

LOWER NICOLA INDIAN BAND

**ALLOTMENT AND CUSTOM FAMILY LANDS
LAW**

Enacted on _____

Authorized signatory for LNIB

[NAME]

DEPOSITED IN THE REGISTER

ON ____/____/____
(Day/Mo/Year)

ALLOTMENT AND CUSTOM FAMILY LANDS LAW

TABLE OF CONTENTS

PREAMBLE.....	3
PART 1 – CITATION, APPLICATION, DEFINITIONS AND INTERPRETATION.....	5
Citation	5
Purpose.....	6
Application.....	6
Paramountcy	6
Definitions.....	6
Interpretation	6
Severability.....	7
Validity.....	7
PART 2 – ADMINISTRATIVE PROVISIONS	7
Procedures for certain Allotments.....	7
Custom family Allotments	7
Schedules.....	7
PART 3 - ALLOTMENTS.....	8
Granted under this Law	8
Interim allotment.....	8
Responsibilities of Allotment-holder.....	9
PART 4 - ALLOTMENTS IN COMMUNITY LAND.....	9
Allotment in LNIB Community Land.....	9
Allotments relating to mortgages and housing agreements.....	10
Exchange of LNIB Lands	10
PART 5 - OTHER ALLOTMENTS	11
Cancelling Allotment to participate in housing program.....	11
Allotment after a foreclosure	11
Allotment after a court order	11
Other Allotments under regulation	12
PART 6 - CANCELLING, TRANSFERRING AND	12
GRANTING INTERESTS AND LICENCES IN ALLOTMENTS.....	12
Power to cancel or correct an Allotment	12
When cancellation takes effect	12
Effect of cancellation	12
Transfer of Allotment on death.....	12
Transfer of Allotments and granting of Interests in Allotments	12
No liability for transfers of, or grants of Interests in or to, an Allotment.....	13
PART 7 - GENERAL.....	13
Filing procedure deemed followed	13
Authenticity of Certificate of Possession	13
Registration	13
Forms and land instruments	14
Conflict of interest.....	14

ALLOTMENT AND CUSTOM FAMILY LANDS LAW

PART 8 - APPEALS 14
 Dispute resolution..... 14

PART 9 – GENERAL PROVISIONS..... 15
 Delivery 15

PART 10 – REGULATIONS 16
 Regulations 16

PART 11 – AMENDMENT 16
 Substantive amendments to this Law 16
 Minor amendments..... 16

PART 12 – COMING INTO FORCE..... 17
 Coming into force 17

ALLOTMENT AND CUSTOM FAMILY LANDS LAW

PREAMBLE

WHEREAS:

We the Scwexmx (People of the Creek), are part of the Nte?kepmx Nation;

Our sptékʷt (our origin stories), tell us that xe?kʷúpi? (Old One) created the tmíxʷ (our world);

Messages from Old One were sent directly to the hearts of our ancestors, the first human dreamers who learned Nte?kepmx xitl'ix (our laws);

xe?kʷúpi? Old One and the qwílqʷáqʷəłt (the Transformers) created the world we know today and taught our families how to care for it so that it would continue to provide for all the generations still to come;

Our identity is tied to our tmíxʷ (our world), and the complex and enduring relationships we have with all human and nonhuman beings living in, on and above it;

We have, since time immemorial, held, and continue to hold, Aboriginal Title to the traditional lands of our Nation;

We are a sovereign Nation, with our own Indigenous laws, governance, culture, spirituality and vision;

We are a strong, vibrant and dynamic community and our unique history and worldview help shape our future;

We are guided by our Indigenous laws and protocols, and govern according to them. These foundational principles, written on our hearts since our world was created include the teachings of yémes (Respect), s?émit (Responsibility), and lúmu?stn (Relationships);

We exercise sovereignty over the land, the waters, the salmon, the animals, the insects, the amphibians and all other beings and resources throughout nte?kepmxúym'xʷ (our asserted territory);

Our laws and protocols reflect our right and responsibility to govern and steward, in our own way, as our ancestors were taught when our world was created;

Today, as in the past, our community believes that the future of our families is ours to determine. Respectful shared decision making requires free prior informed consent, meaningful engagement and consultation, recognition of the deep and important knowledge held by our community members and building and maintaining strong relationships;

We consider this our responsibility, shared by Old One to the first human dreamers. It is an obligation we have to our children, our grandchildren, our great-grandchildren, and all the generations still to come, a privilege and a duty which cannot be forgotten;

The rights and responsibilities we hold as the caretakers and stewards of our lands are reflected in the articles of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP.) We are committed to upholding principles of UNDRIP in all of our

ALLOTMENT AND CUSTOM FAMILY LANDS LAW

laws. Articles 4, 5, 18, 32 and 34, in particular, affirm the rights of Indigenous Peoples to self-government and decision-making according to their own legal institutions and internal procedures.

AND WHEREAS Lower Nicola Indian Band has an inherent right to self-government which emanates from its people, culture, language, and land, and which is recognized and affirmed by section 35 of the *Constitution Act, 1982*;

AND WHEREAS our Nation has chosen to assume control of its Indian Reserve lands pursuant to the Framework Agreement on First Nation Land Management by entering into the Individual Agreement on First Nation Land Management between Lower Nicola Indian Band and Her Majesty the Queen in Right of Canada and by adopting the *Lower Nicola Indian Band Land Code*;

AND WHEREAS under sections 6.1 [*Council may make Laws*] and 6.2 [*Examples of Laws*] of the Land Code, Council is authorized to establish Laws relating to lands, including relating to the use, possession and occupation of LNIB Land and relating to Interests in LNIB Land;

AND WHEREAS section 12.3(i) [*Community Approval*] of the Land Code provides that Council may declare that a particular decision must be approved by Community Approval before a matter proceeds;

AND WHEREAS section 14.1 [*All dispositions in writing*] of the Land Code provides that an Interest in LNIB Land may only be created, granted, disposed of, assigned or transferred by a written instrument issued in accordance with the Land Code;

AND WHEREAS section 14.2 [*Standards*] of the Land Code provides that Council may, after full and fair consideration of any recommendations of the Lands Management Advisory Committee, establish mandatory standards, criteria and forms for Interests, including Allotments, in LNIB Land;

AND WHEREAS section 14.7 [*Cancelation of Interests and Licenses*] of the Land Code provides that Council may, subject to an applicable ruling under Part 8 [*DISPUTE RESOLUTION*] of the Land Code or by a court of competent jurisdiction, cancel or correct any Interest or Licence issued or allotted in error, by mistake or by fraud;

AND WHEREAS section 16.1 [*Authority to make dispositions*] of the Land Code provides that Council may by Resolution, upon a recommendation from the Lands Management Advisory Committee, grant Interests in LNIB Land;

AND WHEREAS section 18.1 of the Land Code provides that the Lands Management Advisory Committee may be authorized to act as a delegate of Council under Part 4 [*INTERESTS AND LICENCES IN LAND*] of the Land Code, which includes that authority to grant Allotments;

AND WHEREAS section 20.1 [*Nature of Member's Interest in an Allotment*] of the Land Code explains the nature of a Member's interest in an Allotment, including an entitlement to possession of the land; an entitlement to benefit from resources (except for sand and gravel, cutting and removing timber and subsurface mineral rights and claims); the ability to transfer subsidiary Interests and Licences in the land; and the ability to devise or dispose of his or her Interest to another Member;

ALLOTMENT AND CUSTOM FAMILY LANDS LAW

AND WHEREAS section 20.2 [*Council may grant Allotments*] of the Land Code provides that Council may grant Allotments to available LNIB Land to Members in accordance with procedures established by Council and any General Zoning Law and Land Use Plan;

AND WHEREAS section 20.5 [*Subsidiary Interests and Licences*] of the Land Code provides that a CP Holder may only grant a subsidiary Interest or Licence in his or her Allotment if the following conditions are met:

- (a) the purpose of the Interest or Licence is consistent with any General Zoning Law and Land Use Plan and all applicable LNIB policies and Laws,
- (b) the term of the Interest or Licences does not exceed 99 years, and
- (c) where the proposed grantee is a non-Member, Council consents to the granting of the Interest or Licence;

AND WHEREAS section 21.2 [*Allocation Laws*] of the Land Code provides that, upon the recommendation of the Land Management Committee, Council may enact Laws respecting allocations;

AND WHEREAS section 22.1 [*Transfer of Interests*] of the Land Code provides that a Member may transfer or assign an Interest, including an Allotment, or a Licence in LNIB Land to another Member without the need for Community Approval or the consent of Council;

AND WHEREAS section 31.2 [*Delegation*] of the Land Code provides that Council may, by enacting a Law, delegate administrative authority to an individual or body established or authorized under the Land Code or a Law;

AND WHEREAS section 36.1 [*Enforcement of Interests*] of the Land Code provides that an Interest in LNIB Land created or granted after the Land Code comes into effect is not enforceable unless it is registered in the Register;

AND WHEREAS LNIB has undertaken consultation with Members to identify and delineate “custom family lands”, LNIB Land over which Members have interests based on long-term use or based on LNIB tradition;

AND WHEREAS LNIB is developing traditional laws and it is LNIB’s intention that those laws will inform the interpretation of this Law.

NOW THEREFORE the Council enacts as follows:

PART 1 – CITATION, APPLICATION, DEFINITIONS AND INTERPRETATION

Citation

1. This Law may be cited as the Allotment and Custom Family Lands Law.

ALLOTMENT AND CUSTOM FAMILY LANDS LAW

Purpose

2. The purpose of this Law is to provide a fair and transparent process for granting an Allotments in LNIB Land.

Application

3. (1) This Law applies to all LNIB Land.
(2) This Law binds the LNIB government.

Paramountcy

4. If there is a conflict between this Law and the Land Code, the Land Code will prevail.

Definitions

5. (1) In this Law:

“custom family Allotment” means an Allotment in LNIB Community Land that is granted to a Member based on the Member’s long-term use of the land or based on LNIB tradition;

“interim allotment” means an authorization made under section 13, which requires the holder to comply with certain conditions before Council finalizes the grant of an Allotment; for certainty, the definition of an “Allotment” in the Land Code does not apply to an interim allotment;

- (2) In addition to the terms defined in this Law, capitalized terms used in this Law may be defined in the Land Code.

Interpretation

6. (1) A reference in this Law to an enactment or policy is to be construed as including a reference to that enactment or policy as it may be amended from time to time.
(2) Unless otherwise specified, a reference in this Law to a section is a reference to a section of this Law with the exception of any schedules approved under section 11.
(3) Unless otherwise specified, a reference in this Law to a subsection or paragraph is a reference to a subsection or paragraph of the section or subsection in which the reference occurs with the exception of any schedules approved under section 11.
(4) A word in the singular form may be read in the plural form if the context allows it and a word in the plural form may be read in the singular form if the context allows it.
(5) Unless otherwise provided, a reference to days means calendar days.
(6) Unless otherwise expressly provided, the structures, organizations, bodies, principles and procedures established or used in this Law will be guided and interpreted in accordance with the culture, traditions and customs of LNIB.

ALLOTMENT AND CUSTOM FAMILY LANDS LAW

Severability

7. The provisions of this Law are severable, and if 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

8. 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 LNIB, a LNIB official or their delegate to do something within the required time.

PART 2 – ADMINISTRATIVE PROVISIONS

Procedures for certain Allotments

9. Council may approve procedures and requirements applicable to specific types of Allotments as a schedule to this Law.

Custom family Allotments

10. (1) In a schedule to this Law, Council may:
 - (a) establish a body:
 - (i) to investigate and assess a Member's application for a custom family Allotment; and
 - (ii) make recommendations regarding custom family Allotments; and
 - (b) delegate to the Lands Management Advisory Committee Council's authority to grant a custom family Allotment to a Member.

Schedules

11. (1) Matters approved by Council under sections 9 and 10 and added as a schedule to this Law:
 - (a) have the force of Law; and
 - (b) must be approved in accordance with section 7 [*Law-Making Procedure*] of the Land Code and, if the schedule relates to a matter listed in sections 12.3 [*Community Approval*] of the Land Code, in accordance with section 12 [*Community Approval*] of the Land Code.

ALLOTMENT AND CUSTOM FAMILY LANDS LAW

- (2) Subject to sections 6(2) and 6(3), a reference to “this Law” includes any matters approved as schedules to this Law.

PART 3 - ALLOTMENTS

Granted under this Law

12. An Allotment may only be granted in accordance with this Law.

Interim allotment

13. (1) Council may grant an interim allotment in LNIB Community Land on the basis that certain reasonable conditions be complied with before Council will finalize the grant of an Allotment.
- (2) Without restricting Council’s ability to impose conditions under subsection (1), conditions may include a requirement to begin construction of a new home on the applicable land within one year.
- (3) An interim allotment must be in writing and must specify that the interim allotment will expire if any conditions are not met.
- (4) An interim allotment entitles its holder to:
- (a) possession of the land that is subject to the interim allotment for the period of time authorized in the Resolution;
 - (b) benefit from the resources arising from the land, with the exception of:
 - (i) the removal of sand and gravel,
 - (ii) the cutting and removal of timber, and
 - (iii) subsurface mineral rights and claims; and
 - (c) subject to subsection (5), carry out the necessary activities to comply with the conditions imposed in the Resolution granting the interim allotment.
- (5) An interim allotment-holder is responsible for the following:
- (a) ensuring all uses of their interim allotment comply with all Laws, policies and orders and all applicable federal or provincial laws and regulations;
 - (b) insuring and maintaining the land subject to the interim allotment;
 - (c) insuring, maintaining and repairing structures, including residential homes, on the land subject to the interim allotment; and
 - (d) otherwise complying with the terms of the Resolution granting the interim allotment.

ALLOTMENT AND CUSTOM FAMILY LANDS LAW

- (6) For certainty, an interim allotment-holder is not entitled to:
- (a) transfer, devise or otherwise dispose of their interim allotment; or
 - (b) grant an Interest or Licence in their interim allotment.
- (7) If a Member fails to comply with specific conditions before the interim allotment expires, the applicable lands will be eligible to be granted to another Member in accordance with this Law.

Responsibilities of Allotment-holder

- 14.** In addition to any conditions set out in the Certificate of Possession, upon Council finalizing a grant of an Allotment, an Allotment-holder is responsible for the following:
- (a) ensuring all uses of their Allotment comply with all Laws, policies and orders and all applicable federal or provincial laws and regulations;
 - (b) insuring and maintaining the land subject to the Allotment;
 - (c) insuring, maintaining and repairing structures, including residential homes, on the Allotment;
 - (d) managing and monitoring any Interests or Licences granted under the Allotment;
 - (e) complying with section 27(b) regarding Allotment transfers; and
 - (f) complying with any additional conditions imposed in the Resolution.

PART 4 - ALLOTMENTS IN COMMUNITY LAND

Allotment in LNIB Community Land

- 15.** (1) With the exception of an Allotment described at subsections (2) and (3), a Member may apply for and Council may grant an Allotment in LNIB Community Land in accordance with the requirements at Schedule 1.
- (2) If Council has committed to grant an Allotment to a Member on the Member's satisfaction of the terms of an agreement, Council may grant an Allotment in LNIB Community Land to a Member pursuant to section 16.
- (3) A Member may apply for and Council may grant a custom family Allotment in accordance with the requirements at Schedule 2.
- (4) Subject to subsection (5), every Allotment granted under this Law includes a hold-back of approximately 5% of the area of the applicable land in the name of LNIB to install and maintain the following types of infrastructure for the primary purpose of providing a benefit for LNIB, Members or Persons who reside on or operate a business on LNIB Land:

ALLOTMENT AND CUSTOM FAMILY LANDS LAW

- (a) a utility corridor, including infrastructure for sewage, hydroelectric, gas and telecommunications;
 - (b) an irrigation ditch and related irrigation infrastructure; or
 - (c) an access corridor.
- (5) If LNIB seeks to holdback more than 5% of the area of the applicable land for the purposes described at subsection (4), LNIB must obtain an engineer's opinion that deems it necessary for the desired purpose, and the holdback may only be increased to 7.5% of the total area.

Allotments relating to mortgages and housing agreements

- 16.** (1) For the purposes of this section, "housing agreement" means an agreement between Council and a Member providing that Council will grant the Member an Allotment if the Member satisfies conditions of the agreement, which may involve paying out a mortgage or building a home, and for certainty, includes a rent-to-own housing agreement.
- (2) If Council has entered into a housing agreement with a Member, Council will grant an Allotment to the Member by Resolution if the following conditions have been met:
- (a) the Member has provided documents to demonstrate that all relevant mortgages, loans or other financial commitments have been paid out and otherwise satisfied;
 - (b) the Member has satisfied all the conditions of the housing agreement;
 - (c) the Member has complied with all applicable Laws and has paid any relevant servicing, administration or Allotment acquisition fees; and
 - (d) if requested by Council, the Member has signed an agreement that confirms the Member's acknowledgment of the applicable legal terms and the Member's agreement to release and indemnify LNIB from any liability or payments for any past mortgages or debts relating to the home, residential unit or the Allotment.

Exchange of LNIB Lands

- 17.** (1) Council may, by Resolution, grant an Allotment in LNIB Community Land to a Member in exchange for one or more Allotments held by the Member if the following conditions are met:
- (a) the exchange of land is in the best interests of LNIB;
 - (b) the lands being exchanged are of approximately equal size or value, except if the Member agrees to accept an exchange for lands of a lesser size or value;
 - (c) Council has made full disclosure on the LNIB website or by other means to Members of the purpose and all the circumstances surrounding the proposed exchange; and
 - (d) Council has complied with applicable Laws and Land Use Plans.

ALLOTMENT AND CUSTOM FAMILY LANDS LAW

- (2) For greater certainty, an exchange of land under subsection (1) does not constitute an exchange of LNIB Land for land outside of LNIB Land under section 30.1 *[Conditions for land exchange]* of the Land Code and does not require Community Approval under section 30.2 *[No effect]* of the Land Code.

Limitations on size of Allotment

18. With the exception of a grant of a custom family Allotment, a new grant of an Allotment in Community Land must not exceed the size of one-half acre except if a Land Use Plan permits a larger lot size for a specific area within LNIB Land.

PART 5 - OTHER ALLOTMENTS

Cancelling Allotment to participate in housing program

19. (1) For the purposes of this section, “housing program” means a housing program authorized by LNIB that allows a Member to qualify for a loan or mortgage in exchange for LNIB’s loan guarantee.
- (2) If, under a written agreement between LNIB and a Member, the Member’s Allotment is cancelled to allow the Member to participate in a housing program, Council will, by Resolution, grant a new Allotment for the same lands if the Member has complied with all terms of the agreement.

Allotment after a foreclosure

20. (1) If a Member’s Allotment reverts to LNIB due to the Member defaulting on a mortgage for which LNIB has provided a guarantee or has a right of first refusal:
- (a) Council will directly grant the Allotment to another Member from the same family as the defaulting Member if the other Member pays the amount that was owing under the mortgage in addition to any costs and expenses incurred in the foreclosure and sale proceedings, and any other costs or fees set by Council; or
 - (b) if there is not a qualifying Member from the defaulting Member’s family to receive the Allotment in accordance with paragraph (a), Council will sell the Allotment for fair market value in addition to any costs and expenses incurred in the foreclosure and sale proceedings, and any other reasonable costs or fees set by Council.
- (2) A direct grant under subsection (1)(a) will be offered in the following order:
- (a) to individuals from the defaulting Member’s Immediate Relative;
 - (b) to individuals from the defaulting Member’s extended family.

Allotment by operation of law

21. Council must grant or transfer an Allotment in accordance with an order of a court of competent jurisdiction or as is otherwise required by operation of law.

Other Allotments under regulation

22. Council may grant any other Allotments in accordance with the Land Code or a regulation passed by Council under this Law.

PART 6 - CANCELLING, TRANSFERRING AND GRANTING INTERESTS AND LICENCES IN ALLOTMENTS

Power to cancel or correct an Allotment

23. (1) Council may correct or cancel an Allotment in the following situations:

- (a) the Allotment was issued or allotted in error, by mistake or by fraud; or
- (b) by agreement with the Allotment-holder.

(2) Council's authority to correct an Allotment includes correcting survey errors and reconfiguring boundaries.

(3) Council's decision to correct or cancel an Allotment is subject to any procedures and requirements set out in a regulation or policy approved by Council regarding correcting and cancelling Interests.

When cancellation takes effect

24. An Allotment is deemed cancelled at the time the cancellation is registered in the Register.

Effect of cancellation

25. At the time of cancellation, the lawful possession of an Allotment reverts to LNIB and all the rights and obligations related to Interests and Licences in or to that Allotment are transferred to LNIB.

Transfer of Allotment on death

26. Without restricting the application of section 21, upon the death of an Allotment-holder, the Allotment:

- (a) may only be transferred in accordance with the estates provisions of the *Indian Act*; and
- (b) must be registered in the Register.

Transfer of Allotments and granting of Interests in Allotments

27. (1) Every transfer of an Allotment and every grant of an Interest or Licence in or to an Allotment must:

ALLOTMENT AND CUSTOM FAMILY LANDS LAW

- (a) comply with applicable Laws and policies, including any zoning laws, Land Use Plan, environmental management plans and environmental assessment requirements; and
 - (b) be registered in the Register.
- (2) An Allotment-holder may only transfer their Allotment by:
- (a) submitting a transfer request to the Lands Department; and
 - (b) if the transfer request is eligible to be processed, paying the applicable fees to allow the transfer to be registered in the Register.
- (3) Despite anything in this Law, an interim allotment-holder is not entitled to transfer or grant an Interest or Licence in their interim allotment.

No liability for transfers of, or grants of Interests in or to, an Allotment

28. LNIB is not responsible or liable for ensuring a land instrument that transfers an Allotment or grants an Interest or Licence in or to an Allotment:

- (a) is validly made;
- (b) is enforceable; or
- (c) will be accepted by the First Nations Land Registry.

PART 7 - GENERAL

Filing procedure deemed followed

29. In all cases, when a Certificate of Possession is registered in the Register, it is deemed to have been registered under the authority of Council.

Authenticity of Certificate of Possession

- 30.** (1) A Certificate of Possession is not valid unless it is signed by the Lands Manager and the chair of the Lands Management Advisory Committee.
- (2) Unless otherwise directed by a court, when a Certificate of Possession is allegedly signed by an authorized Council member in their role as chair of the Lands Management Advisory Committee, it must be presumed to have been signed by Council without further proof.

Registration

31. If Council approves an Allotment, Council must register, or cause to be registered, the following in the Register:

- (a) the Resolution approving an Allotment; and

ALLOTMENT AND CUSTOM FAMILY LANDS LAW

- (b) the Certificate of Possession demonstrating evidence of the Allotment.

Forms and land instruments

32. (1) Council must approve the following forms and lands instruments:

- (a) application for Allotment form;
- (b) Certificate of Possession;
- (c) transfer of Allotment form; and
- (d) exchange of Allotment form.

(2) Council may revise a form or land instrument approved under subsection (1) by Resolution.

(3) LNIB will not assume any liability for any claims, losses, or damages arising out of the use of forms prescribed under subsection (1).

Conflict of interest

33. In the event of a real, perceived or potential conflict of interest arising in relation to the management and administration of this Law, the conflict of interest policies and procedures approved in accordance with the *Lower Nicola Indian Band Financial Administration Law* applies.

PART 8 - APPEALS

Dispute resolution

34. (1) A person may file a notice of dispute in relation to the following matters:

- (a) a dispute regarding the boundaries of an Allotment;
- (b) a dispute between two persons, or between a person and LNIB in relation to the possession, use or occupation of an Allotment, unless such dispute relates to the transfer of an Allotment following the death of an Allotment-holder;
- (c) a dispute regarding the existence of an Allotment; and
- (d) a dispute regarding the cancellation of an Allotment.

(2) For certainty, a person is not eligible to dispute a decision by Council or Council's designate in relation to the granting of an Allotment.

(3) Subject to a Law that addresses dispute resolution, a person eligible under subsection (1) may file a notice of dispute with the Lands Department that addresses the following:

- (a) the nature of the dispute;

ALLOTMENT AND CUSTOM FAMILY LANDS LAW

- (b) the facts and arguments upon which the person initiating the dispute relies; and
- (c) the relief that is sought.

Time limit

35. (1) If a dispute relates to a decision made by Council or in response to an incident, the notice of dispute must be delivered within 30 days of the decision or incident to which the dispute applies.

(2) Delivery will be effected by:

- (a) hand delivery;
- (b) registered mail; or
- (c) email.

Council's decision

36. (1) Council will consider the notice of dispute within 30 days of delivery of the notice to the Lands Department and, acting reasonably, will either confirm or set aside the suspension or revocation in writing.

(2) A decision of Council on an appeal under subsection (1) is final and binding.

PART 9 – GENERAL PROVISIONS

Delivery

37. (1) A copy of an order or notice made under this Law may be delivered in any of the following ways:

- (a) in person;
- (b) by leaving a copy of the order or notice with a person who appears to be at least 16 years of age at the actual or last known address of the addressee;
- (c) by posting a copy of the order prominently on a door of a building at the actual or last known address of the addressee; or
- (d) by mailing a copy of the order to the actual or last known address of the addressee.

(2) A copy of an order or notice delivered under subsection (1) is presumed to have been received by the addressee on the fifth (5th) day after mailing.

PART 10 – REGULATIONS

Regulations

- 38.** (1) Council may make any regulations it considers necessary or advisable for purposes under this Law; Council is not required to undertake the procedural requirements under section 7 [*Law-Making Procedure*] of the Land Code to make a regulation.
- (2) For certainty, the powers of Council under subsection (1) include the power to make regulations:
- (a) prescribing requirements and other information for other types of Allotments not provided for in this Law;
 - (b) prescribing procedures that apply to the implementation of this Law;
 - (c) prescribing procedures that apply to cancelling an Allotment;
 - (d) prescribing fines for specific contraventions of this Law;
 - (e) subject to section 32, prescribing the form and content of applications, notices, other forms or documents that are required or permitted under this Law;
 - (f) defining words and expressions that are used but not defined in this Law; and
 - (g) generally to give effect to this Law.
- (3) Subsection (2) does not restrict Council from approving matters listed in that subsection by Resolution or addressing the matters in a policy.

PART 11 – AMENDMENT

Substantive amendments to this Law

- 39.** With the exception of a minor amendment described at section 40, an amendment or repeal of this Law must only be made by Council as recommended by the Lands Management Advisory Committee in accordance with the Land Code.

Minor amendments

- 40.** (1) Council may approve a minor amendment to this Law by Resolution.
- (2) For the purposes of subsection (1), minor amendments mean:
- (a) amendments to correct typographical errors;
 - (b) amendments required to reference any relevant new or amended Law;
 - (c) amendments ordered by any court of competent jurisdiction; and

ALLOTMENT AND CUSTOM FAMILY LANDS LAW

- (d) amendments which serve to clarify this Law, if there is no reasonable dispute about the intention underlying the original provision.

PART 12 – COMING INTO FORCE

Coming into force

41. This Law comes into force on the date it is passed by Resolution after complying with section 7 [*Law-Making Procedure*] of the Land Code.

THIS LAW IS HEREBY DULY ENACTED by Council on the ____ day of _____, 20____, at _____, in the Province of British Columbia.