected under paragraph (4)(c) if the Interest Holder paid all of the costs, or
- (b) a corresponding proportion of all charges collected, if the interest Holder paid a portion of the costs.

(6) The charges payable for latecomer connections or use under subsection (4) must be collected by the Tla'amin Nation during the period beginning when the excess or extended services are completed, up to a date determined by the Executive Council that is not greater than 15 years.

PART 8 – OFFENCES AND ENFORCEMENT

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Offences

57. (1) A person who does any of the following commits an offence:

(a) carries out a use or activity prohibited under this Law without having first received a valid authorization or permit, or who otherwise contravenes this Law; or

(b) refuses entry onto any land or into any building to an Authorized Public Officer whose entry is authorized under this Law.

(2) A person who commits an offence or who contravenes an order made by a court in relation 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.

(3) A fine payable under subsection (2) must be remitted to the Tla'amin Nation by the court, after reasonable court costs have been deducted.

Compliance Notices, Tickets, Fines and Orders

58. (1) An Authorized Public Officer may issue, in accordance with the *Enforcement and Ticketing Law*, one or both of the following to a person for the contravention of this Law or the regulations:

(a) a violation or compliance notice;

(b) a ticket, which may include a fine as prescribed by Executive Council.

(2) In addition to any other applicable fine, penalty or remedy, an Authorized Public Officer may

(a) issue a stop work order to order any person carrying out any activity, use or construction not authorized or being carried out in compliance with this Law or a regulation, to immediately cease such activity, use or construction, or

(b) order any buildings, works or installations carried out contrary to this Law to be removed within 30 days, failing which, order them to be removed at the expense of the Interest Holder.

(3) A stop work order under this section

(a) may be registered in court and enforced as a court order, and

(b) continues in force until the condition that led to it is remedied or until the activity, use or construction that is the subject of the stop work order receives a permit or other authorization under this Law.

Entry on Land

59. (1) For any purpose related to the administration or enforcement of this Law or the regulations, an Authorized Public Officer may enter on land and into premises and structures at any reasonable time if

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- (a) the Authorized Public Officer has reasonable grounds for believing that the land or premises is the site of an activity regulated under this Law; and
 - (b) to inspect and determine whether all regulations, prohibitions and requirements under this Law or other Tla'amin laws are being met.
- (2) An Authorized Public Officer acting under this section:
- (a) may inspect any thing or activity that is reasonably related to the purpose for which the person entered on the land or premises;
 - (b) may require the production of the following for inspection:
 - (i) an authorization to engage in the activity, and
 - (ii) a record required to be kept in accordance with a provision of this Law or the regulations; and
 - (c) must provide proof of his or her identity on request.
- (3) An Interest Holder, including a contractor, employee or agent of the Interest Holder, must admit the Authorized Public Officer to all parts of the land or premises.
- (4) An Authorized Public Officer may enter a place that is occupied as a private dwelling if any of the following applies:
- (a) the occupier consents;
 - (b) the Authorized Public Officer has given the occupier written notice of the date, time and purpose at least 24 hours before the entry;
 - (c) the entry is made under the authority of a warrant;
 - (d) the Authorized Public Officer has reasonable grounds to believe that failure to enter may result in a significant risk to the health or safety of the occupier or other persons;
or
 - (e) the entry is for a purpose referred to in subsection (1) in relation to regulations, prohibitions or requirements applicable to the premises that is being entered.

Entry Warrants

- 60.** If satisfied by evidence on oath or affirmation that access to a private dwelling is necessary for the purposes of this Law or regulations, a judicial justice or a court may issue a warrant authorizing a person named in the warrant to enter on or into the dwelling and conduct an inspection or take other action authorized by the warrant.

PART 9 – GENERAL PROVISIONS

Security

61. (1) Unless otherwise specified by this Law, the regulations or the Director, a person who is required or chooses to provide security to the Tla'amin Nation in relation to this Law or the regulations, may provide the security by

- (i) a certified cheque, bank draft or solicitor's trust cheque,
- (j) an irrevocable letter of credit,
- (k) a bond, or
- (l) another form of security satisfactory to Executive Council or the person who imposed the requirement for the security

(2) Security provided under subsection (1) must be issued in favour of the Tla'amin Nation, and the following rules apply:

- (a) any interest accruing on the security becomes part of the security;
- (b) the security may only be used for the purpose for which it was provided; and
- (c) any amount no longer required as security must be returned to the person who provided the security, including any accrued interest.

No Compensation in Relation to Adoption of Regulation or Issuance of Permit

62. No compensation is payable to any person, including an Interest Holder, for any reduction in the value of that person's interest in Tla'amin Lands, or for any loss or damages that result from, or is in relation to

- (a) this Law and any related regulations and policies, or
- (b) any permits, authorizations, enforcement or decisions made or not made under this Law.

PART 10 – REGULATIONS

Regulations

63. (1) The Executive Council may make any regulations it considers necessary or advisable for purposes under this Law.

(2) For certainty, the powers of the Executive Council under subsection (1) include the power to make regulations:

- (a) for any purpose in relation to which regulations are provided for in this Law;
- (b) prescribing any matter or thing referred to in this Law as prescribed or to be prescribed;

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- (c) respecting the form and content of applications, notices, reports, permits, authorizations and other documents that are required or permitted under this Law;
 - (d) prescribing consultation and public input requirements in respect of subdivision, development, building permit or temporary use permit applications;
 - (e) defining words and expressions that are used but not defined in this Law; and
 - (f) generally for the purpose of giving effect to this Law.
- (3) Without limiting the generality of subsections (1) or (2), the Executive Council may make regulations including, but not limited to the following:
- (a) defining a word or expression used in this Law;
 - (b) respecting fees under this Law or the regulations;
 - (c) requiring security to be provided by the holder of a licence or permit granted under this Law or the regulations, and prescribing
 - (i) the type of security that is acceptable or not acceptable,
 - (ii) the form and content of the security, and
 - (iii) the circumstances under which the security may be realized.

Regulations Respecting Fees

64. (1) The Executive Council may make regulations respecting fees for matters connected with the administration of this Law.

(2) The Executive Council must ensure that fee schedules setting out all fees prescribed under this Law are

- (a) prepared and maintained; and
- (b) publicly available for viewing without charge at the Tla'amin Nation administration offices.

(3) Any person may request and obtain a copy of a fee schedule on payment of the prescribed copying fee.

Regulations in Respect of Subdivision and Development

65. (1) The Executive Council may make regulations governing subdivisions and development, including to

- (a) prescribe criteria to determine whether a subdivision or development of Tla'amin Lands may proceed;

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- (b) impose requirements, conditions or both with which persons must comply in the course of subdividing or developing Tla'amin Lands;
- (c) prescribe standards for works and services required to be constructed and installed in subdivisions or as part of a development;
- (d) prescribe minimum standards for the dimensions, locations, alignment and gradient of driveways or highways in connection with the subdivision or development of land;
- (e) require that, within a subdivision or development, driveways, highways, sidewalks, boulevards, boulevard crossings, transit bays, parking, street lighting or underground wiring be
 - (i) provided, and
 - (ii) located and constructed,in accordance with prescribed standards;
- (f) require that, within a subdivision or development,
 - (i) a water distribution system,
 - (ii) a fire hydrant system,
 - (iii) a sewage collection system,
 - (iv) a sewage disposal system,
 - (v) a drainage collection system, or
 - (vi) a drainage disposal system,be provided, located and constructed in accordance with prescribed standards;
- (g) require and set fees for subdivision applications, which may be different for different areas, or different types or sizes of subdivisions;
- (h) specify the form and amount of security required in connection with an agreement under section 34 or 45;
- (i) require, if a community water system is not available for each parcel in a subdivision or development, that each parcel have a source of potable water with a flow capacity at a rate prescribed by regulation;
- (j) require, if a community sewer system is not available for connection to each parcel in the subdivision, that each parcel have a discharge area sufficient to provide for on-site sewage disposal from a septic tank, including any replacement discharge area required, unless the applicable zoning regulations do not permit land uses that generate sewage; and

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(k) prescribe requirements for any related matter.

(2) A regulation under this section may provide differently in relation to different

(a) circumstances;

(b) areas;

(c) land uses;

(d) zones; and

(e) classes of lands, developments, and highways.

Regulations Respecting Construction on Tla'amin Lands

66. (1) The Executive Council may make regulations governing construction on Tla'amin Lands, including regulations to

(a) provide for a system of permits and approvals;

(b) prescribe the powers, duties and functions of the Building Inspector;

(c) require Interest Holders to obtain and provide to the Building Inspector certification, assurances, and reports prepared by qualified professionals in relation to site conditions, the size or complexity of developments or other aspects of developments;

(d) require Interest Holders and their builders, contractors, tradespersons and consultants, in specified circumstances,

(i) to be insured under a specified type of insurance policy and to satisfy the Director as to that insurance, and

(ii) to provide damage deposits or other securities to guarantee completion, in accordance with a permit or approval under this Law, of the construction of a building to which the permit or approval pertains;

(e) in relation to a development, prescribing requirements respecting essential services and facilities, including highway access, sewage disposal and storm drainage;

(f) requiring an Interest Holder of land being developed, or to be developed, to provide to the Director, for registration in the land title office, covenants that under the *Land Title Act* (British Columbia) may be lawfully registered against the land, and that include conditions to

(i) require the use of the land and any improvements in, on or under the land only in accordance with whichever permits or approvals are applicable to that land, and

(ii) require the Interest Holder to reimburse the Tla'amin Nation for expenses incurred by it as a result of a breach of covenant;

(g) respecting the health, safety or protection of persons or property;

- (h) respecting the conservation of energy, water or both;
- (i) respecting the reduction of greenhouse gas emissions; and
- (j) providing for access by a person with disabilities to a building or part of a building.

Regulations in Respect of Development Cost Charges

67. The Executive Council may make regulations it considers necessary or advisable respecting the imposition and administration of development cost charges, including regulations providing one or more formulae or other methods of calculating development cost charges for the purposes of section 48.

Regulations in Respect of Soil Transportation, Deposit and Removal

68. The Executive Council may make regulations

- (a) respecting the transportation of soil to and on Tla'amin Lands, and the deposit and maintenance of soil deposited on Tla'amin Lands;
- (b) prohibiting, regulating or controlling the transportation or deposit of soil from outside Tla'amin Lands on to Tla'amin Lands;
- (c) requiring a permit or other authorization to be obtained before soil is removed or deposited on Tla'amin Lands;
- (d) respecting the terms and conditions of a permit or other authorization issued under the regulations including
 - (i) the quality and quantity of soil removed or deposited and the location of the soil deposited,
 - (ii) the transportation, treatment, care and maintenance of soil transported, deposited or removed,
 - (iii) the removal of soil deposited,
 - (iv) the financial or other guarantees or assurances to ensure that the terms and conditions of a permit and the requirements of the regulations are complied with,
 - (v) health and safety requirements, and
 - (vi) the clean-up of a site after soil is removed.

Regulations in Respect of Trees

69. The Executive Council may make regulations

- (a) regulating, prohibiting and imposing requirements in relation to trees on Tla'amin Lands;
- (b) requiring trees to be removed or trimmed and designating the person required to undertake that work;
- (c) requiring a permit or other authorization to be obtained before a tree is trimmed or cut

SUBDIVISION, DEVELOPMENT AND SERVICING LAW

down; and

- (d) setting out the terms and conditions of a permit or other authorization issued under the regulations including
 - (i) requirements for certifications from an arborist or other qualified person respecting the health of the tree,
 - (ii) the financial or other guarantees or assurances to ensure that the terms and conditions of a permit and the requirements of the regulations are complied with,
 - (iii) safety requirements respecting the removal of a tree,
 - (iv) requirements to plant replacement trees, and
 - (v) the clean-up of a site after a tree is removed.

Transition Regulations

70. (1) The Executive Council may make regulations considered necessary or advisable for the purpose of more effectively bringing into operation this Law or amendments to this Law, and to remedy any transitional difficulties encountered in doing so.
- (5) A regulation made under subsection (2) may be made retroactive to a date not earlier than the effective date.

PART 11 – REPEAL

No Further Effect

71. Unless otherwise specified in the Final Agreement or a Tla'amin enactment, all motions, resolutions, bylaws, directives, policies, guidelines or other forms of decision that directly or indirectly affect the subject matter of this Law, that were approved or passed before the Effective Date by the Band Council of the Tla'amin First Nation under the *Indian Act* or the Sliammon Land Code have no further effect after the date on which this Law comes into force.

PART 12 – COMING INTO FORCE

Coming Into Force

72. This Law comes into force on the date of its enactment by the Legislative Assembly.

THIS LAW IS HEREBY DULY ENACTED by the Tla'amin Legislative Assembly on the 5th day of April, 2016, at Powell River, in the Province of British Columbia.



ORDER OF THE LEGISLATIVE ASSEMBLY OF THE TLA'AMIN NATION

Legislative Assembly Order No.: TNO-LA 16 /2016

Approved and Ordered: April 5, 2016

Order

The Legislative Assembly hereby enacts the *Subdivision, Development and Servicing Law* to take effect on the Effective Date.

Authority

This Legislative Assembly Order is made under the authority of the Final Agreement and the Constitution and in accordance with the *Order of the Legislative Assembly of the Tla'amin Nation* TNO-LA 01/2016 (respecting the Tla'amin Nation Effective Date Period Procedures).

Signed by the Hegus on behalf of the
Legislative Assembly of the Tla'amin Nation

(Note: This portion is for administrative purposes only and is not part of the Order)

Authority under which the Order is made:

Law: *Constitution*

Other (please specify): Final Agreement and the *Order of the Legislative Assembly of the Tla'amin Nation* TNO-LA 01/2016 (respecting the Tla'amin Nation Effective Date Period Procedures).

DEPOSITED IN THE TLA'AMIN
REGISTRY

ON 12/04/16
(day/month/year)


Signature of Law Clerk