



Lot Allocation Policy
Lands and Community
Land Use & Territorial Stewardship

TNP 03/2024

Approved on September 4, 2024.

Effective on September 4, 2024.



Hegus [SIGNATURE]

Hegus John Hackett

DEPOSITED IN THE TLA'AMIN
REGISTRY

ON 09, 09, 2024
(day/month/year)



Signature of Law Clerk

Table of Contents

1.0	Forward.....	3
2.0	Authority, Purpose, and Scope	3
3.0	Definitions.....	4
4.0	Policy Statements	4
5.0	Supporting Statements	8
6.0	Related Documents.....	8
7.0	Appendices.....	8
8.0	Summary of Changes	8

1.0 Forward

The Tla’amin Nation Lot Allocation Policy addresses a facet of housing-related needs in the Tla’amin community by outlining the process for allocating Tla’amin Public Lands made available in accordance with the *Land Law*. This policy follows principles informed by taʔaw (tah-ow) ‘teachings’ as laid out in the 2023-2028 Comprehensive Nation Plan (CNP):

- (a) tiystəm (tee-stum) ‘Respect’ – “keep our children at the forefront of our planning and decision-making;”
- (b) θaθxʷɪn (thath-when) ‘Fairness’ – “people need to witness how things work;”
- (c) gənaxʷuθ (gun-a-whooth) ‘Honesty’ – “wisdom and common sense;” and
- (d) tiyhəgən mətəm (tee-heygun meh-tum) ‘Integrity’ – “trust is earned.”

2.0 Authority, Purpose, and Scope

Authority

- 2.1 Tla’amin Nation (TN) has the authority to make laws with respect to Tla’amin Lands (Treaty, c. 3, paragraph 116).
- 2.2 The *Land Law* (TNL 12/2016) establishes responsibility of Executive Council (EC) for administering Tla’amin Lands (s. 3) and authorizes the Director of Lands & Resources to:
 - (a) issue a Tla’amin Nation Certificate designating a person as a permitted transferee, in anticipation of issuing title to that Citizen (s. 14); and
 - (b) receive and approve applications for Tla’amin Citizen Land Title (s. 25).

Purpose

- 2.3 The purpose of this policy is to:
 - (a) establish a transparent and consistent decision-making process by which vacant lots are selected and allocated for Tla’amin Citizens to build a residence; and
 - (b) describe the responsibilities of Lands & Resources, Public Works, and Housing departments during the lot allocation process.

Scope

- 2.4 This policy applies to TN staff who are responsible for allocating lots, including waitlist administration and communication with prospective applicants.

- 2.5 This policy does not apply to transfers of lots with existing structures, or subsequent transfers of property following the initial disposition and lot allocation process. This policy does not establish requirements for buildings on Tla'amin Lands, nor does it apply to the administration of financial support (e.g., mortgage guarantees) from TN to selected applicants.

3.0 Definitions

Financial Ability: means cash funds and/or a mortgage prequalification document from a Recognized Financial Institution, indicating a budget which is sufficient to the satisfaction of the Director of Housing; for constructing a residence meeting the minimum requirements outlined for the lot available to be allocated.

In Good Standing: as defined, from time to time, in the *In Good Standing Policy*.

Lottery: allocation by random selection.

Tla'amin Citizen Land Title: as defined, from time to time, in the *Land Law*.

Tla'amin Nation Certificate: as defined, from time to time, in the *Land Law*.

Tla'amin Public Lands: as defined, from time to time, in the *Land Law*.

Recognized Financial Institution:

1. a bank listed in Schedule I or II of the *Bank Act*, S.C. 1991, c. 46 (Canada); or
2. a credit union, central credit union, caisse populaire, financial services cooperative or credit union league or federation that is incorporated or otherwise authorized to carry on business by or under an Act of the legislature of a jurisdiction of Canada.

In the event of any inconsistency between a definition set out above and a definition set out in a Tla'amin Law, the definition set out in Tla'amin Law should be relied upon.

4.0 Policy Statements

Identifying Available Lots

- 4.1 The Director of Lands & Resources will advise the Directors of Housing and Public Works of Tla'amin Nation Public Lands ("lands") being made available for disposition. Lands & Resources is responsible for surveying and ensuring subject lands are unencumbered.
- 4.2 The Directors of Housing and Public Works will:
- (a) determine the total number of residential lots to be developed, and may identify one or more lots to be retained for housing operated by Tla'amin Nation; and

- (b) calculate a minimum and maximum Floor Area Ratio (FAR) for each available lot based on available servicing capacity and the Nation's housing goals.

The Director of Lands & Resources will be advised of available lots for allocation, the minimum and maximum FAR for each lot and the estimated cost of construction per square foot.

Application Process

Waitlist Administration

- 4.3 The Director of Lands and Resources may solicit informal Expressions of Interest (EOI) from Tla'amin Citizens before any lands are made available for disposition. Citizens may submit dated correspondence to the Lands & Resources department to be added to the waitlist for future lot allocations.
 - (a) The waitlist shall be managed using a spreadsheet or similar document, tracking data about each applicant including their name, as well as their family and housing needs, with a date acknowledging receipt of their request to the department.
- 4.4 When lands are made available for disposition by Executive Council (EC), the Director of Lands & Resources will manage applications submitted to Tla'amin Nation (TN).
 - (a) As soon as possible during the planning process for residential areas, the Director will communicate with individuals who have previously indicated interest in receiving land.
 - (b) A description of available lots, including a square footage range representing an acceptable building size for each lot type and construction costs as estimated by Public Works, shall be provided to Citizens along with any supporting documents and an outline of the lot allocation process.
 - (c) Individuals on the waitlist will have ninety (90) days following communication from TN to submit an application. Following that, if there are available lots surplus to the number of applications received, Lands & Resources may issue a public notice to solicit additional applications.
- 4.5 In receipt of communications from TN about upcoming lot allocations, Citizens may submit an application to the Lands & Resources Director, including the maximum dollar amount available for residence construction determined from their savings or mortgage prequalification document. Applicants must meet the eligibility criteria in Section 4.6 at the time of submission.
 - (a) Applicants will be confirmed to be In Good Standing following their submission, however Lands & Resources may request confirmation for individuals on the waitlist prior to their submission of an application to the department.

- (b) A full application to be considered for lot allocation must include:
 - (1) A letter or other document comprising the applicant's EOI and any relevant details to be considered for lot selection; and
 - (2) Documentation of Financial Ability, such as a minimum of three (3) months of bank statements or a pre-approval e-mail or letter issued by a Recognized Financial Institution.

Eligibility Criteria

4.6 To be eligible for lot allocation, applicants must:

- (a) be eligible to apply under the *Land Law*, s. 22(1);
- (b) be a Tla'amin Citizen;
- (c) be In Good Standing with Tla'amin Nation; and
- (d) demonstrate Financial Ability to build the residence.

Lot Selection Process

Application Prioritization

4.7 Priority will be given to applications received from Citizens who have never received a land transfer from TN.

Lot Allocation

4.8 The process for lot allocation will be determined by the CAO considering the number of applications received, prioritization criteria, and available lots.

4.9 A Lottery may be held to allocate available lots of similar types, e.g., small and large lots would be allocated through two Lotteries. A new residential area may have several Lotteries, depending on the distribution of lot sizes, allowable FAR and other land features.

4.10 The Lottery shall be held during a live draw broadcast to Tla'amin membership (e.g., on the Tla'amin Nation Facebook page) to be witnessed in-person and remotely.

4.11 The Director of Lands & Resources will issue a letter to selected applicants confirming the lot allocation, if mortgage financing is not required.

- (a) If applicants do require mortgage financing, Lands & Resources will issue a conditional allocation to the applicant with a deadline to secure financing within

ninety (90) days. Following financial approval, Lands & Resources will issue the confirmation letter.

New Home Construction

Addressing

4.12 Lands & Resources is responsible for assigning a house number and related procedures.

Lot Servicing

4.13 Public Works will facilitate lot servicing in coordination with the Housing department.

Homebuilding

4.14 Housing will oversee residential construction on Tla'amin Lands. If construction is expected to be completed more than twelve (12) months from issuance of the letter confirming lot allocation, the Director of Housing shall communicate as soon as possible with the Director of Lands & Resources, who may issue an extension in accordance with the *Land Disposition Forms Regulation*, s. 4(c).

Building Completion

4.15 Lot allocation is subject to construction being completed within twelve (12) months following issuance of the letter confirming lot allocation. If the conditions as laid out in the *Land Disposition Forms Regulation* (s. 4) are not met, Lands & Resources will not complete the title transfer process, and the land will revert to the ownership of Tla'amin Nation. Subject lots will be re-allocated according to this policy.

Title Transfer Process

4.16 Upon confirmation from the Director of Housing that construction is complete and satisfactory, Lands & Resources will initiate the process to transfer the property title. Lands & Resources will submit the requisite forms and register a collateral mortgage if applicable, while managing the title transfer process.

4.17 Once construction is complete, the Director of Lands & Resources or their designate must issue a Tla'amin Nation Certificate (TNC), using the form set out in Schedule B of the *Tla'amin Nation Certificate Regulation*, to selected applicants who then become eligible to receive Tla'amin Citizen Land Title (TCLT).

4.18 Individuals holding a TNC must apply for TCLT using the form set out in Schedule A of the *Land Disposition Forms Regulation*, which the Director of Lands & Resources shall approve when received.

5.0 Supporting Statements

Compliance

- 5.1 Any employee actions that do not comply with this policy may result in corrective actions or other consequences in accordance with the Nation's human resource policies.

Exceptions

- 5.2 Exceptions to this policy require approval by the Chief Administrative Officer (CAO) or a delegate approved by the CAO. The CAO will report approved exceptions to the Executive Council.

6.0 Related Documents

Compliance Documents

Land Law (Tla'amin Nation)

Land Disposition Forms Regulation (Tla'amin Nation)

Tla'amin Nation Certificate Regulation (Tla'amin Nation)

Land Use Planning and Zoning Law (Tla'amin Nation)

Subdivision, Development and Servicing Law (Tla'amin Nation)

Building Regulation (Tla'amin Nation)

In Good Standing Policy (Tla'amin Nation)

Supporting Documents

None.

7.0 Appendices

None.

8.0 Summary of Changes

Replaces	Dated	Key Changes
NEW	September 4, 2024	