



The Municipal Corporation of the Hamlet of Gjoa Haven
Land Administration By-law 143

Description

A By-law of the Municipal Corporation of the Hamlet of Gjoa Haven in the Nunavut Territory, to provide for the administration of municipal lands, pursuant to the Hamlet's Act, R.S.N.W.T., 1988, c. H-1, as duplicated for Nunavut by S.29 of the *Nunavut Act*, S.C. 1993, c.28; and as amended by S.NU 2003 C.3 S.26.53.51C

By-Law

WHEREAS the Council of the Municipal Corporation of the Hamlet of Gjoa Haven deems it to be desirable to establish a uniform process of real property owned, leased or otherwise held by the Hamlet.

NOW, THEREFORE, The Municipal Corporation of the Hamlet of Gjoa Haven, at a duly assembled meeting, enacts as follows:

1. Short Title

This By-law shall be cited as the "Land Administration By-law".

2. Interpretation

In this By-law:

"Acquisition"	means the acquiring of land by the Municipality;
"Council"	means the Council of the Municipal Corporation of the Hamlet of Gjoa Haven;
"Development Cost"	means the costs directly incurred by The Municipality in developing land, including but not limited to, the costs of: <ol style="list-style-type: none">(1) planning and engineering design;(2) project management;(3) road construction;(4) culverts and drainage works;(5) land fill;(6) open spaces or other costs for community use including Tot Lots;(7) piped water and sewer lines;(8) electrical distribution lines (and poles);(9) legal surveys;(10) land acquisition and disposal costs;

	(11) financing charges, including interest, for loans incurred in developing land;
“Disposal”	means the lease, or other disposition of land;
“Equity Lease”	means a lease for which all lease payments are credited against the total lot price until such a time as the lot price is paid in full, at which time lease payments are \$1.00 per year;
“Fair Market Value”	means the price at which property would exchange hands in a free market, between a buyer and a seller, each willing and having reasonable knowledge of relevant facts, under no compulsion to buy or to sell, assuming a reasonable time available for the transaction to be negotiated and completed;
“First Time Home Owner”	means an individual who has not previously owned a residence in Nunavut within the last five years, whether or not that residence was in Gjoa Haven;
“Land”	means real property owned, leased or otherwise held or acquired by the municipality;
“Lease”	means a contract between the lessor and the lessee for the right to use, and the enjoyment of, lands for a specified period of time at a stipulated price;
“Lessee”	means an individual or other legal entity having a lease from the lessor;
“Lessor”	means the municipality which leases land to the lessee;
“Lot”	means a parcel of land, for which development costs have been incurred and which has been duly described or surveyed for the purpose of acquisition, lease or other disposition;
“Lot Price”	means the valuation of a lot;
“Minister”	means the Minister of Community and Government Services;
“Municipality”	means the Municipal Corporation of the Hamlet of Gjoa Haven, which is represented by the Senior Administrative Officer or his or her designate, except when decisions of Council are required;
“New Lot”	means vacant lots which are available or developed after the date of this By-law;
“Off -site Levy”	means a surcharge made by the municipality to the lessee of municipal lands to assist in the payment of all or part of the capital costs of new or expanded infrastructure, including land, such infrastructure being located outside the lands being leased, but of direct, though not exclusive, benefit to the lessee;

"Replacement Cost"	means the estimated development costs for a parcel of land, updated to the current year, representing the costs to develop a similar lot and the incorporation of any site-specific factors;
"Senior Citizen"	means a person 65 years of age or older at the time of application;
"Site-specific Factors"	<p>means factors which may be used, where applicable, in adding or subtracting up to 25% of the development costs of new lots or the replacement cost for existing developed lots, and which may be composed of:</p> <ol style="list-style-type: none"> <li data-bbox="581 552 922 590">(1) size of land parcel; <li data-bbox="581 590 873 627">(2) site conditions; <li data-bbox="581 627 967 665">(3) desirability of location; <li data-bbox="581 665 987 703">(4) adjacent land uses; and <li data-bbox="581 703 927 741">(5) proposed land use. <p>and the addition of site-specific factors for new lots shall not exceed development cost for the entire subdivision.</p>
"Standard Lease"	means a lease which has an annual payment but does not accumulate equity unless converted to an equity lease;

3. Application of the By-Law

- A) This By-law shall, except as otherwise expressly authorized by the Minister in writing, apply to all acquisitions, leases or other dispositions of lands by the municipality.

4. Advertising of the Land for Disposal

- A) Subject to Sub-section 4(c), the municipality shall not lease or otherwise dispose of land until it has published a notice of such proposed lease or other disposition:

- a) by advertisement for two consecutive weeks in a newspaper having weekly circulation in the municipality; or
- b) by notice posted in five (5) prominent places in the municipality for a period of two consecutive weeks.

- B) Each advertisement or notice shall contain:

- a) a sketch, depicting with reasonably accuracy, the size and location of the parcel or parcels to be leased or otherwise disposed of;
- b) the minimum consideration for which the land will be leased or otherwise disposed of;
- c) an indication as to the method to be employed in leasing or otherwise disposing of lands; or
- d) an indication as to where and when applicants may obtain information and application forms.

- C) Sub-sections 4(A) and 4(B) shall not apply to:

- a) lands required by the Federal or Territorial Governments;
- b) lands which can only be of use to an adjoining owner/lessee; and
- c) additional adjacent lands required for expansion of a lessee's existing or proposed development.

- D) The Municipality shall re-advertise for lease or other disposition of lands in which:

- a) an application has been made but withdrawn by the applicant after acceptance by the municipality;
- b) a lease has been granted but terminated prior to the construction of any improvements on the lands;
- c) re-zoning has taken place and the lands remain untenured;
- d) land has been returned to the municipality by forfeiture; or
- e) land has been returned to the municipality by cancellation or surrender of the lease as per Section 12 & 13.

5. Preconditions to Acquisition and Disposal of Lands

- A) Land speculation shall be discouraged.
- B) Neither the municipality nor any authorized representative of the municipality shall make or enter into any arrangement for the purchase, lease or other disposition of land, except by By-law in the form of Appendix "A", Appendix "B", or Appendix "C" attached hereto, and each such By-law shall contain:
 - a) a complete legal description of the land to be acquired, leased or otherwise disposed of;
 - b) the minimum consideration to be paid for the acquisition, lease, or other disposition of the lands; and
 - c) the terms and conditions, if any, upon which the land shall be acquired, leased, or otherwise disposed of.
- C) No By-law for the acquisition, lease or other disposition of land shall be passed pursuant to section 53.5 of the Hamlet's Act, until:
 - a) it has been established through a search at the appropriate land registry office, that the municipality may lawfully acquire, lease or otherwise dispose of the land;
 - b) an inspection of the land has been conducted to determine:
 - i) if the lands are occupied;
 - ii) if there are any improvements situated on the lands;
 - iii) if there are any easements affecting the lands; and
 - iv) such other information as Council may in its discretion, consider to be relevant;
 - c) The Senior Administrative Officer has advised Council as to the value of the lands and any improvements situated thereon and that the proposed use of the lands shall comply with the Zoning By-law in effect in the municipality.
- D) The municipality shall keep a ledger of all lands, containing:
 - a) a full legal description of the lands;
 - b) the location of the lands within the municipality;
 - c) a valuation of the lands for purpose of lease or other disposition;
 - d) the terms and conditions upon which the lands have been leased or otherwise disposed of; and
 - e) an indication of whether the lands have been leased or otherwise disposed of, or whether there is a pending lease or other disposition of the land.
- E) The ledger kept pursuant to Section 5(D) of this By-law shall be open to inspection by the public at the municipal office during normal business hours.

6. Terms and Conditions for Land Disposals

- A) For new leases on new lots, the municipality will issue only equity leases. Standard leases will apply in all other cases, subject to Section 10.
- B) Residential lots shall be available only to residents of Gjoa Haven. A business or company applying for land shall have an office in Gjoa Haven, unless otherwise under special direction from the Council.
- C) The Nunavut Housing Corporation is exempt from section 6(B).
- D) The municipality, in leasing or otherwise disposing of land for residential purposes, shall ensure that any prospective private home owner have preference over land applicants who wish to acquire more than one lot at a time, except when lots are required by:
 - a) the Federal or Territorial Governments;
 - b) the Nunavut Housing Corporation or their clients;
 - c) the Canada Mortgage and Housing Corporation or;
 - d) the Municipality.
- E) Every disposal of land shall be in writing and leases shall be executed in accordance with the Land Titles Act and this By-law.
- F) The municipality, in leasing or otherwise disposing of land, shall require that commencement of construction to begin within twelve (12) months of the effective date of the lease and construction must be completed within twenty-four (24) months of the date of the agreement.
- G) The municipality may terminate a lease for failure to complete construction of the building or any other improvements within the time required. Subject to Section 6(H) if construction is not completed as outlined in section 6(F) the lease may be cancelled.
- H) The municipality may allow a maximum extension of twelve (12) months to either term outlined in section 6(F). The following shall be required prior to consideration by Council:
 - a) written explanation for the delay in construction;
 - b) written plan to complete construction within the extension period;
 - c) proof of approved financing;
 - d) submission of a new Development Permit Application; and
 - e) proof that there are no outstanding debts to the municipality.
- I) The municipality shall dispose of land by one or a combination of the following means:
 - a) Ballot draw;
 - b) Development Proposal Call, as set out in Appendix "E";
 - c) First come first served basis.
- J) Council shall decide, at its discretion, as to which means will be employed to dispose of the land as per section 6(I).
- K) Prior to disposing of land through means of a ballot draw, Council shall, by resolution, establish guidelines for such a process.

- L) The municipality shall, when disposing of land through a ballot draw, give preference to prospective applicants in the following manner:
 - a) Ballots shall be sorted in the following categories:
 - i) Category One first time homeowners residing in the community for more than five (5) years;
 - ii) Category Two persons residing in the community for more than two (2) years;
 - iii) Category Three all others.
- M) The municipality shall decide whether, and under what circumstances, formal development proposals or bids as referred to in Section 6(l) (b) will be asked from the applicants and may use the Proposal Call Tender System outlined in Appendix "E".

7. Pricing of Existing Lots

- A) The municipality in leasing existing developed lands shall determine lot price by either one of the following:
 - a) replacement cost; or
 - b) the fair market value
- B) Standard Lease Rates
 - a) The standard lease rate per lot or portion of a lot is based on land use, as per the individual lease agreement, and shall be as follows:
 - i) Residential:
 - (1) \$600.00 per year minimum plus an additional \$0.80 per square metre in excess of 750 square metres
 - ii) Commercial:
 - (1) \$700.00 per year minimum plus an additional \$0.95 per square metre in excess of 750 square metres
 - iii) Industrial:
 - (1) \$800.00 per year minimum plus an additional \$1.00 per square metre in excess of 800 square metres
 - iv) Other land uses: as determined by Council.
 - b) Council may vary the lease rate for dispositions of land to senior citizens and non-profit organizations with a maximum reduction of 50%
 - i) No lease shall be assigned to a senior citizen to receive this reduction.
 - c) No GST shall be charged for standard lease rates.
 - d) The standard lease rates will be reviewed annually, with the lessee being notified of any changes to the standard lease rate a minimum of ninety (90) days before the five year anniversary date of the standard lease.

- C) The terms for all standard leases shall be:
 - a) 30 years for residential use;
 - b) 20 years for commercial use;
 - c) 10 years for industrial use;
- D) The term of leases referred to in Section 7(C) may be varied at Council's discretion based on the nature and value of the improvements to be constructed.
- E) The term of all other leases will be at the Council's discretion.

8. Pricing of New Lots

- A) The municipality shall recover development costs in the valuation of lands for disposal, subject to Section 8(B).
- B) The municipality may, when it is unable to lease or otherwise dispose of a lot, reduce the price of the lot below its development cost when:
 - a) the lot has not been developed through financing from any Territorial Government or financial institution; or
 - b) the lot has been developed through financing from any Territorial Government or a financial institution and the reduced land valuation is approved by the Minister.

C) Equity Leasing

- a) The lot price for new lots shall be determined by development cost including any allowance for site specific factors.
- b) From the effective date of this By-law, a value of \$18.00 per square metre shall be used. This rate shall be reviewed annually, and if changed, notice shall be posted in five (5) prominent places in the Municipality.
- c) Where equity leases are issued, 10% of the overall lot price must be paid at the time of signing. The remainder must be paid in full within the following time frame:
 - i) Nunavut Housing Corp: 90 days of the signing of the lease;
 - ii) Other Business Owners: No more than 2 years after the date of signing;
 - iii) Individual Owners: No more than 10 years after the date of signing.
- d) After payment in full, the lease rate shall be one (\$1.00) dollar per year.
- e) Where any portion of the rental is unpaid for more than 30 days, late payment fee of 10% per month shall be charged.
- f) The term for all equity leases will be 30 years.
- g) Fully paid equity leases will be converted to fee simple title if/when that option is approved by referendum in the future.
- h) If the lease is surrendered, all rental paid by the lessee shall be refunded except for:

- i) the amount equal to rental paid as if it was a standard lease for the time leased, and;
- ii) An administrative cost of 10%

9. Applications for Land

- A) The municipality shall only accept a written application for land in the form of Appendix "D". This form shall contain but not be limited to:
 - a) the legal name of the applicant or applicants;
 - b) the legal description of the land;
 - c) the purpose for which the land will be used;
 - d) a request, if applicable, for joint tenancy or tenancy-in-common;
 - e) the signature of the applicant or applicants;
 - f) a refundable application fee of six hundred dollars (\$600.00);
 - g) a Declaration of Residency if required.
- B) The municipality shall only accept a written application for land provided the applicant or applicants have no outstanding debts to the municipality.
- C) After an application has been received, the municipality will reply within a reasonable time period, giving the status of the application whether approved, rejected, or requiring more information.
- D) If the application is approved, the refundable application fee in section 9.(A)(f) shall be applied to the first years rent,
- E) Once the application is approved, the applicant has sixty (60) days to sign the lease and pay all other required fees or the application may be declared refused and the application fee is forfeited. If the lease is executed and after sixty (60) days the lease has been cancelled or surrendered as per Section 12 & 13, the application fee is forfeited by the lessee.

10. Conversion of Standard Leases to Equity Leases

- A) The municipality may allow the conversion of an existing standard lease to an equity lease at the request of the lessee.
- B) No interest shall be charged on any existing standard lease that has been converted to an equity lease.
- C) Where an equity lease is desired by a lessee, and the actual lot price as described in Section 8 cannot be determined, the lot price for the equity lease shall be adjusted by the lesser of:
 - a) applying a discount factor of 3% per year, (being an inflation factor), to the estimated replacement cost in current year dollars, back to the year the lot was developed, or;
 - b) deducting all previous payments made by the current lessee

- c) Either option in section 10(C)(a) or (b) may also include applying any site specific factors.
- D) The initial Equity Lease payment shall be 50% of the overall lot price. The remaining 50% of the lot price shall be paid in equal annual instalments not to exceed ten (10) years from the commencement date of the equity lease agreement, after which, the annual equity lease payment shall be one (\$1.00) dollar.
- E) Notwithstanding Section 10(D), payment of the balance of the lot price may be made at any time.
- F) Any lessee having an equity lease that has been paid in full, shall continue to enjoy quiet rights to the land, for as long as annual payments of one dollar (\$1.00) continue to be paid.
- G) Notwithstanding section 10(F), any equity lease may be cancelled by the municipality, as set out in Section 13, and revert back to the municipality if either of the following occur:
 - a) the death of the original lessee has occurred and has no heirs or successors, as determined by legal documents and or any Territorial Court, at which time the municipality shall seek rights to all improvements thereon after thirty (30) days notice has been given of such cancellation of the equity lease as per Section 13.
 - b) any terms and conditions for the equity lease, set forth by the municipality for the lessee that have been deemed to be in non-compliance with the lease agreement.

11. Lease Assignments/Transfers/Amendments

- A) Assignments/Transfers/Amendments may be consented to subject to the following:
 - a) Standard lease rental, equity lease payments outstanding, and any other accounts receivable owing to the municipality by the original lessee and the new lessee must be paid in full;
 - b) any taxes owing to the Government of Nunavut must be paid in full;
 - c) proof of ownership of the improvements;
 - d) satisfactory completion of improvements;
 - e) provide the duplicate original copy of lease if available or complete a statutory declaration of loss form;
 - f) paying a non-refundable fee as described in Appendix "G".

12. Lease Surrenders

- A) The Municipality may accept a surrender of lease, at the discretion of the municipality, with terms and conditions as the municipality requires.
- B) The terms in section 12(A) may include, but are not limited to:
 - a) Additional documentation;
 - b) Non-refundable fee as set out in Appendix "G";
 - c) All outstanding debts to the municipality paid in full;
 - d) Estimated site restoration cost;
 - e) Costs of analysis, which may include environmental analysis;

13. Cancellation of Lease

- A) The municipality may cancel any lease due to non-compliance with any terms and conditions of a lease.
- B) The municipality may give notice of intention to cancel by way of registered mail, and/or hand delivered.
- C) The municipality is under no obligation to keep the mailing address of the lessee current, it is the lessee's responsibility to update the municipality as to their latest address.
- D) Rent payable under a lease shall continue to be charged, until the expiry of the appeal period in respect to the Order in Court terminating the lease.
- E) Section 13 in no way restricts the municipality's right to collect outstanding debts owed by the lessee.

14. Off-Site Levies

- A) When leasing land or otherwise disposing of land, the municipality may levy a surcharge to a lessee of lands to help pay for all or part of the municipality's capital cost for any or all of the following:
 - a) new or expanded facilities for the storage, transmission, treatment or supply of water;
 - b) new or expanded facilities for the storage, treatment, movement, or disposal of sewage;
 - c) new or expanded storm sewer drainage facilities;
 - d) new or expanded roadways and sidewalks;
 - e) tot lot playground or children's facility; and
 - f) land required for, or in connection with, any of the facilities described in (a), (b), (c), (d) and (e).
- B) The municipality shall not include as part of any off-site levy, any costs paid for by grants or contributions received from any Federal or Territorial Government or donating agency.
- C) The municipality shall clearly identify to the public that any off-site levy is a separate surcharge above the lease rental which is collected at the time of lease execution.
- D) The municipality shall place all off-site levy revenues into a separate fund, to be used for the purpose as set out in section 14(A).

15. Easements

- A) The municipality may, in the interest of the public, establish easements through, under or over any portion of the land for any public utility purpose, but the said easement shall not interfere with the rights granted to the lessee or any improvements made by the lessee on the lands.

16. Private Sector Development of Lands

- A) The municipality shall encourage the utilization of the private sector in the development of lands only if:
 - a) the municipality has prepared a cost estimate of the project as if it were to develop the land; and
 - b) the private sector can develop the land such that the lot price is the same as, or less than, the municipality would charge under its estimate in section 16(A) (a).
- B) If, in the opinion of the municipality, the private sector can develop lands in a cost-effective manner as outlined in section 16, the municipality shall call for proposals.
- C) The municipality, in disposing of vacant lands to a private developer, shall:
 - a) do so by the way of a lease to which a subdivision agreement may be attached;
 - b) require the developer to establish a land disposal procedure that is consistent with this By-law;
 - c) require the developer to provide a list of the prices of the lots to be developed;
 - d) specify, in the lease, the standards to which the land must be developed; and
 - e) specify, in the lease, that in the case for non-performance with regard to 16(C) (a), (b) or (c) above, the lease will be cancelled by the municipality as per Section 13.

17. Land Use Permits

- A) The municipality may issue land use permits for the temporary use of land. The land uses for which a permit is required are set out in Appendix "F".
- B) Application for a land use permit shall be in the form of Appendix "F".
- C) The fee for a Land use permit is listed in Appendix "G".
- D) Any environmental impacts of the proposed use of lands must be addressed by the applicant to the satisfaction of the municipality prior to the issuance of a land use permit.

18. Quarry Permits

- A) Upon signing a Quarry Administration agreement with the Commissioner of Nunavut, the municipality may upon receipt of a quarry application, issue quarry permits for the use of a quarry site.
- B) Prior to the issuance of a quarry permit, the municipality shall, by Council Resolution, establish any applicable quarry fees and any exemptions to such fees.
- C) Fees established under Section 18(B) shall reflect the cost of development, operation, maintenance, administration and restoration of quarries.
- D) All quarry fees collected shall be placed into a separate financial account.

19. Land Development Reserve Account

- A) The municipality shall open and maintain a separate financial account in which all revenue obtained from the leasing or otherwise disposing of lands will be placed.
- B) The municipality shall, in regards to the account identified in Section 19(A):
 - a) establish clear procedures for the management and operation of the account; and
 - b) use all expenditures from the account for the sole purpose of acquiring and/or developing land by the municipality, including surveys performed by a qualified lands surveyor, unless prior written approval by the Minister is obtained for other types of expenditures.

20. By-Law Administration

- A) Council may, by resolution, adopt standard forms of agreement for the administration of land and the municipality may make minor changes not affecting the intent of these forms of agreement as may be necessary for such administration.
- B) The municipality shall charge a fee as set out in Appendix "G" that is based on staff time taken and municipal materials and equipment used.
- C) The following appendices shall form part of this by-law:
 - a) Appendix "A" Land Acquisition By-Law
 - b) Appendix "B" Land Disposal By-Law
 - c) Appendix "C" Land Lease By-Law
 - d) Appendix "D" Land Application Form
 - e) Appendix "E" Proposal Call/Tender System
 - f) Appendix "F" Land Use Permit Application Form
 - g) Appendix "G" Land Administration Fees
- D) The municipality may make minor changes to the Appendices of this By-law, without amending this By-law provided the changes to the appendices do not alter the intent of this By-law.
- E) This by-law hereby repeals the Land Administration By-Law #78, and Land Administration Amendment By-Law #117.

Read a first time this 6th day of October, 2009.



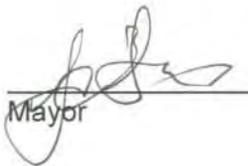
Mayor



Senior Administrative Officer

After due notice and a public hearing,

Read a second time this 20th day of October, 2009.



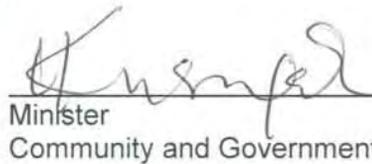
Mayor



Senior Administrative Officer

Approved by the Minister of Community Government and Services

This 20 day of April, 2010.

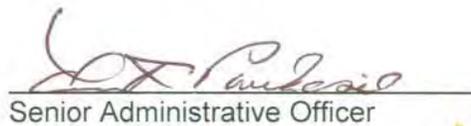


Minister
Community and Government Services

Read a Third time and finally passed this 14 day of SEPTEMBER, 20 .



Mayor



Senior Administrative Officer



APPENDICES

The following appendices shall form part of this by-law:

All agreements for the acquisition or disposition of land made pursuant to this by-law shall conform to the applicable precedent form of agreement subject to such modifications as the circumstances may require and Council may approve.

Appendix "A"	Land Acquisition By-Law
Appendix "B"	Land Disposal By-Law
Appendix "C"	Land Lease By-Law
Appendix "D"	Land Application Form
Appendix "E"	Proposal Call/Tender System
Appendix "F"	Land Use Permit Application Form
Appendix "G"	Land Administration Fees



APPENDIX "A"
LAND ACQUISITION BY-LAW
HAMLET OF GJOA HAVEN, NU
BY-LAW NUMBER __

A by-law of the Municipal Corporation of the Hamlet of Gjoa haven in the Nunavut Territory to acquire real property, pursuant to the Hamlet's Act, R.S.N.W.T. 1988, c.H-1, as amended by S. NU, 2003, C-3, s.53.5.

WHEREAS the Council of the Municipal Corporation of the Hamlet of Gjoa Haven, in a duly assembled meeting, enacts as follows:

1. The Mayor and the Senior Administrative officer are hereby authorized on behalf of the Hamlet of Gjoa Haven to purchase from _____ for the sum of (\$_____) the land in Schedule "A"
2. The noted land shall be acquired for municipal purposes.

Read a first time this ___ day of _____, 200__ A.D.

Mayor

Senior Administrative Officer

Read a second time this ___ day of _____, 200__ A.D.

Mayor

Senior Administrative Officer

Read a third time and finally adopted this ___ day of _____, 200__ A.D.

Mayor

Senior Administrative Officer

(CORPORATE SEAL)



APPENDIX "B"
LAND DISPOSAL BY-LAW (LEASE)
HAMLET OF GJOA HAVEN, NU
BY-LAW NUMBER __

A By-law of the Municipal Corporation of the Hamlet of Gjoa Haven of the Nunavut Territory to dispose of real property, pursuant to the Hamlet's Act, R.S.N.W.T. 1988, c.H-1, as amended by S. NU, 2003, C-3, s.53.5.

WHEREAS the Municipal Corporation of the Hamlet of Gjoa Haven, in a duly assembled meeting enacts as follows:

1. All those Lots identified on Schedule "A" attached hereto, be leased in accordance with the administration by-laws in the Hamlet of Gjoa Haven of the Nunavut Territory according to a plan of survey filed in the Land Titles Office for the Nunavut Territory under numbers identified on Schedule "A".
2. The Mayor and the Senior Administrative Officer are hereby authorized on behalf of the Hamlet of Gjoa Haven to execute the lease agreements in accordance with the Land Administration By-Laws in the Hamlet of Gjoa Haven for the lots described in order to convey a listed lot to a lessee.

Read a first time this ___ day of _____, 20__ A.D.

Mayor

Senior Administrative Officer

Read a second time this ___ day of _____, 20__ A.D.

Mayor

Senior Administrative Officer

Read a third time and finally adopted this ___ day of _____, 20__ A.D.

Mayor

Senior Administrative Officer

(CORPORATE SEAL)



APPENDIX "C"
LAND LEASE BY-LAW
HAMLET OF GJOA HAVEN, NU
BY-LAW NUMBER _____

A By-law of the Municipal Corporation of the Hamlet of Gjoa Haven of the Nunavut Territory to acquire real property, pursuant to the Hamlet's Act, R.S.N.W.T. 1988, c.H-1, as amended by S. NU, 2003, C-3, s.53.5.

WHEREAS the Municipal Corporation of the Hamlet of Gjoa Haven deems it to be in the public interest to lease the land described hereunder:

NOW, THEREFORE, the Municipal Corporation of the Hamlet of Gjoa Haven, at a duly assembled meeting, enacts as follows:

1. The whole of Lot _____ (_____) as identified on Schedule "A" attached hereto, be leased in accordance with the Land Administration By-law in the Hamlet of Gjoa Haven of the Nunavut Territory according to a plan of survey filed in the Land Titles Office for the Nunavut Territory under number _____, be leased from _____.
2. The Mayor and the Senior Administrative Officer are hereby authorized on behalf of the Hamlet of Gjoa Haven to execute the lease agreement "Schedule A" attached to and forming part of this by-law, conveying the lot to the Municipal Corporation of the Hamlet of Gjoa Haven.

Read a first time this ____ day of _____, 200__ A.D.

Mayor

Senior Administrative Officer

Read a second time this ____ day of _____, 200__ A.D.

Mayor

Senior Administrative Officer

Read a third time and adopted this ____ day _____, 200__ A.D.

Mayor

Senior Administrative Officer

(CORPORATE SEAL)



Appendix "D"
Land Application Form
Hamlet of Gjoa Haven, Nunavut

Applicant: _____ Age 19+: Yes ___ No ___
Name of Business or Surname & First name
(This will be the name your Lease falls under)

Address: _____
(Applicants full address, including community name and postal code)

Phone: Home # _____ Work # _____ Email: _____

Occupation: _____ Employed By: _____

Co-Applicant (If Applicable)

Co-Applicant: _____ Age 19+: Yes ___ No ___
Surname First name

Occupation: _____ Employed By: _____

If there is more than one applicant: (check one)
Joint Tenancy _____ Tenancy in Common _____

Contact Person for Application

If the Applicant is a business, the section is required.

Same as above: Yes ___ No ___

Name: _____ Age 19+: Yes ___ No ___
Surname First name

Address: _____
(Applicants full address, including community name and postal code)

Phone: Home # _____ Work # _____

The undersigned hereby make application to the land described as follows:

Surveyed Land:
Lot: _____ Block: _____ Plan: _____

Street/Civic Address: _____

If the land you are applying for is not surveyed by a Certified Land Surveyor, list its proposed lot number and name of the development area, or describe the dimensions and location of the land, and attached a copy of the lands map showing the location of the land outlined in red.

The land will be used for: (circle one)

Residential Commercial Industrial Other: (Specify) _____

Are there any buildings or improvements on the land now? Yes _____ No _____
If Yes, will these improvements be removed? Yes _____ No _____

If existing improvements remain, attach proof of ownership to complete this application. Attached: _____

Existing improvements have a value of \$ _____ and are described as follows: _____

Owner of existing Improvements: _____

The undersigned agree to construct the following improvements:

Estimated Value: \$ _____
Requires approximately _____ months to complete

Terms and Conditions:

If there are buildings and other improvements proposed by the applicant, s/he must, on his/her own responsibility, submit to the Territorial Fire Marshall's Office a plot plan showing location of all present and proposed buildings and improvements concerning the said land and also such drawings and specifications as will indicate accurately to scale all floor plans, heating and fire safety systems and the materials to be used in construction. It will all be the applicant's responsibility to furnish the same information to the local Council or Public Health authorities if deemed necessary by them on which to base their recommendation.

The submission of this application and payment of the deposit do not in themselves convey any right to land.

If the application is refused, the deposit will be refunded. If a lease or agreement is approved but not executed by the applicant, the deposit is forfeited. If executed, the full amount of the deposit goes towards the first payment, the remainder, if any, to be paid when the document is executed.

1. All rights to land exclude the following:
 - (a) All mines and minerals whether solid, liquid or gaseous which may be found to exist within, upon or under the land together with the full powers to work the same and for that purpose to enter upon, use and occupy the land or so much thereof and to such an extent as may be necessary for the effectual working and extracting of the said materials;
 - (b) The rights of the recorded holders of mineral claims and any other claims or permits affecting the land;

- (c) The right to enter upon, work and remove any rock outcrop required for public purposes;
 - (d) such right or rights-of-way and entry as may be required under the regulations in force in connection with construction, maintenance and use of works for conveyance of water for use in mining operations; and
 - (e) the right to enter upon the land for the purpose of installing and maintaining any public utility
-

Please Check:

The undersigned understand the failure to comply with any terms and conditions of the lease will be grounds for cancellation of the said instrument. _____

The undersigned certify that I/We have read and understood the terms conditions listed on this form and am/are in complete agreement with them. _____

The undersigned understand that the information that I/We have given in this application is true and correct. _____

The construction of buildings & improvements shall conform to local by-laws and building standards. _____

This application will not be considered unless accompanied by a deposit of:
\$600 _____ **AND**
Plot Plan of Proposed Improvements. _____

Signature of Applicant

Signature of Co-Applicant

Date

Date:

FEBRUARY 1, 1997

THE MUNICIPAL CORPORATION OF THE HAMLET OF GJOA HAVEN
BY-LAW NUMBER 78

A by-law of the Municipal Corporation of the Hamlet of Gjoa Haven in the Northwest Territories, to provide for the administration of municipal lands, pursuant to the Hamlets Act, R.S.N.W.T., 1988, c. H-1, s. 132.2.

As the Council of the Municipal Corporation of the Hamlet of Gjoa Haven deems it to be desirable to establish a uniform process for the disposal of real property owned, leased or otherwise held by the Hamlet;

NOW, THEREFORE, THE MUNICIPAL CORPORATION OF THE HAMLET OF GJOA HAVEN, at a duly assembled meeting, enacts as follows:

SHORT TITLE

1. This by-law may be cited as the "Land Administration By-law".

INTERPRETATION

2. In this by-law:

- (a) "Council" means the Council of the Municipal Corporation of the Hamlet of Gjoa Haven;
- (b) "Development cost" means the costs directly incurred by the municipality in developing land, including, but not limited to, the costs of:
- (1) planning and engineering design;
 - (2) project management;
 - (3) road construction;
 - (4) land fill;
 - (5) open spaces;
 - (6) piped water and sewer lines;
 - (7) electrical distribution lines (and poles);
 - (8) legal surveys;
 - (9) land acquisition and disposal costs;
 - (10) financing charges, including interest, for any loans incurred in developing the land;
- (c) "Disposal of land" means the lease, or other disposition of land;
- (d) "Land" means real property owned, leased or otherwise held or acquired by the Municipality;
- (e) "Lot" means a parcel of land, for which development costs have been incurred and which has been duly described or surveyed for the purpose of acquisition, lease or other disposition
- (f) "Lot Price" means the valuation of a lot;

VERIFIED TRUE COPY:

SENIOR ADMINISTRATIVE OFFICER, GREG MORASH

97-12-01 .../2

- (g) "Market Value" means the value of a parcel of land based on the amount a willing buyer would pay to a willing seller. This value shall be determined by a professionally qualified land appraiser or by public tender or auction;
- (h) "Minister" means the Minister of Municipal and Community Affairs;
- (i) "Municipality" means the Municipal Corporation of the Hamlet of Gjoa Haven, which is represented by the Senior Administrative Officer or his or her designate, except when decisions of Council are required;
- (j) "New Lots" means vacant lots which are developed after the date of this by-law;
- (k) "Off-site levy" means a surcharge made (at the time of lease execution) by the municipality to the lessee of municipal lands to assist in the payment of all or part of the capital costs of new or expanded infrastructure, including land, such infrastructure being located outside the lands being leased, but of direct, though not inclusive, benefit to the lessee;
- (l) "Replacement Cost" means the estimated development costs for a parcel of land, updated to the current year, representing the costs to develop a similar lot and the incorporation of any site-specific factors;
- (m) "Site Specific Factors" means factors which may be used, where applicable, in adding or subtracting up to 25% of the development costs of new lots or the replacement cost for existing developed lots, and which may be composed of:
- (1) size of land parcel;
 - (2) site conditions;
 - (3) desirability of location;
 - (4) adjacent land uses; and
 - (5) proposed land use.
- and the addition of site specific factors for new lots shall not exceed development cost for the entire subdivision
- (n) "Equity Lease" means a lease for which all annual lease payments are credited against the total lot price until such time as the lot price is paid in full, at which time no further payments are due.

APPLICATION OF THE BY-LAW

3. This by-law shall, except as otherwise expressly authorized by the Minister, apply to all acquisitions, leases or other dispositions of the lands by the municipality.

PRECONDITION TO ACQUISITION AND DISPOSAL OF LANDS

4. Land speculation will be discouraged.
5. Neither the Municipality nor any authorized representative of the Municipality shall make or enter into any offer, agreement or other arrangement for the purchase, lease or other disposition of land, except by-law in the form of Appendix A, Appendix B or Appendix C attached hereto, and each such by-law shall contain:
 - (a) a complete legal description of the land to be acquired, leased or otherwise disposed of;
 - (b) the minimum consideration to be paid for the acquisition, lease, or other disposition of the lands; and
 - (c) the terms and conditions, if any, upon which the land shall be acquired, leased or otherwise disposed of.
6. No by-law for the acquisition, lease or other disposition of land shall be passed pursuant to section 132.2(4) or 132.2(5) of the Hamlets Act, until:
 - (a) it has been established through a search at the appropriate Land Registry Office, that the municipality may lawfully acquire, lease or otherwise dispose of the land;
 - (b) an inspection of the land has been conducted to determine:
 - (1) if the lands are occupied;
 - (2) if there are any improvements situated on the lands;
 - (3) if there are any easements affecting the lands; and
 - (4) such other information as Council may, in its discretion, consider to be relevant;
 - (c) the Senior Administrative Officer has advised Council as to the value of the lands and any improvements situated thereon and that the proposed use of the lands shall comply with the zoning by-law or land use plan in effect in the municipality.

ADVERTISING OF THE LAND FOR DISPOSAL

7. (a) Subject to subsection 7(c), the municipality shall not lease or otherwise dispose of land until it has published a notice of such proposed lease or other disposition:
 - (1) by advertisement for two consecutive weeks in a newspaper having weekly circulation in the municipality; or
 - (2) by notice posted in three prominent places in the municipality for a period of two weeks.
- (b) Each advertisement or notice shall contain:
 - (1) a sketch, drawn to scale, identifying the size and location of the lands to be leased or otherwise disposed of;
 - (2) the minimum consideration for which the land will be leased or otherwise disposed of;
 - (3) an indication as to the method to be employed in leasing or otherwise disposing of lands; or

- (4) an indication as to where and when applicants may obtain information and application forms.
- (c) Sub-sections 7 (a) and 7 (b) shall not apply to:
 - (1) lands required by the Federal or Territorial Governments;
 - (2) lands which can only be of use to an adjoining owner/lessee;
 - (3) additional adjacent lands required for expansion of an owner's/lessee's existing or proposed development.
8. The municipality shall re-advertise for lease or other disposition of lands which:
 - (a) an application has been made but withdrawn by the applicant after acceptance by the municipality;
 - (b) a lease has been granted but terminated prior to the construction of any improvements on the lands; or
 - (c) re-zoning has taken place and the lands remain untenured.

APPLICATIONS FOR LAND

9. The municipality shall only accept a written application for land in the form of Appendix D. This form shall contain, but not be limited to:
 - (a) the legal name of the applicant or applicants;
 - (b) the legal description of the land;
 - (c) the purpose for which land is to be used;
 - (d) a request, if applicable, for joint tenancy or tenancy-in-common;
 - (e) the signature of the applicant or applicants; and
 - (f) an application fee, which if approved, will be applied towards the first years rental as per Section 27;
 - (g) declaration of residency, if required
10. After an application has been received, the Hamlet will reply within a reasonable time period, giving the status of the application approved or rejected.
11. Once the lease is approved, the applicant has Sixty (60) days to sign the lease and pay all required fees or the application may be declared refused.
12. The municipality shall keep a ledger of all lands, containing:
 - (a) a full legal description of the lands;
 - (b) the location of the lands within the municipality;
 - (c) a valuation of the lands for purpose of lease or other disposition;
 - (d) the terms and conditions upon which the lands may be leased or otherwise disposed of; and
 - (e) an indication of whether the lands have been leased or otherwise disposed of, or whether there is a pending lease or other disposition of the land.
13. The ledger kept pursuant to Section 12 of this by-law shall be open to inspection by the public at the municipal office during normal business hours.

TERMS AND CONDITIONS OF LAND DISPOSALS

14. (a) The standard term of all lease documents shall be:
- 30 years for residential land use;
 - 20 years for commercial land use;
 - 20 years for industrial land use;
- (b) The term of leases referred to in Section 14 a) may be varied at Council's discretion based on the nature and value of improvements to be constructed.
- (c) The term of all other leases will be at Council's discretion.
15. The Municipality, in leasing or otherwise disposing of land for residential purposes, shall ensure that prospective private home owners have preference over land applicants who wish to acquire more than one lot at a time, except when lots are required by:
- (a) The Federal or Territorial Governments;
 - (b) The Northwest Territories Housing Corporation or their clients; or
 - (c) the Canada Mortgage and Housing Corporation.
16. Every disposal of land shall be in writing and leases shall be executed in accordance with the Land Titles Act.
17. The municipality, in leasing or otherwise disposing of land, shall require that commencement of construction must begin within twelve (12) months must be completed within twenty-four (24) months of the effective date of the lease. Subject to Section 18, if construction is not undertaken as outlined in this Section, the lease may be cancelled.
18. The municipality may allow a maximum extension of twelve (12) months to either term outlined in Section 17. The following may be required prior to consideration by Council:
- (a) written explanation for the delay in construction; and
 - (b) written plan to complete construction within the extension period.
 - (c) proof of approved financing
 - (d) development permit application
 - (e) no outstanding debts to the municipality
19. The Municipality shall dispose of land by one or a combination of the following means:
- (a) Ballot draw;
 - (b) Development Proposal Call, as set out in Appendix "E"
 - (c) First come, first served basis;
- and that Council shall decide, at its discretion, as to which means will be employed to the disposed land.
20. Prior to disposing of land through means of a ballot draw, Council shall, by resolution, establish guidelines for such a process.

21. The Municipality shall, when disposing of land through means of a ballot draw, give preference to prospective applicants in the following manner:

Ballots shall be sorted in the following categories:

Category One - first time homeowners residing in the municipality for more than Five (5) years

Category Two - persons residing in the municipality for more than Two (2) years

Category Three - all others

22. The municipality shall decide whether, and under what circumstances, formal development proposals or bids as referred to in Section 19 (b) will be asked from applicants and may use the proposal call tender system outlined in Appendix "E".

PRICING OF NEW LOTS

23. The lot price for new lots shall be determined by development cost including any allowance for site specific factors.
24. The Municipality shall recover development costs in the valuation of lands for disposal, subject to Section 25.
25. The municipality may, when it is unable to lease or otherwise dispose of a lot, reduce the price of the lot below its development cost:
- (a) when the lot has not been developed through financing from the Government of the Northwest Territories or a financial institution; or
 - (b) when the lot has been developed through financing from the Government of the Northwest Territories or a financial institution and the reduced land valuation is approved by the Minister.

PRICING OF EXISTING LOTS

26. The municipality in leasing existing developed lands shall determine lot price by either of the following:
- (a) replacement cost; or
 - (b) the market value as determined by:
 - (1) a qualified land appraiser or assessor; or
 - (2) a call for bids, (by public tender or auction) in which the advertised minimum price is not less than the replacement cost.

LEASE RATES

27. (a) The annual lease rate per lot or portion of a lot shall be as follows:
- (1) residential:
 - (i) 1996 rate; \$350.00 per year
 - (ii) 1997 rate; \$400.00 per year
 - (iii) 1998 rate; \$450.00 per year
 - (iv) 1999 rate; \$500.00 per year

(2) commercial:

- (i) 1996 rate; \$350.00 per year minimum at \$0.35 per square metre
- (ii) 1997 rate; \$400.00 per year minimum at \$0.40 per square metre
- (iii) 1998 rate; \$450.00 per year minimum at \$0.45 per square metre
- (iv) 1999 rate; \$500.00 per year minimum at \$0.50 per square metre

(3) industrial:

- (i) 1996 rate; \$350.00 per year minimum at \$0.35 per square metre
- (ii) 1997 rate; \$400.00 per year minimum at \$0.40 per square metre
- (iii) 1998 rate; \$450.00 per year minimum at \$0.45 per square metre
- (iv) 1999 rate; \$500.00 per year minimum at \$0.50 per square metre

(4) other land uses: as decided by Council

- (b) Council may vary the lease rate for dispositions of land to non-profit organizations and Senior citizens.

28. The Municipality may permit leases to accumulate value, through the issuance of equity leases, at terms and conditions to be approved by council.

OFF-SITE LEVIES

29. When disposing of land the municipality may levy a surcharge to a lessee of lands to help pay for all or part of the municipality's capital cost for all or any of the following:
- (a) new or expended facilities for the storage, transmission, treatment or supply of water;
 - (b) new or expanded facilities for the storage, treatment, movement or disposal of sewage;
 - (c) new or expanded storm sewer drainage facilities;
 - (d) new or expanded roadways and sidewalks; and
 - (e) land required for, or in connection with, any of the facilities described in (a), (b), (c) and (d).
30. The municipality shall not include, as part of any off-site levy, any costs paid for by grants or contributions received from the Government of the Northwest Territories.
31. The municipality shall clearly identify to the public that any off site levy is a separate surcharge above the lease rental which is collected at the time of lease execution.
32. The municipality shall place all off-site levy revenues in a separate account to be used for the purpose set out in Section 29.

LAND DEVELOPMENT RESERVE ACCOUNT

33. The municipality shall open and maintain a separate financial account in which all revenue obtained from the leasing or otherwise disposing of lands will be placed.
34. The municipality shall, in regards to the account identified in Section 31;

- (a) establish clear procedures for the management and operation of the account;
- (b) use all expenditures from the account for the sole purpose of acquiring and/or developing land by the Hamlet, unless written approval by the Minister is obtained for other types of expenditures; and

PRIVATE SECTOR DEVELOPMENT OF LANDS

35. The municipality shall encourage the utilization of the private sector in the development of lands only if:
- (a) the municipality has prepared a cost estimate of the project as if it were to develop the land; and
 - (b) the private sector can develop the land such that the lot price is the same as, or less than, the municipality would charge under its estimate in (a).
36. If, in the opinion of the municipality, the private sector can develop the lands in a cost-effective manner as outlined in Section 35, the municipality shall call for proposals.
37. The municipality, in disposing of vacant lands to a private developer, shall:
- (a) do so by the way of a lease to which a subdivision agreement may be attached;
 - (b) require the developer to establish a land disposal procedure that is consistent with this by-law;
 - (c) require the developer to provide a list of the prices of the lots to be developed;
 - (d) specify, in the lease, the standards to which the land must be developed; and
 - (e) specify, in the lease, that in cases for non-performance with regard to 37(a), 37(b) or 37(c) above, the lease will be cancelled.

EASEMENTS

38. The municipality may, in the public interest, establish easements through, under or over any portion of the land for any public utility purpose, but the said easement shall not interfere with the rights granted to the lessee or any improvements made by the lessee on the lands.

LEASE ASSIGNMENTS/TRANSFERS

39. Assignments/Transfers may be considered by Council and consented to subject to the following:
- (a) Annual lease rental owing to the municipality must be paid in full
 - (b) any taxes owing to the Government of the Northwest Territories must be paid in full
 - (c) proof of ownership of improvements
 - (d) satisfactory completion of improvements

- (e) provide the duplicate original of lease if available or complete a statutory declaration of loss form
- (f) paying a non refundable fee as determined by Council

LEASE SURRENDERS

40. Surrenders may be granted subject to the following:
- (a) Annual lease rental owing to the municipality must be paid in full
 - (b) any taxes owing to the Government of the Northwest Territories must be paid in full
 - (c) The lessee must remove all improvements from the land and return the lot in a state satisfactory to the municipality
 - (d) The lessee must deliver up to the municipality the duplicate leasehold title where one exists

CANCELLATION OF LEASE

41. The Municipality may cancel a lease due to non-compliance with any terms and conditions of a lease:
- (a) where there is a debt owed to the municipality, the municipality may seek an order to retain the right to any improvements upon the leased lands.
 - (b) where there is no debt owing to the municipality, the lessee shall remove any improvements and restore the site within 120 days, failing which the municipality may seek an order to retain the right to any improvement upon the leased lands.
 - (c) where the duplicate leasehold title for the lands has not been surrendered in accordance with the Land Titles Act, the municipality shall seek an order cancelling the leasehold title.

QUARRIES

42. (a) The municipality may, upon receipt of a quarry application issue quarry permits for the temporary use of a quarry site. Applications for a quarry permit shall be in the form of Appendix "F".
- (b) Prior to the issuance of a quarry permit, the municipality shall, by Council resolution, establish quarry fees and any exemptions to such fees
- (c) Fees established under Section 42(b) shall reflect the cost of development, operation, maintenance, administration and restoration of quarries
- (d) all quarry fees collected, shall be placed in a separate financial account

LAND USE PERMITS

43. (a) The municipality may issue land use permits for the temporary use of land. The temporary land uses for which a permit is required are set out in Appendix "G".
- (b) Application for a land use permit shall be in the form of Appendix "H".

(c) Any environmental impacts of the proposed use must be addressed by the applicant to the satisfaction of the municipality prior to the issuance of a permit.

BY-LAW ADMINISTRATION

- 44. Council may by resolution adopt standard forms of agreement for the administration of land and the Municipality may make minor changes not affecting the intent of these forms of agreement as may be necessary for such administration.
- 45. The following appendices shall form part of this By-law:
 - APPENDIX "A" Land Acquisition By-law
 - APPENDIX "B" Land Disposal By-law (Lease)
 - APPENDIX "C" Land Lease By-law
 - APPENDIX "D" Land Application Form
 - APPENDIX "E" Proposal Call/ Tender System
 - APPENDIX "F" Quarry Application Form
 - APPENDIX "G" Land Use Operations
 - APPENDIX "H" Application for Land Use Permit
- 46. Minor changes to the Appendices of this By-law can be made by Council, without amending this By-law provided the changes to the Appendices do not alter the intent of this By-law.

READ A FIRST TIME THIS 5th DAY OF February, 1997 .

READ A SECOND TIME THIS 5th DAY OF February, 1997 .

M.A. Sr
MAYOR

[Signature]
SENIOR ADMINISTRATIVE OFFICER

APPROVED BY THE MINISTER OF MUNICIPAL AND COMMUNITY AFFAIRS THIS 12 , DAY OF February, 1997.

[Signature]
MINISTER
MUNICIPAL AND COMMUNITY AFFAIRS

READ A THIRD TIME AND FINALLY PASSED THIS 18 DAY OF December, 1997.

M.A. Sr
MAYOR

[Signature]
SENIOR ADMINISTRATIVE OFFICER



APPENDICES

The following appendices shall form part of this by-law:

Note: There is no appendix for assignment/transfer of lease.

All agreements for the acquisition or disposition of land made pursuant to this by-law shall conform to the applicable precedent form of agreement subject to such modifications as the circumstances may require and Council may approve.

APPENDIX "A"

LAND ACQUISITION BY-LAW

HAMLET OF GJOA HAVEN, N.T.
BY-LAW NUMBER

A By-law of the Municipal Corporation of the Hamlet of Gjoa Haven in the Northwest Territories to acquire real property, pursuant to the Hamlets Act, R.S.N.W.T. 1988, c.H-1, s.132.2.

WHEREAS THE COUNCIL OF THE MUNICIPAL CORPORATION OF THE HAMLET OF GJOA HAVEN, in a duly assembled meeting, enacts as follows:

- 1. The Mayor and the Senior Administrative Officer are hereby authorized on behalf of the Hamlet of Gjoa Haven to purchase from _____ for the sum of (\$ _____) the land described hereunder.

The whole of Lot _____ () in the Hamlet of Gjoa Haven, in the Northwest Territories, according to a play of survey filed in the Land Titles Office for the Northwest Territories under number _____

- 2. The noted land shall be acquired for purposes.

Read a first time this _____ day of _____, 19 _____ A.D.

MAYOR

SENIOR ADMINISTRATIVE OFFICER

Read a second time this _____ day of _____, 19 _____ A.D.

MAYOR

SENIOR ADMINISTRATIVE OFFICER

Read a third time and finally adopted this _____ day
19 _____ A.D.

MAYOR

SENIOR ADMINISTRATIVE OFFICER

APPENDIX "B"

LAND DISPOSAL BY-LAW (LEASE)

HAMLET OF GJOA HAVEN, N.T.
BY-LAW NUMBER

A By-law of the Municipal Corporation of the Hamlet of Gjoa Haven in the Northwest Territories to dispose of real property, pursuant to the Hamlets Act, R.S.N.W.T., 1980, c.H-1, s. 132.2

WHEREAS the Municipal Corporation of the Hamlet of Gjoa Haven, in a duly assembled meeting enacts as follows:

1. All those Lots identified on Schedule "A" attached hereto, be leased in accordance with the administration by-laws in the Hamlet of Gjoa Haven, in the Northwest Territories according to a plan of survey filed in the Land Titles Office for the Northwest Territories under number , be leased to
2. The Mayor and the Senior Administrative Officer are hereby authorized on behalf of the Hamlet of Gjoa Haven to execute the lease agreement "Schedule B", attached to and forming part of this by-law, conveying the lot to the said lessee.

Read a first time this day of , 19 A.D.

MAYOR

SENIOR ADMINISTRATIVE OFFICER

Read a second time this day of , 19 A.D.

MAYOR

SENIOR ADMINISTRATIVE OFFICER

Read a third time and finally adopted this day of , 19 A.D.

MAYOR

SENIOR ADMINISTRATIVE OFFICER

APPENDIX "C"
LAND LEASE BY-LAW

HAMLET OF GJOA HAVEN, N.T.
BY-LAW NUMBER

A By-law of the Municipal Corporation of the Hamlet of Gjoa Haven in the Northwest Territories to acquire real property, pursuant to the Hamlets Act, R.S.N.W.T., 1988, c.H-1, s. 132.2.

WHEREAS the Municipal Corporation of the Hamlet of Gjoa Haven deems it to be in the public interest to lease the land described hereunder;

NOW THEREFORE, the Municipal Corporation of the Hamlet of Gjoa Haven, in a duly assembled meeting, enacts as follows:

1. The whole of Lot () in the Hamlet of Gjoa Haven in the Northwest Territories according to a plan of survey filed in the Land Titles Office for the Northwest Territories under number , be leased from .
2. The Mayor and the Senior Administrative Officer are hereby authorized on behalf of the Hamlet of Gjoa Haven to execute the lease agreement "Schedule A", attached to and forming part of this by-law, conveying the lot to the Hamlet of Gjoa Haven.

Read a first time this day of , 19 A.D.

MAYOR

SENIOR ADMINISTRATIVE OFFICER

Read a second time this day of , 19 A.D.

MAYOR

SENIOR ADMINISTRATIVE OFFICER

Read a third time and finally adopted this day of , 19 A.D.

MAYOR

SENIOR ADMINISTRATIVE OFFICER

APPENDIX "D"
APPLICATION FOR LAND IN THE HAMLET OF GJOA HAVEN

1. MR. MS. MRS. MISS _____
(Circle One) (Surname of applicant) Last and
other names of applicant

AGE: 19 Yes No

ADDRESS: _____
Applicants full mailing address including community name
and postal code

HOME PHONE NO. WORK PHONE NO.

OCCUPATION: EMPLOYED BY:
Applicant's job title, trade,
business, etc.

MR. MS. MRS. MISS _____
(Circle One) Surname of applicant's spouse
First and other names of spouse

AGE: 19 YES NO

OCCUPATION: EMPLOYED BY:
Spouse's job title, trade,
business, etc.

MR. MS. MRS. MISS _____
(Circle One)

(Give the full name of the contact person for this
application if different than the applicant or if the
applicant is a business, etc.)

ADDRESS: PHONE NO.
(Contact person's full mailing address if different than
applicant's)

2. THE UNDERSIGNED HEREBY MAKE APPLICATION TO LEASE THE LAND
DESCRIBED AS FOLLOWS:

IF THE LAND YOU ARE APPLYING FOR IS SURVEYED, LIST ITS LOT
NUMBER, BLOCK OR GROUP NUMBER, AND LTO NUMBER AS SHOWN ON
THE LANDS MAP. IF THE LAND YOU ARE APPLYING FOR IS
UNSURVEYED, LIST ITS PROPOSED LOT NUMBER AND THE NAMES OF THE
DEVELOPMENT AREA OR DESCRIBE THE DIMENSIONS, SITE AND LOCATION
OF THE LAND AND ATTACH A COPY OF A PORTION OF THE RESPECTIVE
LANDS MAP SHOWING THE LOCATION OUTLINED IN RED.

IF THERE IS MORE THAN ONE APPLICANT DO YOU WISH JOINT TENANCY
OR TENANTS-IN-COMMON

3. THE LAND WILL BE USED FOR RESIDENTIAL
COMMERCIAL
INDUSTRIAL
OTHER

IF OTHER, PLEASE SPECIFY:

4. ARE THERE ANY BUILDINGS OR IMPROVEMENT ON THE LAND NOW?
 YES NO.
 IF YES, WILL THESE IMPROVEMENTS BE REMOVED?
 YES NO.

EXISTING IMPROVEMENTS HAVE A VALUE OF \$, AND
 ARE DESCRIBED AS FOLLOWS:

NAME OF OWNER OF EXISTING IMPROVEMENTS:

(If existing improvements are to remain on the land you
 are applying for, please attach your proof of ownership.)

5. THE UNDERSIGNED AGREE TO CONSTRUCT THE FOLLOWING
 IMPROVEMENTS:

THE ESTIMATED VALUE OF THESE IMPROVEMENTS IS \$ AND
 WILL REQUIRE APPROXIMATELY MONTHS TO COMPLETE.

6. THE UNDERSIGNED UNDERSTAND THAT FAILURE TO COMPLY WITH ANY
 TERMS AND CONDITIONS OF THE LEASE WILL BE GROUNDS FOR
 CANCELLATION OF THE SAID INSTRUMENT.
7. THE UNDERSIGNED CERTIFY THAT I/WE HAVE READ AND UNDERSTAND
 THE TERMS AND CONDITIONS LISTED ON THIS FORM AND AM/ARE IN
 COMPLETE AGREEMENT WITH THEM.
8. THE UNDERSIGNED UNDERSTAND THAT THE INFORMATION THAT I/WE
 HAVE GIVEN IN THIS APPLICATION IS TRUE AND CORRECT.
9. THE CONSTRUCTION OF BUILDINGS AND IMPROVEMENTS MUST
 CONFORM TO LOCAL BY-LAWS AND BUILDING STANDARDS.
10. IF THERE ARE BUILDINGS AND OTHER IMPROVEMENTS PROPOSED
 BY THE APPLICANT, HE MUST, ON HIS OWN RESPONSIBILITY,
 SUBMIT TO THE TERRITORIAL FIRE MARSHALL'S OFFICE A PLOT
 PLAN SHOWING LOCATION OF ALL PRESENT AND PROPOSED
 BUILDINGS AND IMPROVEMENTS CONCERNING THE SAID LAND AND
 ALSO SUCH DRAWINGS AND SPECIFICATIONS AS WILL INDICATE
 ACCURATELY TO SCALE ALL FLOOR PLANS, HEATING AND FIRE
 SAFETY SYSTEMS AND THE MATERIALS TO BE USED IN CONSTRUCTION.
 IT WILL ALSO BE THE APPLICANT'S RESPONSIBILITY TO FURNISH
 THE SAME INFORMATION TO THE LOCAL COUNCIL OR PUBLIC HEALTH
 AUTHORITIES IF DEEMED NECESSARY BY THEM ON WHICH TO BASE
 THEIR RECOMMENDATION.
11. THIS APPLICATION WILL NOT BE CONSIDERED UNLESS ACCOMPANIED
 BY A DEPOSIT OF (\$) AND PLOT PLAN OF
 PROPOSED IMPROVEMENTS.
12. THE SUBMISSION OF THIS APPLICATION AND PAYMENT OF THE
 (\$) DEPOSIT DO NOT IN THEMSELVES CONVEY ANY RIGHT TO
 LAND.
13. IF THIS APPLICATION IS REFUSED, THE DEPOSIT WILL NOT
 BE REFUNDED. IF A LEASE OR AGREEMENT IS APPROVED BUT
 NOT EXECUTED BY THE APPLICANT, THE DEPOSIT IS FORFEITED.
 IF EXECUTED, THE FULL AMOUNT OF THE DEPOSIT GOES TOWARD
 THE FIRST PAYMENT, THE REMAINDER IF ANY, TO BE PAID WHEN
 THE DOCUMENT IS EXECUTED.

14. ALL RIGHTS TO MUNICIPAL LAND EXCLUDE THE FOLLOWING:

- (A) ALL MINES AND MINERALS WHETHER SOLID, LIQUID OR GASEOUS WHICH MAY BE FOUND TO EXIST WITHIN, UPON, OR UNDER THE LAND TOGETHER WITH THE FULL POWERS TO WORK THE SAME AND FOR THAT PURPOSE TO ENTER UPON, USER AND OCCUPY THE LAND OR SO MUCH THEREOF AND TO SUCH AN EXTENT AS MAY BE NECESSARY FOR THE EFFECTUAL WORKING AND EXTRACTING OF THE SAID MATERIALS;
- (B) THE RIGHTS OF THE RECORDED HOLDERS OF MINERAL CLAIMS AND ANY OTHER CLAIMS OR PERMITS AFFECTING THE LAND;
- (C) THE RIGHT TO ENTER UPON, WORK AND REMOVE ANY ROCK OUT CROP REQUIRED FOR PUBLIC PURPOSES;
- (D) SUCH RIGHT OR RIGHTS OF WAY AND OF ENTRY AS MAY BE REQUIRED UNDER THE REGULATIONS IN FORCE IN CONNECTION WITH CONSTRUCTION, MAINTENANCE AND USE OF WORKD FOR CONVEYANCE OF WATER FOR USE IN MINING OPERATIONS, AND
- (E) THE RIGHT TO ENTER UPON THE LAND FOR THE PURPOSES OF INSTALLING AND MAINTAINING ANY PUBLIC UTILITY.

SIGNATURE OF APPLICANT & DATE

SIGNATURE OF CO-APPLICANT
& DATE

APPENDIX "K"**PROPOSAL CALL / TENDER SYSTEM**

This system is usually employed for the sale, lease, or other disposition of commercial and industrial lots and takes the following form:

A set price is established for such lots and applicants submit with their applications a proposal which sets out the types of improvements that the applicant proposes to construct or make on the lots and an indication as to the type of business, industry or undertaking which the applicant proposes to conduct on the lots. The successful applicant is usually determined by the Hamlet on the basis of the best proposal submitted.

The advertisement printed in connection with the Proposal Call should include, in addition to those items identified in the Land Administration By-law, the following:

- a) the last date and time for the submission of applications;
- b) the time, date, and place at which the Hamlet will announce the successful application;
- c) the criteria to be employed by the Hamlet in selecting the successful application;
- d) a request for documents or information which will be required by the Hamlet in support of applications (estimated costs of construction, drawings, specifications, etc.);
- e) a request for any deposit that is required;
- f) the terms and conditions of any Agreement for Sale or Lease which the successful applicant will be required to enter into;
- g) building standards which must be employed in the construction of improvements; and
- h) the amounts of any bonds that the successful applicant may be required to pay the Hamlet to guarantee the completion of the construction of improvements.

APPENDIX "F"

APPLICATION FOR QUARRY PERMIT

NAME IN FULL: _____
ADDRESS: _____
OCCUPATION: _____

Does hereby apply for a quarry permit for the purpose of taking _____
_____ cubic meters of _____ (type of material)
from the lands indicated on a sketch or described as follows:

to be used for _____

Is any part of the land occupied? If so, by whom and for what
purpose? _____

Permit Fee: \$ _____
Quarry Fee: \$ _____

Date:

Signature:

APPENDIX "G"**Land Use Operations**

Operations for which a land use permit is required include:

1. The use of any form of explosive
2. The use, except on public roads or trails maintained wholly or in part by public funds, of any vehicle that exceeds 4500 kgs (10,000 lbs) net vehicle weight, or the use of any vehicle of any weight that exerts pressure on the ground in excess of 35 Kpa (5 lbs per square inch).
3. The use of any self propelled power driven machine for moving earth or clearing land.
4. The use of any power driven machinery for earth drilling purposes, the operating weight of which exceeds 450 Kgs (1000 lbs.).
5. The establishment of any campsite that is to be used in excess of 50 man days.
6. The levelling, grading, clearing or cutting of any line trail or right-of-way exceeding two metres in width (6 feet).
7. The establishment of any petroleum cache in excess of 1300 litres (300 gallons).

APPENDIX "H"

Application for Land Use Permit

1. **APPLICANT:** _____

2. **ADDRESS:** _____

3. **ADDRESS OF HEAD OFFICE:** _____

4. **LOCATION AND DESCRIPTION OF OPERATION:**
a) Attach a description and proposed techniques
b) Attach a map and sketch of area

5. **EQUIPMENT** Type, size and purpose

6. **FUEL**
a) Type, volume, method of storage containment

7. **METHOD OF WASTE DISPOSAL**
Arrangements planned for disposal of garbage, sanitary waste
and debris

8. **CONTRACTOR AND FUNCTIONS**

9. **TIME SCHEDULE**
Start: _____
Completion: _____

10. **NAME AND ADDRESS OF FIELD SUPERVISOR**

11. **NUMBER OF EMPLOYEES:** _____

12. **AREA USED (HECTARES):** _____

Signature: _____

Title: _____

Date: _____

OFFICE USE: