

KWANLIN DÜN FIRST NATION

Chapter 1

LANDS AND RESOURCES ACT

Kwanlin Dün First Nation
LANDS AND RESOURCES ACT
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Kwanlin Dün First Nation
LANDS AND RESOURCES ACT

The Council of the Kwanlin Dün First Nation hereby enacts as follows:

Preamble

- A. By means of a majority vote in a referendum conducted in accordance with the *Constitution of the Kwanlin Dün First Nation*, beneficiaries have authorized the Council to enact a Kwanlin Dün First Nation Lands and Resources Act to allow for the management of settlement land, including the use and disposition of interests therein, and to provide for the proper stewardship of settlement land for future generations.
- B. The Council has determined that it is in the best interest of citizens that settlement land be managed in a respectful and sustainable way allowing for the protection of Kwanlin Dün culture, traditions and way of life while providing opportunities for economic development and the betterment of all citizens.
- C. While this law applies to all citizens and others who use, possess or occupy settlement land, the Kwanlin Dün First Nation shall implement and administer this Act in a manner that acknowledges and protects the specific rights and interests of the beneficiaries as set out in the final agreement
- D. The management and administration of settlement land and resources under this Act shall be fair, objective and transparent.

Short title

- 1. This Act may be cited as the *Lands and Resources Act*.

Definitions

- 2. In this Act and any regulations made or forms prescribed hereunder

“applicant” means a person or corporation who has made an application for an authorization under this Act to use, possess or occupy settlement land or to use, extract, or harvest resources;

“application for an authorization” has the meaning given to it under Part Seven;

“authorization” includes a licence, permit, lease, easement or other authorization, interest, or grant issued to any person under this Act to access, use, possess, occupy, acquire or

hold an interest in settlement land or to use, possess, harvest or extract resources but does not include the grant or transfer of a fee simple interest in settlement land;

“beneficiary” means a person who is enrolled as a beneficiary under chapter 3 of the final agreement;

“citizen” means a person who is listed on the citizenship list established in accordance with “Schedule 2 – Citizenship Code” of the *Constitution of the Kwanlin Dün First Nation*;

“consolidate” means to combine two or more contiguous parcels to form one parcel;

“Council” means the Chief and other elected or appointed citizens in the branch of the Kwanlin Dün First Nation established in chapter 5 of the *Constitution of the Kwanlin Dün First Nation*;

“court” means the Supreme Court of the Yukon or the Territorial Court, or other courts having jurisdiction, as appropriate;

“decision body” has the meaning given in the final agreement;

“decision document” has the meaning given in the final agreement;

“department” means the Department of Lands and Resources of the Kwanlin Dün First Nation established by this Act;

“director” means the director of the department or the manager, or other official of the department, as appropriate, if the director has delegated in writing a power, responsibility or function of the director under this Act to the manager or other official;

“final agreement” means the land claim agreement entered into by the Kwanlin Dün First Nation, Her Majesty the Queen in Right of Canada and Government of Yukon which was brought into legal effect on April 1, 2005;

“forest resources” has the meaning given in the final agreement;

“gas” has the meaning given in the final agreement;

“Kwanlin Dün First Nation” means the legal entity that assumed the rights, titles, interests, assets, obligations and liabilities of the *Indian Act* RSC 1985, c I-5 Kwanlin Dün First Nation Band pursuant to the self-government agreement;

“lands officer” means a person designated by the Council under sections 52 or 53 to exercise the powers and authorities provided under this Act;

“land titles office” has the meaning given in section 5.1.0 of the final agreement;

“land use plan” means a plan approved by the Council under section 18 or 19;

“land use and development designation” has the same meaning as in section 28.1 of the self-government agreement and, for greater certainty, includes any variation made pursuant to section 28.9 the self-government agreement;

“minerals” has the meaning given in the final agreement;

“oil” has the meaning given in the final agreement;

“Old Village” has the meaning given in the self-government agreement;

“parcel” means any particular portion of settlement land and for greater certainty, when a parcel is subdivided, each resulting subdivided lot shall constitute a separate parcel;

“planning, zoning and land development power” has the meaning given in section 28.0 of the self-government agreement;

“possess” means to hold an interest in settlement land granted pursuant to this Act, but such interest shall not be considered a fee simple interest;

“project” means an activity that is subject to assessment under section 47 or 48 of YESAA and is not exempt from assessment under section 49 of YESAA;

“public health and safety power” has the meaning given in section 28.0 of the self-government agreement;

“resources” means forest resources, minerals, gas, oil, water, wildlife and all other renewable and non-renewable resources located on or in settlement land, including heritage resources;

“self-government agreement” means the self-government agreement entered into by the Kwanlin Dün First Nation, Her Majesty the Queen in Right of Canada and Government of Yukon which was brought into legal effect on April 1, 2005;

“settlement land” has the meaning given in the final agreement and includes the Old Village and resources;

“subdivide” means

- (a) to create a new parcel from an existing parcel,
 - (b) to create a new parcel from previously un-subdivided land, or
 - (c) to adjust or realign an existing property line of a new or existing parcel,
- but it does not include an agreement or any instrument, including a caveat, transferring or creating an estate or interest in part of a parcel. For greater certainty, it does not include adjusting or realigning the boundaries of settlement land;

“traditional activity” means a traditional or cultural activity, including the harvest of fish, wildlife and forest resources in accordance with the final agreement;

“trespass” includes the use, possession, access or occupation of settlement land, or the use, harvest or extraction of resources except in accordance with the terms and conditions of an authorization and any other applicable law;

“trespasser” means a person who commits a trespass;

“Type 1 parcels” has the same meaning as found in section 28.1 of the self-government agreement, being the Old Village and settlement land parcels C-41B, C-42B, C-47B/D, C-48B, C-116B, C-131B, C-138B, C-140B, C-143B, C-194B, C-195B, C-196B, R-40A, and R-75A and “Type 1 parcel” means any one of them;

“Type 2 parcels” has the same meaning as found in section 28.1 of the self-government agreement, being settlement land parcels C-5B, C-6B/D, C-7B, C-8B, C-9B, C-15B, C-24B, C-27B, C-31B, C-34B, C-43B, C-49B, C-50B/D, C-52B, C-53B, C-56B, C-57B, C-59B, C-61B, C-77B, C-82B/D, C-86B, C-95B, C-100B, C-103B, C-106B, C-107B, C-117B, C-118B, C-119B, C-128B, C-136FS, C-137FS, C-141B, C-144B, C-145B, C-146B, C-153B, C-173B, C-175B, C-176B, C-178B, C-179B, C-180B, C-181B, C-182B, C-183B, C-184B, C-185B, C-186B, C-187B, C-188B, C-189B, C-190B, C-191FS, C-197B, S-19B, S-367B/D, S-369B, S-370B and R-77B and “Type 2 parcel” means any one of them;

“Type 3 parcels” has the same meaning as found in section 28.1 of the self-government agreement, being settlement land parcels C-70FS, C-71FS, C-73B, C-79B, C-85FS, C-96B, C-97B, C-98B, C-99B, C-108B, C-109B, C-110B, C-111B, C-112B and C-192B and “Type 3 parcel” means any one of them;

“undesigned” means a zone established by this Act where permitted land use is determined at the director’s discretion;

“water” has the meaning given in the final agreement;

“wildlife” has the meaning given in the final agreement except that it also includes elk and bison;

“YESAA” means the *Yukon Environmental and Socio-economic Assessment Act*, S.C. 2003, c. 7; and

“zone” means set of restrictions or permitted uses of land established by a land use plan that is applied to an area of settlement land and, if the context requires, may mean that area of settlement land.

PART ONE
GENERAL PROVISIONS

Purpose

3. The purpose of this Act is to provide for comprehensive and integrated decision-making with respect to the use, management and disposition of interests in settlement land and resources in a fair and efficient manner that includes full consideration of economic, environmental, social, cultural, traditional and historic values.

Application of law

4. (1) This Act applies to
- (a) the administration and management of settlement land and resources; and
 - (b) any person, including the Kwanlin Dün First Nation and its Council, who wishes to use, possess or occupy settlement land or to use, harvest or extract resources.
- (2) Where there is any inconsistency or conflict between the provisions of this Act and
- (a) any other law made by the Kwanlin Dün First Nation, the provisions of this Act shall prevail to the extent of the inconsistency or conflict;
 - (b) the final agreement or self-government agreement, the provisions of the final agreement or self-government agreement shall prevail to the extent of the inconsistency or conflict; and
 - (c) the laws of general application and the provisions of this Act shall prevail to the extent that they provide for the same matter.

(3) Any reference in this Act to a specific law of general application is deemed to include any amendments to that law made from time to time.

Severability

5. The invalidity of any section, clause, sentence or provision of this Act shall not affect the validity of any other part of this Act that can be given effect without such invalid part or parts.

Laws of general application

6. (1) Subject to the final agreement and self-government agreement, the following laws of general application and the regulations made thereunder and any successor legislation shall not apply to or on settlement land:
- (a) *Area Development Act*, RSY 2002 c 10;
 - (b) *Forest Resources Act*, RSY 2008 c 15;
 - (c) *Subdivision Act*, RSY 2002 c 209; and
 - (d) Part 7 Division 6 of *Municipal Act*, RSY 2002 c 154.

(2) Subject to the final agreement and self-government agreement, the following laws of general application and any successor legislation shall not apply to Type 1 Parcels or Type 2 Parcels:

- (a) *City of Whitehorse Subdivision Control Bylaw, 2012–16*;
- (b) *City of Whitehorse Zoning Bylaw, 2012–20*; and
- (c) *City of Whitehorse OCP Adopting Bylaw, 2010–01*.

(3) The Council may make regulations in relation to any of the matters contained in the laws listed in subsections (1) and (2).

7. The Kwanlin Dün First Nation adopts the *Condominium Act*, RSY 2002 c 36 pursuant to section 20.1 of the self-government agreement with the following modification:

- (a) paragraph 5(1)(a) of the *Condominium Act* shall read “the leasehold interest in the land is registered in the Land Titles Office”.

8. Any designation of a historic site on settlement land pursuant to *Historic Resources Act*, RSY 2002 c 109 without the consent of the Council is of no force and effect.

9. Any prohibition of burning on settlement land made pursuant to paragraph 27(1)(b) of the *Forest Protection Act* RSY 2002, c 94 is of no force and effect.

Interpretation of authorizations

10. (1) Any authorization shall be interpreted in the same manner as it would if the land was not settlement land.

(2) Any authorization that uses words of disposition that would create a common law or equitable interest in land shall be interpreted to create a common law or equitable interest in settlement land.

(3) No authorization shall create a *sui generis* interest in settlement land.

Adverse possession, prescription and escheat

11. (1) No person shall acquire an interest in settlement land as a result of such use or enjoyment over a long period of time.

(2) No interest in settlement land shall be extinguished by virtue of a failure to claim or exercise it over a long period of time.

(3) No estate or interest in settlement land shall escheat to the Crown or otherwise become the property of the Government of Yukon or the Government of Canada by operation of law.

(4) If an authorization holder dies without an heir, the interest contained in that authorization shall be deemed to be surrendered to Kwanlin Dün First Nation.

Security interests and forced sale

12. (1) The Kwanlin Dün First Nation's right, title and interest in settlement land shall not be used by the Kwanlin Dün First Nation as security or collateral for any debt or obligation.

(2) Any mortgage, charge or lien of the Kwanlin Dun First Nation's right, title and interest in settlement land shall not be enforceable against the Kwanlin Dün First Nation.

(3) Despite subsections (1) and (2), an authorization holder may use his or her interest in that authorization as security or collateral for any debt or obligation and any mortgage or charge of any interest in an authorization shall be enforceable against that authorization.

(4) The Kwanlin Dün First Nation's right, title and interest in settlement land is exempt from forced seizure or sale by any process of law and any law of the Yukon which would otherwise authorize forced seizure or sale shall not apply to the Kwanlin Dün First Nation's right, title or interest in settlement land.

(5) Despite subsection (4), the interest of an authorization holder in that authorization is subject to forced seizure or sale by any process of law.

(6) No consent shall be given by the Council or any other person to the Kwanlin Dun First Nation's right, title and interest in settlement land being subject to a lien established by the *Builder's Lien Act*, RSY 2002 c 18 for purposes of subsection 4(2) of that Act.

Delegation

13. (1) The Council and the director may delegate in writing any power, responsibility or function under this Act to any employee, agent or representative or committee or other entity of the Kwanlin Dün First Nation.

(2) The director is authorized to enter into agreements on behalf of the Kwanlin Dün First Nation regarding the conversion of undeveloped settlement land to developed settlement land pursuant to section 6.1.8 of the final agreement.

Fee simple Interests

14. (1) No person may
- (a) grant or transfer a fee simple interest in a parcel; or
 - (b) register the fee simple title to a parcel in the Land Titles Office.

(2) Despite subsection (1), the Council may do anything referred to in that subsection by resolution provided that any grant or transfer of a fee simple interest in a parcel shall be approved by a meeting of beneficiaries held in accordance with section 16 of chapter 3 of the *Constitution of the Kwanlin Dün First Nation*.

PART TWO
DEPARTMENT OF LANDS AND RESOURCES

Establishment of the department

15. The Department of Lands and Resources of the Kwanlin Dün First Nation is hereby established.

Responsibilities of the director

16. The director shall be the head of the department and is authorized to administer and manage settlement land in accordance with the provisions of this Act, the regulations, the final agreement and the self-government agreement.

PART THREE
LAND USE PLANS

Objectives of this Part

17. The objectives of this Part are to
- (a) provide for planning, zoning, and development of settlement land in a manner that reflects the values, priorities and aspirations of the citizens and the Kwanlin Dün First Nation;
 - (b) provide a guiding vision for the management and use of settlement land and the use, harvesting and extraction of resources;
 - (c) establish a fair and transparent process to determine the best use of settlement land; and
 - (d) provide certainty of use to persons who possess, use or occupy settlement land or use, harvest or extract resources.

Adoption of land use plans

18. (1) The director may develop one or more draft land use plans for recommendation to the Council.

(2) The director may consult with the public in developing a draft land use plan.

(3) Upon receipt of a draft land use plan, the Council may approve, vary or reject the draft land use plan.

(4) A draft land use plan, shall take effect when it is approved by the Council or on such later date as the Council may specify.

Cooperative local area land use planning agreement

19. (1) The Council may authorize the director to develop a cooperative local area land use planning agreement in accordance with section 30.3 of the self-government agreement.

(2) Any agreement made pursuant to subsection (1) shall be subject to the approval of the Council in accordance with section 30.4 of the self-government agreement.

(3) Any cooperative local area land use plan recommended to the Council by the director shall be deemed to be a draft land use plan recommended by the director for approval under section 18.

(4) A cooperative local area land use plan shall take effect as a land use plan when it is approved by the Council or on such later date as the Council may specify.

Content of land use plans

20. (1) Each land use plan shall define the planning area to which it applies and establish the guiding vision, strategic direction and goals of the Kwanlin Dün First Nation in respect of that area.

- (2) In furtherance of the goals described in subsection (1), a land use plan may
- (a) subject to Part Four, establish zones and restrict or establish the permitted uses of land in each zone;
 - (b) include specific provisions for any area that contains heritage resources;
 - (c) include specific provisions for any area that forms the habitat for any species of plant or wildlife that is determined to be rare, threatened, endangered or at risk by or under federal, territorial or Kwanlin Dün First Nation law, irrespective of zoning;
 - (d) provide direction on compatibility with other planning instruments and jurisdictions where required;
 - (e) provide direction for its implementation;
 - (f) describe the land tenures, land users and associated values;
 - (g) describe key land use issues;
 - (h) include mapped information that may be associated with key issues to be addressed in the land use plan, including existing tenures, wildlife habitat, ecosystems, recreation potential, development suitability and limitations, etc.;
 - (i) establish schedules for its review; and
 - (j) make provision for any other matter relating to settlement land or resources in the planning area deemed by the director to be necessary or desirable.

(3) Without restricting the generality of subsection (2), in establishing zones under paragraph (2)(a), the land use plan may establish permitted land uses by zone including restrictions in relation to the following topics:

- (a) the use of land, buildings, or other structures for business, industry, residences, or any other purpose;

- (b) the location of any or all classes of business, industry, residences, or other undertakings, buildings, or other structures;
- (c) the class of use of land or buildings or both that shall be subjected to special regulations or standards;
- (d) the size of lots or parcels and the minimum area of land required for any particular class of use or size of building;
- (e) the density of population or intensity of development;
- (f) the erection of any building or other structure on land that is subject to flooding, slumping, earth movement, the presence of ice or other instability, or on land where, owing to bad natural drainage, steep slopes, rock formations, the presence of ice or other similar features, the cost of providing satisfactory waterworks, sewerage, drainage or other public utilities would, in the opinion of the Council, be prohibitive;
- (g) the location, height, number of stories, conditions area and volume of buildings and other structures placed, constructed, altered, or repaired after the passing of the bylaw;
- (h) the percentage of a lot or parcel of subdivided land that may be built on and the size of yards, courts, and other open spaces;
- (i) the loading or parking facilities on land not part of a public highway;
- (j) the location, layout, and standard of services for campers, trailers, mobile homes, campgrounds, trailer parks and mobile home parks and mobile home subdivisions;
- (k) the design, character, and architectural appearance and facing materials of buildings or structures in those districts or parts of the municipality considered to be of special significance to the heritage of the municipality, or of other governments, as the Council considers appropriate;
- (l) the lighting of land, buildings or other things;
- (m) harvesting or extraction of resources; and
- (n) wildlife, habitat, wetlands or environmental protection or restoration.

Default zones

21. (1) Until the following parcels have been zoned by a land use plan that is in effect, the following zones shall apply:

- (a) Type 1 parcels shall be zoned in accordance with the intended use of that parcel pursuant to 25.0 of the self-government agreement;
- (b) Type 2 parcels shall be zoned in accordance with the land use and development designation as established by section 28.9 of the self-government agreement, as varied from time to time; and
- (c) Type 3 parcels shall not be zoned pursuant to this Act, but in accordance with the self-government agreement shall be subject to City of Whitehorse zoning unless otherwise agreed.

(2) All other parcels shall be zoned undesignated.

Amendment of land use plans

22. (1) The director may recommend an amendment to a land use plan to the Council.

(2) Upon receipt of an amendment recommended by the director, the Council may amend a land use plan.

(3) Subject to Part Four, zoning may be amended by an amendment to the land use plan made under this section.

(4) The director may consult with the public when drafting an amendment to a land use plan.

Review of land use plans

23. (1) The director shall review a land use plan on an as needed basis, or in accordance with the terms set by a land use plan.

(2) The Council may review a land use plan on its own motion.

PART FOUR RESTRICTION

Restriction

24. (1) The land use permitted under this Act, whether by a land use plan, zone or authorization shall at all times comply with the final agreement and the self-government agreement.

- (2) The permitted use established for Type 2 parcels shall
- (a) be in accordance with the land use and development designation set by the self-government agreement as varied from time to time;
 - (b) be consistent with the laws of the Yukon and the City of Whitehorse in relation to planning, zoning and land development in its effect on public health or safety; and
 - (c) not have an adverse effect on the ability of the Yukon or the City of Whitehorse to provide firefighting, ambulance, policing and other emergency services on the land in a safe and cost effective manner.

(3) Unless otherwise agreed by the Kwanlin Dün First Nation and the Yukon or the City of Whitehorse, whichever has responsibility for the matter in question, the permitted land use for Type 3 parcels in respect of a public health and safety power or a planning, zoning and land development power shall be determined by the applicable law of general application.

PART FIVE
SUBDIVISION AND CONSOLIDATION

Subdivision and consolidation

25. (1) Upon the application of any person who has applied for or holds an interest in a parcel or upon his or her own initiative, the director may subdivide a parcel or consolidate two or more parcels.

(2) Every application shall include a description of the proposed parcel or parcels that is satisfactory to the director, and any other information required by the director.

(3) Any subdivision or consolidation approved by the director shall be consistent with any land use plan adopted by the Council.

(4) A subdivision shall take effect when the approved application is recorded in the land management system pursuant to section 50.

(5) Part Seven shall apply to an application for subdivision or consolidation as if it was an application for an authorization.

(6) The parcels which result from the subdivision of a parcel shall have the same zoning as the original parcel.

(7) When two or more parcels with different zoning are consolidated, the director may determine the zoning of the resulting parcel.

26. For greater certainty, there shall be no mandatory public land use dedication with respect to the subdivision of settlement land.

PART SIX
AUTHORIZATIONS

Requirement for an authorization

27. (1) No person has any claim, right, title or interest in or to settlement land, except in accordance with an authorization, the final agreement or self-government agreement.

(2) Any authorization issued or approved by the Council or any person authorized by the Council before this Act comes into effect shall continue in effect but any extension or renewal shall be issued by the director.

28. No person shall access, use, possess or occupy settlement land or use, harvest or extract resources, except in accordance with the terms and conditions of an authorization and any other applicable law.

29. (1) A person shall not be required to obtain an authorization to use, access, possess or occupy settlement land or to use, harvest or extract resources if

- (a) the person is a beneficiary who is undertaking a traditional activity;
- (b) the access, use, possession or occupation of settlement land or resource harvesting is authorized under the final agreement;
- (c) the access, use, possession or occupation of settlement land or the use, harvest or extraction of resources without an authorization is permitted under the regulations;
- or
- (d) the person is involved in the delivery of emergency services or actions to protect public health, welfare or safety or to prevent irreparable harm to settlement land and resources, but the person shall notify the director at the earliest opportunity.

(2) The activities listed in paragraphs (a), (b), (c) and (d) shall be subordinate to any authorization that grants the authorization holder the right of exclusive possession to a parcel of settlement land.

Issuance of an authorization

30. (1) The director may only issue an authorization for a use that is consistent with the applicable zone.

(2) No authorization shall be issued to an individual or on behalf of an individual who is less than 19 years of age.

Terms and conditions of an authorization

31. (1) An authorization shall be deemed to reserve unto the Kwanlin Dün First Nation all oil, gas and minerals that are not specifically granted or disposed of in that authorization.

(2) The holder of an authorization shall comply with all applicable laws.

(3) An authorization may contain any other terms and conditions that the director considers necessary or desirable to meet the goals and objectives of this Act, including the implementation of a land use plan.

(4) An authorization may include restrictions regarding permitted use which are more restrictive than those imposed by the applicable zone.

Transfer or assignment

32. (1) Where required by regulation or the terms of an authorization, a person shall not transfer or assign an authorization to another person without the written consent of the director.

(2) An authorization may restrict or prohibit the right of transfer or assignment in accordance with its terms.

(3) If any authorization is transferred or assigned, the terms and conditions of that authorization shall continue to apply unless the authorization is amended by agreement between the director and the assignee of the authorization.

(4) Despite subsection (1), when the holder of an authorization for residential purposes dies, his or her executor or administrator may assign or transfer the authorization without consent.

(5) Despite subsection (1), no consent shall be required for the transmission by operation of law of an authorization for residential purposes if the holder dies without a will.

(6) Despite subsections (4) and (5), where according to an authorization's terms the authorization ends upon the death of the authorization holder, there shall be no transfer or assignment of that authorization following the authorization holder's death.

Notice of dealing

33. Where required by regulation or the terms of an authorization, a person shall notify the director of any disposition or other dealing with the authorization.

Form of authorization

34. An authorization may be in such form as determined by the director or as may be provided in the regulations.

Authorization is binding

35. An authorization is binding and enforceable on the Kwanlin Dün First Nation and the holder in accordance with its terms.

36. There shall be no representation, warranty, collateral agreement or condition affecting the authorization except as provided in this Act or as may be set out or referentially incorporated into the authorization.

PART SEVEN
APPLICATION FOR AN AUTHORIZATION

Prescribed application form

37. A person who wishes to obtain or renew an authorization shall complete and submit an application for authorization in prescribed form to the director, and provide any information required by regulation or otherwise requested by the director.

Eligibility

38. (1) Any person who is at least 19 years of age or any other legal entity, including a government, society or corporation, may make an application for an authorization.

(2) Two or more people may apply for an authorization to be held in either joint tenancy or as tenants in common.

(3) If two or more people have an interest in the same authorization, the following presumptions apply

(a) for authorizations for residential purposes, the presumption shall be that each individual holds his or her interest in the authorization as joint tenants; and

(b) for all other authorizations, the presumption shall be that each individual holds his or her interest in the authorization as tenants in common.

Incomplete applications

39. (1) If the director determines that an application for authorization does not provide information required by regulation or otherwise determined by the director as necessary for the application to be assessed, the director shall notify the applicant in writing of the additional information required.

(2) The director shall not have any obligation to deal further with the application until the applicant provides the required information.

Application fee

40. (1) The director may establish a fee that is payable to the Kwanlin Dün First Nation upon the submission of an application for an authorization.

(2) The director may require an applicant to reimburse the Kwanlin Dün First Nation for its reasonable legal and professional fees and costs in processing that application.

Compensation

41. (1) The director may require, before issuing an authorization, that an applicant enter into a compensation agreement with the Kwanlin Dün First Nation or any affected person, including a citizen, for any potential loss or damage that may arise from the applicant's activities under the authorization.

(2) The compensation agreement shall contain any terms and conditions required by the regulations or as considered appropriate by the director and shall be incorporated into and form part of the authorization.

Financial security

42. (1) The director may require, before issuing an authorization, that an applicant provide financial security for the performance and completion by the applicant of all the obligations of the authorization, including financial security required by regulation or as may be necessary to carry out remedial or preventative work to protect, conserve, restore or rehabilitate settlement land or resources.

(2) The director shall have the right to realize on financial security to pay the costs of the obligations and work described in subsection (1).

(3) This section does not affect the liability of a person holding an authorization for any damage to settlement land in excess of the amount of the financial security provided in accordance with subsection (1).

(4) The financial security shall contain any terms and conditions required by the regulations or as considered appropriate by the director and shall be incorporated into and form part of the authorization.

Benefit agreements

43. (1) The director may require, before issuing an authorization, that an applicant enter into a benefit agreement to provide, among other matters, employment and, training for citizens and equity and economic opportunities to the Kwanlin Dün First Nation and address any significant adverse environmental and socio-economic effects.

(2) The benefit agreement shall contain any terms and conditions required by the regulations or as considered appropriate by the director and shall be incorporated into and form part of the authorization.

PART EIGHT
REVIEW OF APPLICATIONS

Determination of application

44. (1) The director may approve an application for an authorization and issue or renew an authorization, or reject an application.

(2) Where an application is approved, the director shall issue or renew an authorization which shall be subject to any terms and conditions prescribed by the regulations or which the director considers necessary for the purposes of this Act.

(3) Despite subsection (2), the director may only vary the terms and conditions of an authorization on an application for renewal if permitted to do so by the terms and conditions of the original authorization or with the consent of the authorization holder.

(4) The director shall notify the applicant of his or her decision in writing.

(5) The director has no duty to give reasons for a decision made under subsection (1).

Review of the director's decision

45. (1) The applicant may make a written request to the Council for a review of a decision made by the director under this Act no later than 30 days from the date the applicant receives notice of the decision.

(2) On an application for review, the Council may confirm, vary or overturn the director's decision.

(3) If the Council approves an application for an authorization under subsection (2), the director shall, subject to Part Four, issue any authorization in conformity with any terms and conditions established by the Council.

(4) This section shall not apply to an application for a project authorization under section 47.

Referral of application to the Council

46. (1) The director may refer an application for an authorization to the Council for its review.

(2) If the director refers an application to the Council under subsection (1), he or she shall notify the applicant of that fact.

(3) The Council may establish procedures including public notice and hearing, for any application referred under subsection (1).

(4) The Council may approve, including establishing any terms and conditions, or reject the application for an authorization referred to in subsection (1).

(5) If the Council approves an application for an authorization under subsection (4), the director shall, subject to Part Four, issue any authorization in conformity with any terms and conditions established by the Council.

(6) This section shall not apply to an application for a project authorization under section 47.

Application for a project authorization necessary for a project

47. (1) Where an application is for an activity authorization related to a project and the project is under review at YESAA, the director may

- (a) assess the application;
- (b) solicit input from the Council and citizens regarding the proposed land use; and
- (c) hear submissions made by the applicant with regards to the project

but shall not issue an authorization until he or she issues a decision document in accordance with subsection (2).

(2) Upon receiving recommendations regarding a project pursuant to YESAA, the director shall discharge the powers and duties of a decision body for the project and issue a decision document for the project.

(3) In issuing the decision document under subsection (2), the director may consider input from citizens and may incorporate such input into the decision document and any ensuing authorization.

(4) In issuing the decision document under subsection (2), the director shall consider input from the Council and shall incorporate such input into the decision document and any ensuing authorization.

(5) A decision document is final.

(6) Once a decision document has been issued, the director shall exercise any discretion in issuing the authorization in conformity with the terms and conditions of the decision document.

(7) The authorization can deal with matters other than those provided for in the decision document.

(8) The director is not required to issue any authorization with regards to a project for which a decision document has been issued.

(9) Despite subsection (8), if the Council instructs the director to issue an authorization with regards to a project for which a decision document has been issued, subject to subsection (6) the director shall do so and shall incorporate any terms and conditions recommended by the Council.

Review of project authorizations

48. (1) The Council may review a decision by the director under section 47 to issue an authorization, refuse an authorization or establish terms and conditions of an authorization which are more restrictive than those included in the decision document.

(2) The Council may only conduct a review under subsection (1) if it gives notice to the applicant of its intention to review within ten days from the issuance of the authorization.

(3) Any review conducted by the Council in accordance with subsection (1) shall be completed within 30 days from the issuance of the authorization. If no decision has been made by the Council during that period, the authorization shall be deemed to have been approved on review.

(4) On review of a decision under subsection (1), the Council may confirm, amend or revoke the authorization issued by the director, subject to the following restrictions:

(a) If the decision document accepted a recommendation that the project proceed or rejected a recommendation that the project not proceed,

(i) the Council may revoke the authorization; or

(ii) the Council may amend the terms and conditions of the authorization, subject to the minimum standards established by the decision document issued by the Kwanlin Dün First Nation.

(b) if the decision document accepted a recommendation that the project not proceed, or rejected a recommendation that the project proceed

(i) the Council may not issue an authorization for the project; or

(ii) the Council may suggest modifications to the project and recommend the modified project be referred to YESAB for review.

PART NINE INCOME TAXES

Income taxes

49. Every person who is a resident of settlement land on December 31st in any year shall

(a) file a return under the *Income Tax Act*, RSC 1985, c 1 (5th Supp) for the year ending December 31st and indicate on the return that he or she was a resident of settlement land; and

(b) file with the director on or before June 30th, a copy of the page of the filed return indicating his or her residency on settlement land on December 31st.

PART TEN
MANAGEMENT OF LAND

Land management system

50. (1) The director shall establish and maintain a land management system consisting of a separate file for each parcel.

(2) The director is authorized to enter into agreements with other persons or governments for the administration of the land management system.

(3) The books and records to be maintained under this section and any other related matter shall be set out in regulation.

Registration in the Yukon Land Titles Office

51. (1) The director or any person authorized by the director may apply to have an authorization respecting less than the entire interest in a parcel registered in the Yukon Land Titles Office pursuant to 5.9 of the final agreement.

(2) The priority of claims or interests in a parcel registered under the *Land Titles Act*, RSY 2002 c 130 shall be determined in accordance with that Act.

(3) No person shall have a claim on the assurance fund established under the *Land Titles Act*, RSY 2002, c 130 based on any estate or interest in settlement land

- (a) existing prior to the issuance of an authorization with respect to that land; or
- (b) created, granted, or issued after the issuance to another person of an authorization with respect to that land.

PART ELEVEN
ENFORCEMENT

Designation of lands officer

52. The Council shall designate any person or classes of persons as lands officers for the purposes of this Act and may limit in any manner that the Council considers appropriate the powers that the lands officer may exercise under this Act or any other law made by the Kwanlin Dün First Nation.

Cross-jurisdictional appointments

53. The Council may enter into agreements with other governments to permit

- (a) lands officers to enforce specific laws of other governments; or

- (b) the designation of any person or class of persons employed by other governments to be deemed a lands officer under this Act.

Certificate

54. (1) Each lands officer shall be provided with a certificate in a form the director considers appropriate certifying the lands officer's designation as such and, where the powers of the lands officer are limited pursuant to section 52, specifying the powers that the lands officer may exercise under this Act or any other law made by the Kwanlin Dün First Nation.

- (2) A lands officer shall, on request by any person, show the certificate of designation.

Powers of seizure

55. (1) For the enforcement of this Act and the regulations, a lands officer may request the production of documents or things which the lands officer believes in good faith are necessary to an investigation.

- (2) On giving a receipt, the lands officer may remove from any place any document or thing produced in response to a request under subsection (1).

(3) If a request under subsection (1) is refused, the lands officer may apply to a court for an order authorizing seizure.

(4) Where a court is satisfied that there are reasonable grounds to believe that it is necessary that a document or thing be produced to further to a lands officer's investigation, the court may issue an order authorizing the seizure of the document or thing by any person referred to in the order.

(5) A document or thing that has been seized under this Act shall be returned to the person from whom it was seized after it is no longer needed for the investigation or proceeding under this Act.

Entry on premises

56. (1) A lands officer shall have the power at any reasonable time without notice, to enter any place or premises under an authorization, other than a private residential dwelling, and conduct such inspections as may be considered necessary to determine whether this Act and the authorization are being complied with.

- (2) A lands officer may enter a private residential dwelling with the consent of the occupant in charge of the place.

(3) A lands officer who needs but cannot obtain consent to enter a place or who has been refused entry to a place may apply to a court for a warrant authorizing entry of the place.

(4) Where a court is satisfied that there are reasonable grounds to believe that it is necessary that a place be entered to further to a lands officer's investigation, the court may issue a warrant authorizing entry of the place by any person referred to in the order.

- (5) A warrant or order issued under subsection (4) shall
- (a) be executed within such part of a day, if any, as specified in the order; and
 - (b) expire at the end of the day specified in the order or at the end of the fourteenth day after the order is issued or made, whichever day ends first.

Assistance to lands officers

57. The person in charge of a place entered into by the lands officer under section 56 and every person found in the place shall

- (a) when requested by a lands officer, give the lands officer all reasonable assistance in the person's power to enable the lands officer to carry out his or her duties and functions under this Act unless the person's health and safety are compromised; and
- (b) provide the lands officer with any information with respect to the administration of this Act as the lands officer may reasonably require.

Obstruction and false information

58. While the lands officer is exercising powers or carrying out duties and functions under this Act, no person shall

- (a) knowingly make any false or misleading statement, either orally or in writing, to the lands officer; or
- (b) otherwise obstruct or hinder the lands officer.

Duty to report

59. Where an occurrence takes place on settlement land that has caused or is likely to cause a threat to public health or safety or cause significant damage to the environment or settlement land, any person who at the material time

- (a) has charge, management or control of the work or undertaking;
- (b) causes or contributes to the causation of the danger thereof; or
- (c) observes or witnesses such occurrence

shall report such occurrence to the director or a lands officer and such other person as may be required by the authorization.

Duty to take all reasonable measures

60. Every person referred to in paragraphs 59(a) to (c) shall, as soon as possible in the circumstances, take all reasonable measures to protect public health or safety and the environment or settlement land, to prevent any occurrence referred to in section 59, and to

counteract, mitigate or remedy any adverse effects that result or may reasonably be expected to result from the occurrence.

Power to take or direct remedial measures

61. Where a lands officer, whether or not a report has been made under section 59, is satisfied on reasonable grounds that there is an occurrence referred to in section 59 and that immediate action is necessary in order to carry out any reasonable measures referred to in section 60, the lands officer may take or direct any person referred to in paragraphs 59(a) to (c) to take such measures unless the person's health and safety are at risk.

Notice of trespass

62. (1) Any trespasser shall vacate settlement land upon notice from the director and shall be liable for

- (a) occupation rent during the period that the trespasser has occupied the settlement land; or
- (b) compensation to the Kwanlin Dūn First Nation for any resources that were used, harvested or extracted.

(2) The notice shall inform the trespasser of

- (a) his or her actions which constitute a trespass;
- (b) the settlement land being unlawfully used, accessed or occupied by the trespasser, or the resources being unlawfully used or harvested by the trespasser;
- (c) the steps he or she must take to remedy the trespass; and
- (d) the Kwanlin Dūn First Nation's intention to pursue a legal remedy within 30 days should the trespasser fail to undertake steps referred to in paragraph (c).

(3) The notice is issued at the earlier of

- (a) the date when the notice is affixed to the entrance of any structure being occupied by the trespasser;
- (b) the notice is received by the trespasser via registered mail; or
- (c) the notice is personally served on the trespasser.

Trespass orders

63. (1) If the trespasser does not take the steps referred to in paragraph 62(2)(c) within 30 days of the issuance of the notice set out in subsection 62(1), the director may issue one or more of the following orders:

- (a) If the trespasser is unlawfully occupying settlement land, that
 - (i) the trespasser is evicted and must vacate that settlement land by the date specified therein;
 - (ii) the trespasser shall pay occupation rent in the amount specified together with interest thereon at the rate of interest specified under subsection 69(1); and

(iii) the trespasser shall remove any improvements or personal property on settlement land as specified by the order.

- (b) If the trespasser is or has unlawfully used resources, that
- (i) the trespasser shall pay compensation at a specified rate for any resources used, harvested or extracted; and
 - (ii) the trespasser shall remediate any damage to settlement land caused by the unlawful use, harvest or extraction of resources.

(2) An order of the director issued under subsection (1) may be filed in court and it shall then be enforceable as an order of the court.

(3) The director may cause any improvements or personal property on settlement land described in an order under subsection (1) to be removed from that settlement land and may dispose of and recover the costs of that removal from the trespasser as a debt due to the Kwanlin Dün First Nation.

(4) The director and any person acting under his or her authority shall have no liability for removing and disposing of improvements or personal property from settlement land under subsection (3).

(5) The director may cause any contamination or environmental damage to settlement land occupied by a trespasser to be remediated and may recover the cost of that remediation from the trespasser as a debt due to the Kwanlin Dün First Nation.

Notice of non-compliance

64. (1) A lands officer may issue a notice of non-compliance to an authorization holder when the officer believes that the person, or an activity under the authorization holder's control, is not in compliance with the applicable authorization.

- (2) A notice shall state
- (a) the nature of the non-compliance;
 - (b) the steps that must be taken to achieve compliance;
 - (c) the date by which compliance should be effected;
 - (d) the full name and address of the person to whom the notice has been issued;
 - (e) the date, time and place of the issuance; and
 - (f) the name and signature of the lands officer.

(3) Upon receipt of a notice of non-compliance, the authorization holder shall carry out or cause to be carried out the steps indicated in paragraph (2)(b) by the date indicated in paragraph (2)(c).

Stop work order

- 65.** (1) If
- (a) a term or condition of an authorization is contravened;

(b) the work or undertaking to which an authorization relates has caused or is likely to cause a significant, unforeseen adverse effects on public health, safety, the environment or settlement land; or

(c) a person has received notice of trespass under section 62,

the director may issue a written stop-work order directing the person to stop all such work or undertaking or to carry out measures to mitigate or remedy any adverse effects of the work or undertaking within any time specified in the stop-work order.

(2) Upon receiving a stop-work order, the person shall immediately comply.

66. If the director is satisfied that adequate steps have been taken to remedy the conditions that led to the order issued under section 65, he or she shall rescind the order.

Director may act

67. (1) Where a person has been issued a notice pursuant to section 64 or an order pursuant to section 65 and has failed to remedy the non-compliance or comply with the order, the director may take such action as he or she deems necessary to mitigate or remedy the effects of the non-compliance.

(2) The costs of any action taken by the director pursuant to subsection (1) may be recovered from the authorization holder as a debt due to the Kwanlin Dün First Nation.

Order for compliance or stop work

68. (1) If the director considers that any person is not complying or has not complied with

(a) a notice of non-compliance issued by a lands officer under section 64 of this Act; or

(b) a stop-work order made by the director under section 65 of this Act,

the director may apply to a court for an order directing the person to comply with the notice or the stop-work order or restraining the person from violating the notice or the order.

(2) On application by the director under subsection (1), the court may make an order it considers appropriate including granting an injunction enjoining any person from continuing conduct that is in contravention of the notice, stop-work order or this Act.

Debts due to the Kwanlin Dün First Nation

69. (1) Any debt due to the Kwanlin Dün First Nation in accordance with this Act shall bear interest in accordance with the rate set for delinquent accounts by the Kwanlin Dün First Nation Department of Finance per year until paid in full.

(2) Any debt due to the Kwanlin Dün First Nation in accordance with this Act shall be enforceable in a court.

(3) To secure the repayment of debts referred to in this Act, the Kwanlin Dün First Nation shall have a lien on all property and assets of the debtor situated on or related to settlement land.

(4) An authorization may contain the grant of a security interest in all of the holder's present and after acquired property by the authorization holder to the Kwanlin Dün First Nation as security for all debts of the holder to the Kwanlin Dün First Nation.

Suspension, cancellation or amendment of an authorization by the director

70. Subject to section 71, unless otherwise provided in the authorization, the director may, after giving the holder of an authorization reasonable notice and an opportunity to make representations, by written order

- (a) suspend all or some of the rights of the holder under the authorization;
- (b) cancel the authorization; or
- (c) amend or attach new conditions to the authorization.

71. The director may only make an order under section 70 if the authorization is not for residential purposes and

- (a) a material term or condition of the authorization or a provision of this Act is contravened and such contravention has not been cured within a reasonable period of time; or
- (b) the work or undertaking to which the authorization relates has caused or is likely to cause a significant, unforeseen threat to public health or safety or cause significant, unforeseen damage to the environment or settlement land

72. Upon receiving an order under section 70, the holder of the authorization shall immediately comply with the order.

73. If the director is satisfied that adequate steps have been taken to remedy the conditions which led to the issuance of an order under section 70, the director shall rescind the order and reinstate the authorization or issue a new authorization.

PART TWELVE OFFENCES AND PENALTIES

Offences

74. A person who contravenes this Act is guilty of an offence punishable on summary conviction and liable to a fine not exceeding \$300,000 or to imprisonment for a term not exceeding six months, or to both.

Continuing offences

75. Where any contravention of this Act is committed or continued on more than one day, it constitutes a separate offence for each day on which the contravention is committed or continued.

Other penalties

76. On a conviction for a contravention of this Act, in addition to or instead of a fine or other penalty, the court may require the convicted person to

- (a) take any action as may be necessary to refrain from causing any further adverse effect;
- (b) take any action as may be necessary to restore or rehabilitate the natural environment affected by the commission of the offence;
- (c) make restitution to any person who suffered damages as a result of the commission of the offence as the judge may consider appropriate; or
- (d) undertake any other actions as may be necessary to achieve compliance.

Tickets

77. If a lands officer believes on reasonable grounds that a person has committed an offence under section 28, then, as an alternative to prosecution for the offence or other sanctions, the officer may issue a ticket to the alleged offender in the following amounts:

- (a) for a first offence, up to \$500 and, in the case of a continuing offence, to a further penalty of up to \$250 for each day or part of a day during which the offence continues after the first day; and
- (b) for a second offence, up to \$1,000 and, in the case of a continuing offence, to a further penalty of up to \$500 for each day or part of a day during which the offence continues after the first day.

Offences by corporations

78. Where a corporation commits an offence under this Act, any director, officer, or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence, or ought to have known of the offence, is guilty of the offence and is liable on conviction to the penalty provided under this Act, whether or not the corporation has been prosecuted.

Offences by employees or agents

79. In any prosecution for an offence under this Act, it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused and the accused knew or ought to have known of the offence, whether or not the employee or agent is identified or has been prosecuted for the offence.

Prosecutions

80. No prosecution in respect of any offence under this Act shall be instituted except under the authority of the Council, or a person delegated by the Council, on behalf of the Kwanlin Dün First Nation.

81. Any offence or administrative penalty created under this Act shall be prosecuted as an offence or ticket against an enactment pursuant to the *Summary Convictions Act*, RSY 2002, c 210, with any modifications that are necessary.

Disposition of fines and property

82. (1) Any fine paid by a person convicted of an offence under this Act, and any property forfeited pursuant to such a conviction, shall be paid or transferred to the Kwanlin Dün First Nation.

(2) Any ticket paid by a person who received it under section 77 shall be paid to the Kwanlin Dün First Nation.

Recovery of fines

83. When a fine, or any part of a fine, imposed on a person under this Act is not paid within 15 days after its imposition, or within any other time that may be allowed for its payment, the fine shall be deemed to be a debt due to the Kwanlin Dün First Nation.

Injunctions

84. The Council, or a person authorized by the Council, may apply to a court for an injunction and the judge may grant an injunction enjoining any person from continuing conduct that is in contravention of this Act.

PART THIRTEEN
POWERS OF COUNCIL

Regulations and forms

85. The Council may make any regulations it considers necessary to carry out the purposes and provisions of this Act, including regulations with respect to

- (a) applications for authorizations;
- (b) the terms and conditions of authorizations;

- (c) the use and management of forest resources on settlement land, including the issuance of permits to harvest forest resources and prescribing terms and conditions;
- (d) the leasing of mining and quarrying rights in, under or on settlement land and the payment of royalties for them, including the protection of and compensation to the holders of surface rights;
- (e) the subdivision of parcels;
- (f) the authorities and powers of the lands officer to enforce the provisions of this Act, including the power to arrest, search and seize things.
- (g) any of the matters contained in the laws of general application listed in section 6.

86. Every power of the Council under this Act to make regulations respecting an activity includes the power to make regulations regulating or prohibiting the activity in whole or in part.

87. The director may prescribe any forms he or she considers necessary to carry out the provisions of this Act.

PART FOURTEEN TRANSITION

Present occupation

88. (1) The director shall endeavor to give to each person who on the date of this Act comes into force 2013 occupies any parcel for residential purposes without an authorization notice that he or she may continue to occupy that parcel for residential purposes, provided that he or she

- (a) undertakes in writing to comply with any zoning that applies to that parcel; and
- (b) within six months after the date he or she is given notice, applies for an authorization to use that parcel for residential purposes.

2) The director shall determine the boundaries of the parcel occupied by an applicant for residential purposes and issue an authorization to a person who complies with (1).

(3) Subsection (1) shall not apply to a person subject to a process of eviction on or before March 31, 2013.

89. (1) If a person who is given notice under section 88 fails to comply with subsection 88(1), that person shall be deemed to be a trespasser who is occupying settlement land without lawful authority and the director shall give that person notice of trespass pursuant to section 62.

(2) A person deemed a trespasser under subsection (1) may within 60 days after receipt of the notice of trespass make a written request to the director for a review of his or her occupancy of settlement land and the director may, based on new information, issue an authorization.

(3) The director may refer any request under subsection (2) to the Council for a decision and the director shall implement the Council's decision.

90. (1) Any lease, license, easement, or other legally recognized interest existing on settlement land or with respect to resources at the time of enactment shall continue to be valid according to its terms as an authorization, notwithstanding any incompatibility between the terms of that agreement and the provisions of this Act.

(2) Any renewal of an interest referred to in subsection (1) shall be done under and in accordance with the provisions of this Act.

PART FIFTEEN MISCELLANEOUS

Liability

91. A person shall be liable to the Kwanlin Dün First Nation for his or her wilful or negligent acts or omissions that cause harm, injury, loss or damage to settlement land or resources.

92. Notwithstanding the suspension, cancellation, revocation, expiry or termination of an authorization, the authorization holder and any executor, administrator, receiver, receiver-manager, trustee or assignee thereof, any successor thereto, shall be liable to the Kwanlin Dün First Nation for the authorization holder's acts or omissions and for the discharge of any obligation of the authorization holder which occurred, arose or applied by virtue of the authorization.

93. The Kwanlin Dün First Nation and its employees and agents are not liable for any act or omission done in good faith in the exercise or purported exercise of any powers given to the employees, under this Act or as directed or authorized by the Council.

94. All actions against Kwanlin Dün First Nation and its agents arising out of the exercise of discretion or performance of duties under this Act shall be commenced within six months after the cause of action arose.

Judicial notice

95. A copy of a Kwanlin Dün First Nation law deposited in the Registry of the Laws established pursuant to section 21 of the *Constitution of the Kwanlin Dün First Nation* enacted is evidence of that law and of its contents unless the contrary is shown.

Remedies preserved

96. A proceeding, conviction or penalty for an offence under this Act does not relieve a person from other liability.

Review

97. The director shall commence a comprehensive review of this Act and its regulations no later than five years after this Act comes into force and report to the Council with any recommendations for amendments.

Repeal

98. The *McIntyre Greenbelt Zoning Act* (Kwanlin Dün First Nation) is hereby repealed.

Consequential amendment

99. The *Financial Administration Act* (Kwanlin Dün First Nation) is hereby amended by adding the following:

“25. (3) Despite any other provision of this Act, the Nation is authorized to

- (a) enter into an indemnity agreement with the First Nation Market Housing Fund;
- (b) provide to a Canadian chartered bank a guarantee of the obligation of a Citizen to that bank in connection with a loan from that bank to the citizen related to market-based housing on settlement land;
- (c) make payments from the Consolidated Revenue Fund from time to time to satisfy its obligations under guarantees provided under paragraph (b) hereof; and
- (d) obtain such assurances or take such security as it considers appropriate from each Citizen whose obligations are guaranteed under paragraph (b) hereof

in such forms and on such terms and conditions as may be authorized by a resolution of the Council from time to time.”

Act in force

100. This Act comes into legal force on a day to be fixed by the Council.