



LANDS ACT REGULATIONS OVERVIEW

The *Lands Act Regulations* state the roles and responsibilities of applicants, interest holders and the KDFN government under the *Lands Act*. All regulations must be passed by Council.

The beginning of the document defines words used in the Regulations.

There are four schedules in the *Lands Act Regulations*. Each provides a summary or list of important information.

Schedule 1 lists land classes. Land classes are used by KDFN to identify the type of activities or land uses allowed (traditional activity, residential and commercial etc.).

Schedules 2 and 3 summarize fees and rental rates. Costs are determined by the type of land interest, the applicant and the land class.

Schedule 4 lists designated waters. Designated waters are identified to help KDFN manage and protect settlement land, including regulating setbacks from the designated waters (ie. Marsh Lake, Fish Lake).

Part 1: Interpretation

Part 1 defines words used in the Regulations and explains that land classes and designated waters that fall under the *Act* are set out in Schedule 1 and 4, respectively.

Part 2: Interests in settlement land

Part 2 explains the application process, including issuing, amending, renewing, transferring and terminating an interest in settlement land.

An applicant must:

- be a person 19 years of age or older, or a corporation in good standing;
- submit a standard application form and processing fee; and
- provide truthful information on their application.

Before granting an interest, an amendment, a renewal, a transfer, or an assignment, KDFN may consider:

- an applicant's eligibility;
- zoning regulations or land use plans;
- scope of the amendment;
- term of the interest;
- history of compliance;
- outstanding debt to the government or unpaid property taxes;
- assessments under Yukon Environmental and Socio-economic Assessment Act (YESAA); or
- the interests of KDFN.

If the interest doesn't comply with land use planning, zoning regulations or other government laws, policies or plans, KDFN cannot grant an interest, amendment, or a renewal of an interest. For example, a residential interest cannot be granted in an area zoned for commercial use.

Changing a residential allocation to a lease or a lease to an allocation requires approval from KDFN. KDFN may consider an applicant's history of compliance before approving the change.

If KDFN intends to terminate an interest, it must inform the interest holder in writing. The interest holder has the right to object to the termination. If an interest is terminated, the interest holder must remove all improvements from the land, pay all debts due and bring the land back to the department's standard within a set period of time.

Part 3: Lottery and tender

Part 3 explains planned development parcels and the lottery and tender processes.

A planned development lot is a lot that is ready to be offered on the market.

Residential and recreational planned development lots are offered through a lottery or tender process. Commercial, industrial and quarry planned development lots are offered through a tender process.

KDFN may offer planned development lots outside of a lottery or tender process, including:

- granting a person an interest based on an approved policy by Council; or
- setting aside a parcel for a public purpose.

KDFN Beneficiaries and Citizens are offered planned development parcels at development cost, unless otherwise approved by KDFN.

An applicant must:

- be a person 19 years of age or older, or a corporation in good standing;
- apply only once per process if they are a KDFN Beneficiary or Citizen; and
- apply only once per household if they are a member of the general public.

Application Priority

KDFN must offer settlement land based on priority interest as identified in the regulations.

According to the regulations:

1. KDFN Beneficiaries and Citizens may apply for settlement land in the first round of the lottery or tender process; and
2. KDFN Beneficiaries, Citizens and the general public may apply for settlement land in the second round.

Terms and conditions

KDFN may set terms and conditions as well as cancel, amend or revise a lottery or tender process.

If a lottery or tender process is cancelled, KDFN must return all application fees collected.

If a lottery or tender process is amended, KDFN must inform all applicants of the amendments in writing and extend the closing date.

Applicants who receive an amendment notice are able to withdraw their application. The application must be withdrawn after receiving the notice, but before the lottery or tender process is complete. If an applicant withdraws their application, their application fees are returned.

Cost, deposits and fees

Before a tender process begins, the director must set:

- the lowest acceptable bid on a parcel of land;
- the deposit to be submitted with the application; and
- any other charges or costs.

The director must establish a deposit in a lottery or tender process. The deposit must be paid upfront with the application. It will be a reasonable percentage of the land's value.

If an applicant is unsuccessful, the deposit is returned after the lottery or tender is complete. If an applicant is successful, the deposit is applied against the price of their parcel.

The director has the authority to set lot prices. The price may be development costs, leasehold market value or a reasonable amount determined by the director.

A successful lottery applicant must pay the remainder of the parcel price within 48 hours of the lottery ending.

A successful tender applicant must pay the remainder of the parcel price within 48 hours of the tender ending.

If an interest is abandoned or terminated and the interest holder paid the development costs of the parcel, KDFN must return their payment, less a penalty, within a set period of time.

Part 4: Authorizations to access, use or develop settlement land

Part 4 focuses on authorizations.

An applicant may not be granted an authorization if they:

- are less than 19 years of age;
- have an outstanding debt or are in default of an obligation to KDFN; or
- are a corporation not in good standing.

An applicant is responsible for costs, if any, associated with providing the required information to complete an interest or authorization application.

Before an authorization is granted, KDFN may:

- ask an applicant to pay any reasonable fees or costs KDFN paid related to processing their application;
- ask an applicant for more information (i.e. a decision document, an environmental site assessment or a heritage assessment of the land); and
- consider the information provided in the authorization application.

If the authorization holder is in non-compliance with the terms and conditions, KDFN cannot grant an authorization.

Before KDFN suspends, cancels or revokes an authorization, it must inform an authorization holder in writing. If an authorization has been cancelled or revoked, the authorization holder must remove all improvements, pay all debts and taxes and bring the land back to the department's standard within a set period of time.

Part 5: Conditions

Part 5 identifies terms and conditions KDFN may set in an authorization or interest, which may include:

- use of settlement land;
- remediation or restoration of settlement land;
- removal of structures and chattels on settlement land;
- review of rents to be paid;
- managing litter on settlement land;
- managing substances that could cause pollution on settlement land;
- use of and access to roads on settlement land;
- term of the authorization or interest;
- renewal or assignment of the authorization or interest; or
- other conditions that, in the opinion of the director, are in the best interest of KDFN.

Part 6: Fees, charges and rents

Part 6 sets out the fees, charges and rents associated with an authorization or interest.

Schedule 2: Fees

Schedule 2 summarizes application fees and land use fees, as well as other administration costs applicants will pay.

KDFN Beneficiaries and Citizens won't have to pay fees for all applications or land use fees. However, KDFN Beneficiaries and Citizens must pay application fees for commercial, industrial or a quarry lots. There are no application fees for an allocation.

The general public must pay fees for lease, land use, land use or development authorizations and subdivision approval applications.

Other fees listed in Schedule 2 apply to all applicants. These fees are administration service charges.

Schedule 3: Rental rates

Schedule 3 summarizes rental rates on leased settlement land.

KDFN Beneficiaries and Citizens must pay rental fees on commercial, industrial or quarry (gravel, sand, topsoil, etc. leases).

The general public must pay rent on all leases.

KDFN may set rental rates in other non-residential situations.

General

KDFN can set a price for materials quarried from settlement land. The price is based on current market value of the material (i.e. gravel or topsoil).

Before issuing an interest, KDFN must propose a rental rate. The interest holder may ask for a review of the proposed rent.

Rent reviews may be done every five years. If the review results in a different rent, KDFN must advise the interest holder of the change and provide time for a review.

If cancelling an interest shortly after entering into it, any money paid on that interest or authorization are returned to the interest holder. However, if an interest holder cancels after 60 days, the money won't be returned.

Part 7: Security

Part 7 explains how financial security is calculated, the type of security accepted and gives KDFN authority to review security and request more if necessary.

Any money held must not be higher than the total estimated cost of restoring or remediating the land, or any work that may be required after the interest or authorization expires.

When calculating security, KDFN may:

- review the interest holder's ability to pay the cost; and
- consider any past performance, as well as the scope of environmental risk associated with the proposed development.

If money is required, KDFN must advise the interest holder in writing of the amount owed. The amount must be paid within 30 days.

If the money held is not enough to complete the work or cover the costs to KDFN, the interest holder must pay more.

Key Definitions

Allocation: an allocation is a right to an interest in settlement land for residential or traditional activities. Allocations are only available to KDFN Beneficiaries and Citizens.

Authorization: an authorization is permission to use or access settlement land for a specific reason. Authorizations can include a licence, land use or development permit. Authorizations do not provide an interest in the land.

Development authorization: development authorization is permission from KDFN to complete work on a settlement land lot.

Development cost: development cost is the cost to develop a lot of settlement land. Costs could include: land surveys, road construction, power line installation, etc.

Easement: an easement is an authorization in settlement land for a specific reason. Easements are generally used for power or utility lines, or underground telecommunications lines.

Expropriation: expropriation is when KDFN takes an individual's interest in land for a public purpose, like a power line or a road.

Interest: an interest in land is a right to access or use a lot of settlement land (i.e. a lease, an allocation or an easement).

Land use planning: land use planning determines how land will be used. A land use plan guides how land will be developed and identifies land to be set aside for residential, recreational and commercial uses.

Lease: a lease is an interest in settlement land for commercial, industry, quarry, residential, and recreational. Leases are available to any qualified applicant. A lease creates a landlord/tenant relationship between KDFN and the leaseholder.

Lottery: a lottery is a way to acquire an interest in settlement land through a random selection of qualified applicants.

Planned Development Parcel: a planned development parcel is a parcel of settlement land where money has been spent on development costs to define parcel boundaries and provide road and utilities access.

Subdivide: subdivide is the creation, adjustment, or realignment of a parcel of settlement land that needs to be registered under the Lands Titles Act.

Tender: tender is a way to acquire an interest in settlement land for commercial, industrial or quarry use. Qualified applicants are invited to bid on settlement land lots based on market value.

Zoning Regulation: zoning regulations determine the details of how land will be developed. Zoning must be consistent with the relevant land use plan.