

SQUAMISH NATION



HOUSING POLICY

APPROVED OCTOBER 10, 2001
and revised effective APRIL 1, 2006

SQUAMISH NATION HOUSING POLICY

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OBJECTIVES AND PRINCIPLES

- ◆ The purpose of this document is to capture the direction provided by Membership regarding the development of a housing program and to outline policies governing on-Reserve housing for the Squamish Nation, while continuing to guide the Nation towards greater self-determination.
- ◆ The policies set out in this document will continue to be updated, from time to time, as new concerns are identified and new policies are established to address these concerns.
- ◆ The objectives of Council as expressed in this Policy are to fulfil its commitment to provide better living conditions for the Members of the Squamish Nation, while operating in accordance with clear business principles and remaining fiscally responsible and accountable to its Membership.
- ◆ This Policy is based on the following principles:
 - ▶ That Membership be provided assistance in the provision of their basic housing needs on Reserve.
 - ▶ That continuous efforts be made to achieve steady improvements in the quality of living on Reserve.
 - ▶ That the Squamish Nation housing program be administered in a cost-effective, service-orientated and accountable manner.
 - ▶ That all Members be treated in a fair and equal manner in the distribution of both Residences and Lots.
 - ▶ That the administrative infrastructure be separated from the political governance of the Squamish Nation.

1. DEFINITIONS

- 1.1 This policy document is to be referred generally as the “Squamish Nation Housing Policy”, and within this document as the “Policy” or the “Housing Policy”.
- 1.2 In this Housing Policy, unless the context otherwise requires:
- (a) **“Alteration”** means any change, alteration, renovation, substitution or replacement made to a Residence, including interior work and exterior work, such as fencing, walkways and roadways;
 - (b) **“appeal”** means an appeal by a Member under sections 17.2, 17.3, 17.4 or 17.5 from a decision of the Land Registry Officer, Housing Officer or Director of Housing and Renovations;
 - (c) **“Appeals Committee”** means the appeals committee appointed by Council under section 17.7;
 - (d) **“Appellant”** means a Member of the Nation who requests an appeal hearing by filing a *Request for Appeal Hearing*, in the prescribed form, with the Director of Registry under section 17.6.
 - (e) **“Applicant”** means a Member who has submitted an Application and whose name has been added to the Housing List;
 - (f) **“Application”** means a *Housing Application Form*, in the prescribed form, by which a Member may be added to the Housing List and upon which the date of application will be stamped;
 - (g) **“Building Permit”** means written authorization of the Director of Housing and Renovations for the completion of any Alterations to be made to an existing Residence;
 - (h) **“Certificate of Possession”** means a document issued by the Minister of Indian and Northern Affairs which states that the holder is entitled, under section 20 of the *Indian Act*, to lawful possession of the lands described in the Certificate;
 - (i) **“Change Order”** means written authorization of the Director of Housing and Renovations for the implementation of any amendment to the Plan during the course of construction of a new Residence;
 - (j) **“Council”** means the lawfully elected Councillors of the Squamish Nation;
 - (k) **“Council Motion”** means a motion passed at a duly convened meeting of Council;
 - (l) **“criminal purposes”** includes such conduct, behaviour or activity which causes any social harm or which is punishable by law;

- (m) “**custom allocation**” means an individual right to use and occupy a portion of the reserve in accordance with the customs of the Nation, granted by Council by way of a Council Motion;
- (n) “**Custom Lot**” means a Lot which has been assigned under custom allocation and which is administered under custom of the Nation and not under the *Indian Act* land registry system;
- (o) “**date of application**” means the date on which the Application is received and stamped by the Housing Registry Division of the Registry Department;
- (p) “**deferred Applicant**” means an Applicant who decides to defer acceptance of a custom allocation of a Residence pursuant to subsection 5.6(a);
- (q) “**Dependant Adults**” means persons who have reached the age of majority and remain unable, because of illness, physical or mental disability or other cause, to care for themselves;
- (r) “**Director of Housing and Renovations**” means the Director of the Squamish Nation Housing and Renovations Department;
- (s) “**Director of Registry**” means the Director of the Squamish Nation Registry Department;
- (t) “**Easement**” means a right of use over the property of another for the benefit of an adjoining lot;
- (u) “**Existing Lot**” means a parcel of land to which a Member is recognized as being entitled to use and occupation, which may be legally surveyed and/or serviced, and includes any permanent improvements situated on that parcel of land and which also may be held pursuant to the issuance of a Certificate of Possession or Notice of Entitlement;
- (v) “**fiscal year**” means a 12-month period commencing April 1st and ending March 31st;
- (w) “**Housing List**” means a list used to determine the order in which Residences are allocated to Members, which list is maintained by the Housing Registry Division of the Registry Department and is accepted by Council for each fiscal year;
- (x) “**Housing Officer**” means the officer of the Squamish Nation within the Housing Registry Division of the Registry Department, employed by the Nation from time to time, whose duties are set out in Part 14 of this Policy;
- (y) “**INAC**” means the federal department of Indian and Northern Affairs Canada responsible for administering the *Indian Act*;
- (z) “**intestate**” means to die either without a Will or without a valid Will;

- (aa) **“Intestate Policy”** means the *Squamish Nation Intestate Policy*, as amended and approved by Council, from time to time;
- (bb) **“Land Registry Officer”** means the officer of the Squamish Nation within the Land Registry Division of the Registry Department, employed by the Nation from time to time;
- (cc) **“living separate and apart”** includes where spouses:
 - (i) have lived separate and apart for at least one (1) year;
 - (ii) have entered into a written agreement under which they have agreed to live separate and apart;
 - (iii) have an order of the court recognizing their separation;and shall not be considered to have been interrupted or terminated by reason only that the spouses have resumed cohabitation during a period of, or periods totaling, not more than ninety (90) days with reconciliation as its primary purpose;
- (dd) **“Lot”** means a serviced, legally surveyed lot as identified on a survey plan that has been approved by Council and any permanent improvements on the lot and includes an Existing Lot;
- (ee) **“Maintenance”** includes repairs and renovations needed to restore a Residence to an acceptable condition;
- (ff) **“Manufactured Home”** means any structure, whether ordinarily equipped with wheels or not, that is designed, constructed or manufactured to be moved from one place to another by being towed or carried, and to provide a residential home or accommodation for any other purpose;
- (gg) **“Married/Common Law Category”** means a category of the Housing List for those Members who are:
 - (i) legally married;
 - (ii) united by the traditional laws and customs recognized by the Squamish Nation or any other First Nation; or
 - (iii) who are living and cohabiting in a marriage-like relationship, including a marriage-like relationship between persons of the same gender, for a **continuous** period of not less than **two (2)** years immediately prior to being added to this Housing List category and who are being publicly represented by each other during this time period as each other’s spouse;
- (hh) **“Member”** means a person determined to be a member of the Nation as defined by the Squamish Nation Membership Code, as amended from time to time;
- (ii) **“Membership”** means all those individuals whose names are entitled to be listed on the list of members maintained by the Squamish Nation;

- (jj) **“Minor Children”** means persons under the age of 18 years;
- (kk) **“Notice of Entitlement”** means a document issued by the Minister of Indian and Northern Affairs which states that the holder is entitled to lawful possession of the lands described in the Notice; issued instead of a Certificate of Possession when the lands have not yet been legally surveyed and the allotment is therefore based on a sketch plan and not a legally surveyed plan;
- (ll) **“passed-over Applicant”** means an Applicant who fails to accept a custom allocation of a Residence pursuant to subsection 5.6(a);
- (mm) **“Pensioner Category”** means a category of the Housing List for those Members who are 65 years of age or older, who may be single or married;
- (nn) **“Permanent Improvements”** means any permanent structure added to or constructed upon a Lot such as a building or Residence, and which will form part of the Lot.
- (oo) **“Plans”** means all plans, drawings and specifications relating to the construction of, or Alteration to, any Residence or Permanent Improvements, including architectural, structural, mechanical, electrical and landscaping plans and specifications, floor plans, and surveyors’ certificates;
- (pp) **“Reserve”** means all reserves of the Squamish Nation that are set aside by Her Majesty the Queen in right of Canada as reserves, for the use and benefit of the Squamish Nation;
- (qq) **“Residence”** means a single family accommodation unit and includes a house, duplex, townhouse, apartment or manufactured home;
- (rr) **“Resident”** means a Member who has been allocated a Residence and/or a Lot or who is registered in the Squamish Nation Land Registry as having the right to use and/or occupation of such Lot;
- (ss) **“Right of Way”** means a right belonging to a party (such as, a utility company or a municipality), to pass over someone’s lot, usually to allow for utility service lines for gas, electrical, water or sewer to be laid for the benefit of the Membership or the use of non-Nation communities;
- (tt) **“serviced”** when used in the context of a ‘serviced Lot’ means a Lot for which the required utility services, such as water, sanitary sewer, electrical, natural gas or propane, as determined by the Director of Housing and Renovations, have been installed and connected to the boundary line of the Lot;
- (uu) **“Single Category”** means a category of the Housing List for those Members who are younger than 65 years of age and are not married or living in a marriage-like relationship, nor entitled to be listed in the *Single Parent Category*;
- (vv) **“Single Parent Category”** means a category of the Housing List for those Members who are responsible for the care and upbringing of:

- (i) minor children; or
 - (ii) dependent adults;
- residing permanently with the Member;
- (ww) **“Spouse”** means a person who is either:
- (i) legally married or united by the traditional laws and customs recognized by the Squamish Nation or any other First Nation, to another person, and is not living separate and apart from that other person; or
 - (ii) is living and cohabiting with another person in a marriage-like relationship, including a marriage-like relationship between persons of the same gender, for a continuous period of not less than two (2) years and is being publicly represented by each other during this time period as each other’s spouse;
- (xx) **“Squamish Nation”** or **“Nation”** means the Squamish Indian Band within the meaning of section 2(1) of the *Indian Act*;
- (yy) **“Townhouse”** means any one of the Nation-owned, rental townhouse units situated on Mission Reserve on West 4th Street, West 5th Street and Mahon Avenue;
- (zz) **“Townhouse List”** means a list used to determine the order in which Townhouses are allocated to Members;
- (aaa) **“Will”** means either:
- (i) a written document signed by a Member in front of two witnesses by which the Member appoints a personal representative and indicates who is to receive his or her property after their death; or
 - (ii) any written document signed by a Member that has been approved by the Minister of Indian and Northern Affairs pursuant to section 45(3) of the *Indian Act*.
- 1.3 This Policy applies only to all residential Lots situated on any of the Squamish Nation Reserves.

2. THE HOUSING LIST

Maintenance of Housing List

- 2.1 The Housing List will be:
- (a) compiled, maintained and updated regularly by the Housing Officer; and
 - (b) accepted by Council for each fiscal year.

Publication of Housing List

- 2.2 The Housing List is a public document and the most current version accepted by Council will be available for inspection by any Member during normal business hours at the offices of the Housing Officer.
- 2.3 The Housing Officer will provide to any Member who requests, a copy of the Housing List which has been accepted by Council.

Categories within Housing List

- 2.4 The Housing List is comprised of four categories, namely:
- (a) Single;
 - (b) Single Parent;
 - (c) Married/Common Law; and
 - (d) Pensioner.

Additions to Housing List

- 2.5 An Applicant is added to the Housing List pursuant to the application process set out in Part 3 of this Policy.

Deletions from Housing List

- 2.6 An Applicant must be removed from the Housing List if:
- (a) the Applicant is allocated and accepts a Residence pursuant to Part 5 of this Policy;
 - (b) the Applicant is deceased;
 - (c) the Applicant ceases to be a Member;
 - (d) the Applicant voluntarily removes themselves from the Housing List;
 - (e) the Applicant declines a Residence under any of sections 5.6, 5.13 or 5.20 of this Policy; or

- (f) the Applicant receives any interest in a Lot under section 8.15(b) of this Policy.

Movement between Housing List Categories

2.7 An Applicant listed in the **Single Category** must:

- (a) be moved to the *Single Parent Category* upon becoming primarily responsible for the care and upbringing of any minor child or dependant adult, residing permanently with the Applicant;
- (b) be moved to the *Married/Common Law Category* upon becoming married in accordance with the criteria required for the *Married/Common Law Category*. If both spouses hold separate applications, then the earliest date of application will be applied;
- (c) be moved to the *Pensioner Category* upon attaining the age of 65 years.

2.8 An Applicant listed in the **Single Parent Category** must:

- (a) be moved to the *Single Category* once all minor children or dependant adults are no longer residing with the Applicant;
- (b) be moved to the *Married/Common Law Category* upon becoming married in accordance with the criteria required for the *Married/Common Law Category*. If both spouses hold separate applications, then the earliest date of application will be applied;
- (c) be moved to the *Pensioner Category* upon attaining the age of 65 years, provided the Applicant consents in writing to being re-categorized.

2.9 An Applicant listed in the **Married/Common Law Category** must:

- (a) be moved to the *Single Category* upon:
 - (i) separation from their spouse, within the meaning of the *Divorce Act* (Canada); or
 - (ii) dissolution of their marriage or marriage-like relationship,

provided the Applicant does not have responsibility for the care and upbringing of any minor children or dependant adults, who reside permanently with the Applicant;
- (b) be moved to the *Single Parent Category* upon:
 - (i) separation from their spouse, within the meaning of the *Divorce Act* (Canada), or;
 - (ii) dissolution of their marriage or marriage-like relationship,

provided the Applicant has responsibility for the care and upbringing of any minor children or dependant adults, who reside permanently with the Applicant;

- (c) be moved to the *Pensioner Category* upon one of the spouses attaining the age of 65 years, provided such spouse is a Member of the Nation and provided further that the Applicant and the spouse each consent in writing to both being re-categorized. If both spouses hold separate applications, then the date of application of the elder spouse will be applied to both spouses.

- 2.10 An Applicant listed in the **Pensioner Category** will not be moved to any other Housing List Category.
- 2.11 The Housing Officer will request annually, on or about January 1st, from the Membership Department, a list of all those Members who will attain the age of 65 years during the then current calendar year, and a list of all those Members who died during the previous calendar year.

3. ELIGIBILITY TO APPLY TO HOUSING LIST

Persons Eligible to Apply

- 3.1 All Members of the Nation who are 18 years of age and older are eligible to apply to be added to the Housing List in accordance with this Policy.
- 3.2 Upon being notified by the Membership Division of the Registry Department that a Member has attained the age of 18 years, the Housing Officer will forward a blank application to that Member at their last known address, by prepaid registered mail.
- 3.3 No Member of the Nation may re-apply to be added to the Housing List, except in the following circumstances:
 - (a) if an individual ceased to be a Member and is subsequently re-instated on the Membership List, with a new Nation number, and provided that the Member has never received a Residence from the Nation or been allocated a Residence by the Nation, then the Member may re-apply and be added to the Housing List with a new date of application as at the date which the new application is received; or
 - (b) if a Member has been allocated a Residence and their marriage or marriage-like relationship subsequently dissolves and they are not in receipt of the Residence or any financial benefit attributed to the Residence, then the Member may re-apply and be added to the Housing List with a new date of application as at the date which the new application is received.

4. APPLICATION PROCEDURES FOR BEING PLACED ON HOUSING LIST

Application by Members

- 4.1 Completed Applications must be submitted in writing, in dark ink, to the Housing Officer. A *Housing Application Form* is available in prescribed form at the offices of the Housing Registry Division.
- 4.2 Completed Applications will be stamped by the Housing Officer or delegated staff person, with the date and time of receipt by the Housing Registry Division, and the date-stamp on the application will be the determining factor in establishing priority in any Housing List Category.
- 4.3 A copy of the date-stamped Application will be provided to the Applicant upon receipt of the Application by the Housing Registry Division.

Verification of Membership and Category Criteria

- 4.4 Upon receipt of a completed Application, the Housing Registry Division will verify the Applicant's eligibility and upon verification, the Housing Officer will add the Applicant to the Housing List under the appropriate Housing List Category as at the date of application, or decline with written reasons.

Application to Change Categories

- 4.5 Once an Applicant has been added to the Housing List, it is the responsibility of the Applicant to notify the Housing Registry Division of any changes to their circumstances which would require or entitle them to be moved between Housing List Categories.
- 4.6 An Applicant who wishes to be moved to another Housing List Category will submit to the Housing Officer a completed *Change of Housing List Category Form* in the prescribed form, together with all required supporting documentation.
- 4.7 An Applicant who wishes to change their date of application or any personal information will submit to the Housing Officer a completed *Change of Personal Information Form* in the prescribed form, together with all required supporting documentation.
- 4.8 The Housing Registry Division will review and verify the *Form* and documentation submitted under sections 4.6 or 4.7, and the Housing Officer will either approve or decline with written reasons:
 - (a) the request to be moved to another Housing List Category as at the original date of application,
 - (b) the request to change the date of application, or
 - (c) the request to change personal information.

Priority of Applicant

- 4.9 Priority of positions within each Housing List Category will be determined according to the date of application.

Assignment

- 4.10 Positions on the Housing List cannot be assigned or transferred to any other person.

5. APPROVAL AND CUSTOM ALLOCATION OF A RESIDENCE

Annual Custom Allocation of Residences

- 5.1 As early in each fiscal year as is possible and after consultation with the Land Registry Officer and the Director of Housing and Renovations, the Director of Registry will notify Council as to the number of Lots which are currently available for custom allocation.
- 5.2 As early in each fiscal year as is possible and subject to Lot availability, Council will determine:
- (a) the number of Residences to be allocated by the Nation for such fiscal year;
 - (b) how those Residences will be allocated among the Housing List Categories; and
 - (c) when those Residences will be allocated;

and then notify both the Director of Registry and the Housing Officer of its decision regarding same.

Finalization of Housing List

- 5.3 For the purposes of custom allocation for each fiscal year, the positions in each Housing List Category will be finalized as at March 31st of the previous fiscal year.

Individual Custom Allocation

- 5.4 Upon receiving notification from Council as provided by section 5.2 and after verification by the Housing Registry Division, the Housing Officer will provide Council with a list of names of those Applicants who are eligible to be allocated a Residence, according to their position on the Housing List as at the end of the previous fiscal year.
- 5.5 Council will allocate all Residences by Council Motion into the name of the Applicant only, except as provided in section 8.14, and provide a copy of the Council Motion to each of the following:
- (a) Housing Officer;
 - (b) Land Registry Officer; and
 - (c) Director of Housing and Renovations.

- 5.6 Upon the custom allocation of Residences, the Housing Officer will forward a *Letter* in prescribed form, by pre-paid registered mail, to each of the Applicants notifying them that they have been allocated a Residence and that they have thirty (30) days:
- (a) firstly, to contact the Housing Officer, in writing, in person, by email, by fax or by telephone to acknowledge and confirm their desire to accept, to decline or to defer the Residence; and
 - (b) secondly, after confirming acceptance with the Housing Officer, to contact the Land Registry Officer, in writing, in person, by email, by fax or by telephone to make an appointment to select a new Lot or confirm their entitlement to an Existing Lot.
- 5.7 The Housing Officer will notify the Land Registry Officer of those Applicants who have accepted the Residence under paragraph 5.6(a), in order to assist the Land Registry Officer in scheduling the Applicants on a first-come first-served basis for Lot selection.

Failure to Respond Due to Death

- 5.8 If an Applicant dies after being allocated a Residence, but before being able to confirm acceptance of the Residence within the thirty (30) day period, then the right to use and occupation of the Residence will pass to the Applicant's Estate for custom allocation to the Applicant's rightful heirs, and within 180 days of the date of death of the Applicant, the Applicant's personal representative will be required:
- (a) firstly, to acknowledge and confirm with the Housing Officer the desire of the Applicant's Estate either to decline or to accept the Residence; and
 - (b) secondly, after confirming acceptance with the Housing Officer, to contact the Land Registry Officer to make an appointment to select a new Lot or confirm entitlement to an Existing Lot in the name of the Estate.

Passed-over Applicant

- 5.9 Subject to section 5.8, if an Applicant fails to contact the Housing Officer within the thirty (30) day period in accordance with subsection 5.6(a), then the Applicant will be passed over and will forego their right to be allocated a Residence for that particular fiscal year.
- 5.10 The passed-over Applicant will be passed-over for one year and the name of the next eligible Applicant from the same Housing List category will be provided to Council by the Housing Officer in order to be allocated the now available Residence.
- 5.11 In the immediately following fiscal year, after re-verification, the Housing Officer will determine whether or not the passed-over Applicant remains eligible for custom allocation of a Residence.
- 5.12 If following re-verification, the passed-over Applicant remains eligible, the Housing Officer will include the name of the passed-over Applicant on the new list of Applicant names that is to be provided to Council pursuant to section 5.4.

- 5.13 Upon the custom allocation of Residences in that immediately following fiscal year, in accordance with section 5.6, the Housing Officer will forward a second letter to the passed-over Applicant by pre-paid registered mail, notifying the passed-over Applicant that they have again been allocated a Residence and that they again have thirty (30) days:
- (a) firstly, to contact the Housing Officer, in writing, in person, by email, by fax or by telephone to acknowledge and confirm their desire to accept or to decline the Residence; and
 - (b) secondly, after confirming acceptance with the Housing Officer, to contact the Land Registry Officer, in writing, in person, by email, by fax or by telephone to make an appointment to select a new Lot or confirm their entitlement to an Existing Lot.
- 5.14 If the passed-over Applicant fails in the second year to respond to the second letter from the Housing Officer, then in the absence of receiving any satisfactory explanation for the failure to respond:
- (a) the passed-over Applicant's name will be moved to the bottom of the Housing List Category with a new date of application being the date of the custom allocation by Council of the passed-over Residence under section 5.13, and
 - (b) the name of the next eligible Applicant will be provided to Council by the Housing Officer to be allocated the now available Residence.

Voluntary Deferral

- 5.15 An Applicant may defer acceptance of a Residence in accordance with subsection 5.6(a) for successive one (1) year periods of time, not to exceed five (5) years in total.
- 5.16 Subject to section 5.8, if an Applicant defers acceptance of a Residence in accordance with subsection 5.6(a), then the Applicant will forego their right to be allocated a Residence for that particular fiscal year.
- 5.17 The deferred Applicant will be deferred one (1) year and the name of the next eligible Applicant from the same Housing List category will be provided to Council by the Housing Officer in order to be allocated the now available Residence.
- 5.18 In the immediately following fiscal year, after re-verification, the Housing Officer will determine whether or not the deferred Applicant remains eligible for custom allocation of a Residence.
- 5.19 If following re-verification, the deferred Applicant remains eligible, the Housing Officer will include the name of the deferred Applicant on the new list of Applicant names that is to be provided to Council pursuant to section 5.4.
- 5.20 Upon the custom allocation of Residences in that immediately following fiscal year, in accordance with section 5.5, the Housing Officer will forward a second letter to the deferred Applicant by pre-paid registered mail, notifying the deferred Applicant that they have again been allocated a Residence and that they again have thirty (30) days:

- (a) firstly, to contact the Housing Officer, in writing, in person, by email, by fax or by telephone to acknowledge and confirm their desire to accept, to decline or to again defer the Residence; and
- (b) secondly, after confirming acceptance with the Housing Officer, to contact the Land Registry Officer, in writing, in person, by email, by fax or by telephone, to make an appointment to select a new Lot or confirm their entitlement to an Existing Lot.

5.21 Subject to section 5.15, if the deferred Applicant again defers acceptance of the Residence, then they will again forego their right to be allocated a Residence for that particular fiscal year.

6. SELECTION AND CUSTOM ALLOCATION OF A LOT

Selection of Lot

- 6.1 Upon receipt of their letter sent under sections 5.6, 5.13, 5.20 or 7.10 and after confirming acceptance of the Residence with the Housing Officer, an Applicant will contact the Land Registry Officer to make an appointment on a first-come first-served basis.
- 6.2 An Applicant will meet with the Land Registry Officer on a first-come first-served basis to either select a new Lot from those Lots which are then currently available or confirm their entitlement to an Existing Lot.
- 6.3 Upon selection of a new Lot or confirmation of an Existing Lot, the Applicant will receive a copy of this Policy and will execute an *Acknowledgment* in the prescribed form.
- 6.4 The Land Registry Officer will prepare all necessary transfers, supporting documents, explanatory Memorandums and draft Council Motions required to effect custom allocation of Lots.

Verification

- 6.5 If the Applicant holds an interest in an Existing Lot and wishes to have a new Residence constructed on the Existing Lot, then any current improvements situated on the Existing Lot must be demolished before the new Residence is constructed, unless the Applicant receives approval from the Director of Housing and Renovations to incorporate the existing Permanent Improvements into the new Residence, and the necessary *Change Order*, in the prescribed form, is approved.
- 6.6 If the Applicant holds an interest in an Existing Lot and wishes to have a new Residence constructed on a new Lot, then the Applicant must first transfer their Existing Lot either back to the Nation or to a Member.
- 6.7 If the Applicant holds an interest in an Existing Lot resulting from the dissolution of their marriage or marriage-like relationship and wishes to have a new Residence constructed on a new Lot, then the Applicant must first transfer their interest in the Existing Lot to their former spouse, or to one or more of the adult children of the marriage, or to an adult in trust for any minor child or dependent adult child of the marriage.

Custom Allocation of Lot

- 6.8 After verification by the Land Registry Division, the Land Registry Officer will:
- (a) provide to Council, a list of names of those Applicants who are eligible to be allocated a Lot, together with supporting documentation referred to in section 6.4; and
 - (b) provide a list of names of those Applicants whose Existing Lot has been confirmed, to each of the following:
 - (i) Council;
 - (ii) Director of Housing and Renovations; and
 - (iii) Finance Department,and the list to Council should also include copies of the original motion allocating the Existing Lot to the Applicant.
- 6.9 Council will allocate all new Lots by Council Motion into the name of the Applicant only, except as provided in section 8.14.
- 6.10 A copy of the Council Motion allocating the new Lots will be provided to each of the following:
- (a) Land Registry Officer;
 - (b) Director of Housing and Renovations; and
 - (c) Finance Department.
- 6.11 If an Applicant dies after being allocated a Residence, confirming acceptance of the Residence and meeting with the Land Registry Officer under section 6.2, but before Council allocates in accordance with section 6.9, then the right to use and occupation of the Residence and Lot will pass to the Applicant's Estate for subsequent custom allocation to the Applicant's rightful heirs.

Tasks of Land Registry Officer

- 6.12 The Land Registry Officer will notify the Resident in writing of either the custom allocation of their Lot or the confirmation of their Existing Lot.
- 6.13 The Land Registry Officer will enter the name of the Resident in the Land Registry records against the particular Lot.
- 6.14 The Land Registry Officer will assist Members, as necessary, with preparation and submission of all documents required by INAC in respect of Lots allotted under the *Indian Act*.

Revocation of Residence and Lot

- 6.15 If the custom allocation of a Residence or Residence and Lot is revoked by Council pursuant to section 7.20 and the Residence is added back to inventory and available for re-allocation, then the Residence or the Residence and Lot, as the case may be, may be custom allocated to the next eligible Member on the Housing List as recommended by the Director of Registry with the assistance of the Housing Officer.
- 6.16 Subject to section 6.15, if the custom allocation of a Lot is revoked by Council pursuant to sections 12.1 or 12.2 and the Lot is added back to inventory and available for re-allocation, then the Lot may be custom allocated to another Member as recommended by the Director of Registry, provided the Lot is not required for custom allocation in accordance with section 6.15.

7. FINANCING AND CONSTRUCTION OF A RESIDENCE

Nation-Financed Residence

- 7.1 Upon being allocated a Lot in accordance with section 6.9 or confirmed to an Existing Lot in accordance with section 6.8, the Resident must pickup and review a *Procedure Manual* from the Housing and Renovations Department.
- 7.2 Once the Resident has thoroughly reviewed the *Procedure Manual*, the Resident must make an appointment with the Director of Housing and Renovations to:
- (a) select a contractor;
 - (b) review, select and approve a set of Plans;
 - (c) review and execute a *Construction Agreement* in the prescribed form;
 - (d) provide to the Finance Department a performance bond and a labour and material bond, each of which will be:
 - (i) in a minimum amount of 10% of the value of the Residence, as estimated by the Director of Housing and Renovations,
 - (ii) provided on the forms "CCDC Document 221 (1979) - Performance Bond" and CCDC Document 222 (1979) - Labour and Material Payment Bond", and
 - (iii) issued by a duly licensed surety company authorized to transact the business of suretyship in British Columbia.
- 7.3 The Director of Housing and Renovations will deliver to the Resident, in a timely manner, a written notice approving or refusing to approve with reasons, the Plans and/or the evidence of performance bond and labour and material bond, as the case may be.
- 7.4 Construction of the Residence cannot commence until each of the steps set out in section 7.2 has been completed to the satisfaction of the Director of Housing and Renovations; provided that if the Member has been approved to act as contractor, then the requirement for a performance bond and a labour and material bond is mandatory.
- 7.5 If for any reason, the bonds contemplated by section 7.2 are cancelled and are not replaced by the Resident in a timely fashion prior to completion of the construction of the Residence, then the Director of Housing and Renovations will notify Council immediately

and may recommend to Council that it revoke the custom allocations of the Residence and Lot to the Resident.

Member-Financed Residence

- 7.6 Subject to Lot availability, an Applicant may use their own monies to construct their Residence provided that they submit to the Finance Department either a bank draft or money order, but not a certified cheque, made payable to the "SQUAMISH INDIAN BAND" in an amount specified by the Finance Department, which amount will represent the then current cost of construction of a Residence, plus any additional servicing or site preparation costs identified by the Director of Housing and Renovations. The Nation is not guaranteed of receiving any capital contribution from INAC in respect of Member-financed Residences.
- 7.7 An Applicant who finances the construction of their own Residence acknowledges that the monies paid to the Squamish Indian Band are non-refundable.
- 7.8 Upon deposit of the monies, the Finance Department will provide the Housing Officer and Council with a *Memorandum* in prescribed form confirming that the Applicant has provided the Nation with the necessary monies to initiate construction of a Residence.
- 7.9 Upon receipt of the Memorandum from the Finance Department and after any necessary verification by the Housing Registry Division, the Housing Officer will provide Council with the name of the eligible Applicant to be allocated a Residence in accordance with section 5.5, together with an explanatory Memorandum and draft Council Motion, and upon custom allocation will remove the Member from the Housing List.
- 7.10 Upon custom allocation of the Residence, the Housing Officer will forward a letter by pre-paid registered mail, to the Applicant notifying them that they have been allocated a Residence, the construction of which is to be financed by the Applicant, and that they have thirty (30) days to contact the Land Registry Officer, in writing, in person, by email, by fax or by telephone to make an appointment to select a new Lot or confirm an Existing Lot in accordance with Part 6 of this Policy.
- 7.11 Upon being allocated a Lot or confirmed to an Existing Lot, in accordance with Part 6 of this Policy, the Resident must pickup and review a *Procedure Manual* from the Housing and Renovations Department.
- 7.12 Once the Resident has thoroughly reviewed the *Procedure Manual*, the Resident must make an appointment with the Director of Housing and Renovations to:
- (a) select a contractor;
 - (b) review, select and approve a set of Plans;
 - (c) review and execute a *Construction Agreement* in the prescribed form;
 - (d) provide to the Finance Department a performance bond and a labour and material bond, each of which will be:
 - (i) in a minimum amount of 10% of the value of the Residence, as estimated by the Director of Housing and Renovations,

- (ii) provided on the forms “CCDC Document 221 (1979) - Performance Bond” and CCDC Document 222 (1979) - Labour and Material Payment Bond”, and
 - (iii) issued by a duly licensed surety company authorized to transact the business of suretyship in British Columbia.
- 7.13 The Director of Housing and Renovations will deliver to the Resident, in a timely manner, a written notice approving or refusing to approve with reasons, the Plans and/or the evidence of performance bond and labour and material bond, as the case may be.
- 7.14 Construction of the Residence cannot commence until each of the steps set out in section 7.12 has been completed to the satisfaction of the Director of Housing and Renovations; provided that if the Member has been approved to act as contractor, then the requirement for a performance bond and a labour and material bond is mandatory.
- 7.15 If for any reason, the bonds contemplated by section 7.12 are cancelled and are not replaced by the Resident in a timely fashion prior to completion of the construction of the Residence, then the Director of Housing and Renovations will notify Council immediately and may recommend to Council that it revoke the custom allocations of the Residence and Lot to the Resident.

Non-Member Financed Residence

- 7.16 The Nation will not accept monies from a non-Member to construct, renovate or alter a Residence or to erect any Permanent Improvements upon a Lot.

Construction Process

- 7.17 Construction of a Residence must be completed within one (1) year of a Resident being notified of the custom allocation of their new Lot or confirmation of their Existing Lot, pursuant to section 6.12, or on such completion date as set out in their *Construction Agreement*. Failure to do so may result in the Director of Housing and Renovations recommending that revocation of the custom allocations of the Residence and Lot to the Resident be approved by Council.
- 7.18 A Resident must submit any amendment to the approved Plans to the Director of Housing and Renovations for approval and issuance of a *Change Order* in prescribed form, prior to implementing any such amendment during the course of construction.
- 7.19 A Resident who has entered into a *Construction Agreement* for self-contracting will:
- (a) subject to section 7.17 of this Policy, cause the Residence to be constructed continuously, diligently and in a good and workmanlike manner, and in accordance with the approved Plans, all lawful requirements of the Squamish Nation and other relevant jurisdictions, and safety precautions and programs required under applicable construction safety legislation or bylaws and general and accepted construction practice including adequate supervision;
 - (b) ensure that all lawful claims and demands of labourers, suppliers, etc. are paid by way of the Housing and Renovations Department’s purchase-order system

and deliver to the Director of Housing and Renovations evidence of all such payments on request by the Director of Housing and Renovations; and

- (c) provide to the Director of Housing and Renovations a satisfactory *Final Inspection Report* prepared by a certified inspector, in prescribed form.

7.20 If Council approves the recommendation of the Director of Housing and Renovations under Part 7 of this Policy to revoke the Resident's Residence and Lot custom allocations, Council may choose to reinstate the Resident onto the Housing List in such category as is determined and verified by the Housing Officer and with a date of application which equates to a minimum penalty of three allocation years.

8. RIGHTS ACQUIRED

Residence and Lot

- 8.1 A Member who is allocated a Residence and Lot is entitled to use and occupation of the Residence and Lot for residential purposes only.
- 8.2 Permanent Improvements constructed on a Lot form part of the Lot. Residences and Lot are to be treated together as one unit and cannot be dealt with or disposed of separately.
- 8.3 A Member is not permitted to place or permanently affix a Manufactured Home on a Lot, without first obtaining the prior approval of the Director of Housing and Renovations.
- 8.4 A Member is not permitted:
 - (a) to place, erect or permanently affix any structure on any Right of Way situated within a Lot; or
 - (b) to place, erect or permanently affix any structure that encroaches over the boundary line of the Lot.
- 8.5 A Member is not permitted to place, erect or permanently affix any structure on a Lot, unless done in accordance with this Policy.

Alterations

- 8.6 A Resident who wishes to make an Alteration to their existing Residence, must first submit a Request for Building Permit with Plans to the Director of Housing and Renovations for approval, and the Director of Housing and Renovations will deliver to the Resident, in a timely manner, a written notice approving or refusing to approve with reasons, the Plans for Alteration.
- 8.7 Once the Plans have been reviewed and approved, the Director of Housing and Renovations will issue a *Building Permit* in the prescribed form.
- 8.8 A Resident is responsible for all costs associated with an approved Alteration, including but not limited to materials, labour, plan preparation, site preparation, surveys and inspection reports.

- 8.9 Upon receipt of a *Building Permit*, a Resident may commence making the Alteration to their Residence in accordance with the terms and conditions set out in the *Building Permit*, provided that the Resident submits to the Finance Department a bank draft or money order, but not a certified cheque, made payable to the "SQUAMISH INDIAN BAND" in an amount specified by the Director of Housing and Renovations, which amount will represent the estimated cost of construction of the Alteration to the Residence.
- 8.10 Notwithstanding section 8.9, an Alteration must conform to this Policy, Nation Policies and Bylaws and National Building Code Standards in effect at the date of the completion of the Alteration, conform to the standards of workmanship required by established industry practice and be completed within one (1) year of the date of the *Change Order*, or such other date as determined by the Director of Housing and Renovations.
- 8.11 Upon completion of the Alteration, the Resident must provide to the Director of Housing and Renovations a satisfactory *Final Inspection Report* by a certified inspector, in prescribed form.
- 8.12 A Resident will:
- (a) not do, or suffer or permit to be done, any Alteration which may render void or voidable, or which may conflict with the requirements of, any policy of insurance, including any regulations of fire insurance underwriters applicable to such policy, carried by the Nation; and
 - (b) comply immediately with every notice in writing from the Nation or any insurer requiring the performance of works or discontinuance of any use of a Lot in order to avoid invalidation or cancellation of any insurance.
- 8.13 A Resident may subdivide their Lot provided the Resident acts in compliance with all Squamish Nation bylaws and policies and has obtained prior approval of the Director of Housing and Renovations, as well as all departmental and Council approvals, required from time to time.

Spousal Rights

- 8.14 All custom allocations of Residences and of Lots to Spouses under either the *Married/Common Law Category* or the *Pensioner Category* are to be registered in both Members' names, unless both Members provide to the Director of Registry written instructions to the contrary, which instructions will be filed as part of the permanent record for the particular Lot.

Rights to Transfer

- 8.15 Subject to section 8.17, a Member may dispose of their interest in a Lot:
- (a) by gifting their interest to another Member or to the Nation;
 - (b) by selling their interest to another Member or to the Nation for an amount that has been negotiated between the two parties; or

- (c) by naming a Member or the Nation as beneficiary in their Will to receive their interest,

and upon disposal of their interest under paragraph (b), the name of the recipient will be removed from both the Housing List and Townhouse List.

- 8.16 A Member is not permitted to transfer their interest in a Lot to a Member who is under the age of 18 years, unless the transfer is made to an adult Member in trust for the minor child. Upon the minor child Member attaining the age of 18 years, such Member may request that the Land Registry Officer update the registry to register the Lot in their own name.
- 8.17 A Member is not permitted to transfer their interest in a Lot to a Member until at least five (5) years has passed from the date of the original custom allocation to the Member under section 5.5.
- 8.18 A disposal of any interest in a Lot is not valid until approved by Council. A copy of the approving Council Motion will be provided to the Housing Officer by the Land Registry Officer.
- 8.19 A Member who receives a Lot from another Member under section 8.15(b), will have their name removed from both the Housing List and Townhouse List upon approval by Council of the disposal of interest.

Right to Rent

- 8.20 Subject to section 8.23, a Member may only rent their Lot to another Member and only for residential purposes.

Certificates of Possession and Notices of Entitlement

- 8.21 Notwithstanding section 8.1, a Member who holds their interest in their Lot pursuant to a Certificate of Possession or a Notice of Entitlement may use their Lot only in accordance with the *Indian Act* and all current Squamish Nation bylaws.
- 8.22 Notwithstanding section 8.16, a Member who holds their interest in their Lot pursuant to a Certificate of Possession or a Notice of Entitlement may transfer their Lot in accordance with the *Indian Act*.
- 8.23 A Member who holds their interest in their Lot pursuant to a Certificate of Possession or Notice of Entitlement may rent their Lot in accordance with the *Indian Act* and any current Squamish Nation bylaws.

9. RESPONSIBILITIES OF RESIDENT

Maintenance of Residence

- 9.1 Residents are required to keep their Residence in good repair, reasonable wear and tear excepted.

Maintenance of Lot

- 9.2 Residents are expected to maintain the grounds surrounding their Residence in a neat and tidy condition.
- 9.3 A Resident will not carry on, or suffer or permit to be carried on, in or upon the Lot anything which is noisy, noxious, or offensive, or which constitutes a nuisance or annoyance to the Nation or to any neighbouring properties or their occupants.
- 9.4 A Resident will not commit, suffer or permit any wilful or voluntary waste, spoil, or destruction in or upon the Lot.
- 9.5 A Resident will not do or omit to do, or suffer or permit to be done or omitted to be done, anything which may render void or voidable, or which may conflict with the requirements of, any policy of insurance, including any regulations of fire insurance underwriters applicable to such policy, carried by the Nation.
- 9.6 A Resident will comply immediately with every notice in writing from the Nation or any insurer requiring the performance of works or discontinuance of any use of a Lot in order to avoid invalidation or cancellation of any insurance.

10. RENOVATION PROGRAM

- 10.1 The Nation administers a Renovation Policy for Residences, including those Residences situated on Lots for which the Minister of Indian and Northern Affairs has issued a Certificate of Possession or Notice of Entitlement.
- 10.2 Any Resident who wilfully allows their Residence to deteriorate in breach of section 9.1 or to the extent contemplated by section 15.1, is ineligible to receive renovation monies from the Nation or benefit in any way from any Nation administered Renovation program.

11. INSURANCE

- 11.1 The Nation will arrange for blanket fire insurance coverage on the structure and contents of all Residences which are occupied by a Resident and such insurance will be paid for by the Nation and will include coverage for all personal items and household furnishings and contents to a stated value maximum. Any amounts of coverage required beyond the stated value are the responsibility of the Member.
- 11.2 The Member and not the Nation will be responsible for the deductible portion of any insurance claim.
- 11.3 Insurance coverage by the Nation is only for the original Residence and any approved Alteration. If there is an Alteration made to a Residence by a Member that has not been approved in accordance with this Policy, the Member is responsible for insuring that portion of the insurance costs directly related to the Alteration.
- 11.4 The Nation may require a Resident to obtain, prior to commencing construction of a Residence, or an Alteration to a Residence, course of construction insurance, and maintain same until construction is completed.

12. ENFORCEMENT AND TERMINATION

12.1 Where a breach of a term of this Policy has occurred, the Nation is authorized to take such steps as are deemed necessary to enforce the terms and requirements of this Policy, including the revocation of a custom allocation of either a Residence or a Lot, or both Residence and Lot, as the case may be, or the removal of any person from a Residence or Lot.

12.2 A Resident will lose their right to use and occupation of their Residence and Lot in the following circumstances:

- (a) if the Residence or Lot is condemned; or
- (b) if a Resident's use of the Residence or Lot is determined based on community standards to be for criminal purposes,

and upon loss of such right, Council may revoke the custom allocation to such Resident of the Residence or the Lot or both the Residence and Lot, as the case may be.

12.3 A court of competent jurisdiction may, on application of the Nation, or such other party holding the legal interest in a Lot:

- (a) order that vacant possession of a Lot and Residence be delivered up;
- (b) direct that one or more Members be given exclusive possession of a Lot and Residence;
- (c) make any interim or temporary order to give effect to the purpose of this Housing Policy; and
- (d) make any ancillary order, including an order as to costs, that the court deems necessary to give effect to this Housing Policy.

12.4 If Council approves the recommendation of the Director of Housing and Renovations under Part 12 of this Policy to revoke a Resident's Residence and/or Lot custom allocations, Council may choose to reinstate the Resident onto the Housing List as at the date of the revocation by Council and in such category as is determined and verified by the Housing Officer.

13. NON-MEMBERS' RIGHTS

13.1 Subject to the privileges set out in the balance of Part 13 of this Policy, persons who are not Members have no legal interest or rights in any Residence or Lot.

13.2 If a Member Spouse dies, the right of the non-Member Spouse to remain in the Residence is determined as follows:

- (a) if the Member Spouse dies without a Will, then the terms and conditions of the *Squamish Nation Custom Intestate Policy*, as amended from time to time, will apply; or
 - (b) if the Member Spouse dies with a Will, then subject to the limits of the law, the terms of the Will, will apply.
- 13.3 If a Member loses or gives up their membership status through dissolution of their marriage or marriage-like relationship or otherwise, then the former Member will be required to transfer their interest in the Lot to any of the following eligible parties, within 180 days of the loss of their membership status:
- (a) their former Member Spouse;
 - (b) an adult in trust for a minor child or grandchild of the Member and former Member;
 - (c) an adult child of the Member and former Member; or
 - (d) the Squamish Nation.
- 13.4 Despite section 13.3, upon the dissolution of the marriage or marriage-like relationship between a Member and a non-Member (the "Dissolution"), the right of the non-Member to remain in the Residence, is determined as follows:
- (a) if the non-Member former Spouse is primarily responsible for the care and upbringing of either minor children or dependent adults of the marriage or marriage-like relationship, who reside permanently with the non-Member former Spouse, then the non-Member former Spouse will be entitled to remain in the Residence until:
 - (i) all the minor children for whom the non-Member former Spouse is responsible for care and upbringing attain the age of 18 years;
 - (ii) the dependent adults for whom the non-Member former Spouse is responsible become able to care for themselves; and
 - (iii) the minor children or dependent adults no longer reside with the non-Member former Spouse.
 - (b) if the non-Member former Spouse is not primarily responsible for the care and upbringing of either minor children or dependent adults of the marriage or marriage-like relationship, then the non-Member former Spouse will be required to vacate the Residence and Lot within 180 days of the Dissolution.
- 13.5 Where a former Member transfers their interest within the time period set out in section 13.3, they are free to negotiate with the recipient an amount of compensation for their interest in the permanent improvements situated on the Lot.
- 13.6 Where a former Member does not dispose of their interest within the time period set out in section 13.3, then the right to use and occupation of the Lot reverts to the Nation, without any requirement for compensation to be paid.
- 13.7 Notwithstanding section 13.2, a non-Member who is not at law entitled to reside on reserve lands cannot, as a beneficiary in a Member's Will, by descent under an intestacy or by transfer or contract, acquire a right to use, possession or occupation (including a life interest) of a Residence or Lot.

- 13.8 A non-Member who has given monies to their Member Spouse for the construction of a Residence does not acquire any rights of use or occupation to the Residence and Lot, and must arrange any settlement regarding the monetary contribution directly with their Spouse.
- 13.9 A non-Member Spouse who is entitled to reside in a Residence pursuant to this Part 13:
- (a) is not permitted to vacate and rent the Residence to any person; and
 - (b) is permitted to rent a portion of the Residence to a Member provided that the non-Member continues to reside in the Residence as their primary residence.

14. HOUSING OFFICER

14.1 A Housing Officer will be employed by the Nation and may be the same person holding the position of Land Registry Officer.

14.2 The Housing Officer must:

- (a) administer and comply with policies and guidelines established by Council from time to time;
- (b) produce and provide reports when requested by Council;
- (c) provide application forms and appropriate information and assistance to those who are applying to the Housing Registry Division to be added to the Housing List;
- (d) receive and process completed applications for addition to the Housing List;
- (e) maintain the Housing List in accordance with this Policy;
- (f) add to the Housing List the name of a Member whose application has been approved under section 4.4;
- (g) move between categories on the Housing List a person whose application to be moved has been approved under section 4.8;
- (h) remove from the Housing List the name of a person required to be removed under sections 2.6 and 8.19;
- (i) add to or remove from the Housing List the name of a person in accordance with a decision of the Appeals Committee under section 17.10;
- (j) make available a copy of the Housing List in accordance with policies established by Council from time to time;
- (k) provide written notice to a person whose name is removed from the Housing List under subsection 2.6 (e) or (f);

- (l) at the request of a Member applying to be added to the Housing List, provide to the Member a copy of this current Policy and any related guidelines established by Council from time to time;
- (m) provide written notice to a Member of their right to appeal:
 - (i) a decision of the Housing Officer to decline their application to be added to the Housing List,
 - (ii) a decision of the Housing Officer to decline their application to be moved between categories on the Housing List;
 - (iii) the removal of their name from the Housing List by the Housing Officer under subsection 2.6(e); and
 - (iv) the removal of their name from the Housing List by the Housing Officer under subsection 2.6(f); and
- (n) generally assist all Members in the administration of this Housing Policy.

14.3 The Housing Officer may delegate a portion of their duties and tasks to a clerk or assistant, but will remain fully answerable for same.

15. CONDEMNED RESIDENCES

15.1 Council may declare a Residence to be unfit for habitation, upon acceptance of a report from the Director of Housing and Renovations in accordance with the Squamish Nation *Condemned Residences Policy*, as approved and amended from time to time.

16. CUSTOM ALLOCATION OF TOWNHOUSES

16.1 The custom allocation of townhouses by Council to Members will be done in accordance with either the Squamish Nation *Townhouse Policy*, or the Squamish Nation *Social Housing Policy*, as the case may be, as approved and amended from time to time.

17. APPEALS PROCESS

17.1 There is no right of appeal to Council or any other body from decisions of the Housing Officer, Land Registry Officer and Director of Housing and Renovations, except as provided in this Policy.

17.2 A decision of the Housing Officer:

- (a) to decline to add an Applicant to the Housing List under section 4.4;
- (b) to decline to move an Applicant between categories on the Housing List under section 4.8;

- (c) to remove an Applicant's name from the Housing List under either subsection 2.6(e) or (f); or
- (d) to decline to change the date of application under section 4.8;

may be appealed to the Appeals Committee by the Member applying to be added to, moved within or remain on the Housing List or requesting a change in the date of application.

17.3 A decision of the Housing Officer:

- (a) to decline to add an Application to the Townhouse List under the *Townhouse Policy*;
- (b) to decline to move an Application between categories on the Townhouse List under the *Townhouse Policy*; or
- (c) to remove an Applicant's name from the Townhouse List under the *Townhouse Policy*;

may be appealed to the Appeals Committee by the Member applying to be added to or moved within or wishing to remain on the Townhouse List.

17.4 A decision of the Land Registry Officer:

- (a) to not meet with the Applicant on a first-come first-served basis under section 6.2; or
- (b) to not enter the Applicant's name in the Land Registry against their Lot under section 6.13,

may be appealed to the Appeals Committee by the Applicant.

17.5 A decision of the Director of Housing and Renovations:

- (a) to refuse to approve either the Plans or the evidence of performance bond and labour and material bond under section 7.3;
- (b) to recommend revocation of a Lot and Residence custom allocation under section 7.5;
- (c) to refuse to approve either the Plans or the evidence of performance bond and labour and material bond under section 7.13;
- (d) to recommend revocation of a Lot and Residence custom allocation under section 7.15;
- (e) to recommend revocation of a Lot and Residence custom allocation under section 7.17;
- (f) to refuse to approve the Plans for an Alteration under section 8.6;

- (g) to recommend revocation of a Lot and Residence custom allocation under section 12.1; or
- (h) to recommend revocation of a Lot and Residence custom allocation under section 12.2,

may be appealed to the Appeals Committee by a Resident.

- 17.6 An appeal must be in writing in prescribed form, the *Request for Appeal Hearing* form must be signed by the Appellant and must be delivered to the Director of Registry within thirty (30) days of the decision being appealed having been made.
- 17.7 An Appeals Committee must be established by Council Motion and must consist of five Members, each appointed for a four (4) year term, and may include an additional two Members, identified to act as Alternates.
- 17.8 Quorum for the Appeals Committee will be four persons.
- 17.9 No member of the Appeals Committee may participate in any proceeding where the member's participation would constitute a conflict of interest.
- 17.10 The Appeals Committee will review the Member's summary of the appeal and will either grant or decline the appeal and will provide written reasons of its decision.
- 17.11 The Appeals Committee's decision and reasons will be provided to the Director of Registry for distribution to the Member who initiated the appeal.
- 17.12 The Appeals Committee may, in its discretion, obtain legal advice on any question of law or procedure relating to the discharge of its duties.
- 17.13 A member or Alternate of the Appeals Committee may only sit for four (4) consecutive terms, not to exceed a total of sixteen (16) years.

18. AMENDMENT TO POLICY

- 18.1 Subject to the Objectives and Principles set out above, this Policy may only be amended by Council Motion.
- 18.2 Council is responsible for approving procedural guidelines and policies established in respect of this Policy.
- 18.3 Any amendments to this Policy must be made available to Membership within a reasonable time period following approval by Council.

19. CROSS-REFERENCE TO OTHER POLICIES

- 19.1 In the event of a conflict between a provision of this Policy and a provision in any Squamish Nation Bylaw, the provisions of the Bylaw will prevail to the extent of the conflict.

20. GENERAL

- 20.1 No condoning, excusing or overlooking by the Nation of any default, breach or non-observance by a Member or by the Nation at any time in respect of any term or condition contained in this Policy will operate as a waiver of the Nation's rights set out in this Policy in respect of any continuing or subsequent default, breach or non-observance or so as to defeat or affect in any way the rights of the Nation in respect of any such continuing or subsequent default or breach.
- 20.2 No waiver will be implied by or inferred from anything either done or not done by the Nation, excepting only an express waiver in writing.

21. FORMS AND DOCUMENTS

- 21.1 The following are a list of some of the prescribed forms and related documents required by this Policy:

Custom Allocation Related:

Form 1 - Housing Application Form;
Form 2 - Townhouse Application Form
Form 3A - Change of Housing List Category Form;
Form 3B - Change of Personal Information Form;
Form 4 - Letter to Applicant (Residence);
Form 5 - Acknowledgment Form;
Form 6 - Letter to Resident (Lot);
Form 7 - Finance Department Memorandum;
Form 8 - Letter to Applicant (Financed);
Form 9 - Letter to Applicant (Removal);
Form 10 - Preliminary Request to Subdivide.

Construction Related:

Form C-1 - Construction Agreement (Nation acting as General Contractor);
Form C-2 - Construction Agreement (Member acting as General Contractor);
Form C-3 - Change Order;
Form C-4 - Final Inspection Report;
Form C-5 - Request for Building Permit;
Form C-6 - Building Permit.

Appeals Related:

Form A-1 - Oath of Confidentiality;
Form A-2 - Request for Appeal Hearing;
Form A-3 - Request for Appeal Hearing (Townhouse);
Form A-4a - Initial Letter to Appellant;
Form A-4b - Notice of Hearing (Appellant);
Form A-5 - Notice of Hearing (Staff Member);
Form A-6 - Letter to Staff Member;
Form A-7a - Letter to Appellant(No Show);
Form A-7b - Letter to Appellant (Results).

END OF DOCUMENT