



KUGLUKTUK

The Municipal Corporation of the Hamlet of Kugluktuk
Land Administration By-law #280

Description

A By-law of the Municipal Corporation of the Hamlet of Kugluktuk 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.53.5.

By-Law

WHEREAS the Council of the Municipal Corporation of the Hamlet of Kugluktuk 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 Kugluktuk, 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 Kugluktuk; |
| "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) 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;
“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 Kugluktuk;
“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 Kugluktuk, 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;

“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.

“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; or
 - c) By delivery of written notice to all postal boxes in the Hamlet.
- 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.

- B) 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.
- C) Every disposal of land shall be in writing and leases shall be executed in accordance with the Land Titles Act and this By-law.
- D) 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.
- E) 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(D) if construction is not completed as outlined in section 6(F) the lease may be cancelled.
- F) 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.
- G) The municipality shall dispose of land by one or a combination of the following means:
- a) Ballot draw, as set out in Appendix "H";
 - b) Development Proposal Call, as set out in Appendix "E";
 - c) First come first served basis.
- H) Council shall decide, at its discretion, as to which means will be employed to dispose of the land as per section 6(G).
- I) Prior to disposing of land through means of a ballot draw, Council shall, by resolution, establish guidelines for such a process.
- a) The municipality shall, when disposing of land through a ballot draw, give preference to prospective applicants as set out in Appendix "H".

7. Pricing of Existing Lots

- A) The municipality in leasing existing developed lands shall determine lot price by replacement cost at new lot pricing.
- B) Standard Lease Rates
- a) The standard lease rate per lot or portion of a lot is based on land use, and shall be as follows:
 - i) Residential:
 - (1) \$700.00 per year minimum plus an additional \$0.50 per square metre in excess of 900 square metres
 - ii) Commercial:
 - (1) \$800.00 per year minimum plus an additional \$0.50 per square metre in excess of 1260 square metres
 - iii) Industrial:
 - (1) \$800.00 per year minimum plus an additional \$0.50 per square metre in excess of 1260 square metres
 - iv) Other land uses: as determined by Council.
 - b) 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 standard leases shall be 30 years.
- 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.

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 allowances for site specific factors.
- b) 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 equal annual instalments within the following time frame:
 - i) Government (including NHC): Paid in full at signing;
 - ii) Businesses as the Lessee: No more than 10 years after the date of signing;
 - iii) Individual Lessees: No more than 15 years after the date of signing.
- c) After payment in full, the lease rate shall be one (\$1.00) dollar per year.
- d) Where any portion of the rental is unpaid for more than 30 days, late payment fee of 1.5% per month shall be charged.
- e) The term for all equity leases will be 30 years.
- f) If it is determined in the next Land Referendum (*Nunavut Land Claims Agreement Article 14 Section 8 subsection 14.8.4*) that the restriction on the municipality being able to sell its municipal land is no longer in effect, and if Council Approves the sale, fully paid equity leases will be converted to fee simple title.
- g) 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% of the total rental

9. Applications for Land

- A) The municipality shall only accept a written application for land in the form of Appendix "D".
- 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 total rental.

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) 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 the year 1996, whichever results in the least number of years to be applied or;
 - b) deducting all previous payments made by the current lessee
 - c) Either option in section 10 (a) or (b) may also include applying any site specific factors.
- C) The initial Equity Lease payment shall be 25% of the overall lot price. The remaining 75% 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.
- D) Notwithstanding Section 10(D), payment of the balance of the lot price may be made at any time.
- E) 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, subject to the terms and conditions of the lease.
- F) Notwithstanding section 10(E), any equity lease may be cancelled by the municipality, as set out in Section 13, and revert back to the municipality if the lessee has been deemed to be in noncompliance with any of the terms and conditions outlined in the lease.

11. Lease Assignments/Transfers/Amendments/Mortgages

- A) Assignments/Transfers/Amendments/Mortgages 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;

- d) any taxes owing to the Government of Nunavut must be paid in full;
- e) Estimated site restoration cost;
- f) 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.
 - 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 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.
- 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, and/or upon a Quarry being surveyed and fee simple title ownership being raised in the name of the Municipality, the municipality may upon receipt of a quarry application, issue quarry permits for the use of the quarry site.

- B) Application for a Quarry Permit shall be in the form of Appendix "J".
- C) Fees for quarry permits on the surveyed quarry sites are set out in Appendix "I".
- D) Fees established under Section 18(B) shall reflect the cost of development, operation, maintenance, administration and restoration of quarries.
- E) The municipality may authorize the following entities to take materials from the quarry without the payment of fees as set out in Appendix "I" provided that an quarry permit application has been submitted and the named applicant for the permit is:
 - a) The Government of Canada
 - b) The Government of Nunavut
 - c) The Municipal Corporation of the Hamlet of Kugluktuk
 - d) An educational, religious or charitable institution or hospital
- F) All quarry fees (excluding royalties) collected shall be placed into a separate financial account.
- G) The municipality shall, in regards to the account identified in Section 18 (E):
 - a) Use all expenditures from the account for the sole purposes of quarry development, operation, maintenance, administration and restoration.
 - b) Not allow the account to be underfunded at any time.

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.
 - c) Not allow the account to be underfunded at any time.

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.

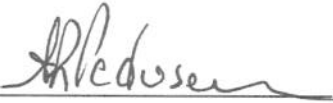
C) The following appendices shall form part of this by-law:

- | | |
|-----------------|----------------------------------|
| 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 |
| h) Appendix "H" | Ballot Draw Procedures |
| i) Appendix "I" | Quarry Permit Fees |
| j) Appendix "J" | Quarry Permit Application |

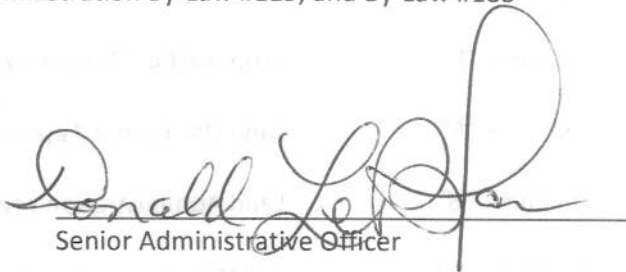
D) The municipality may make minor changes to the Appendices of this By-law, without amending this By-law provided the changes to the appendices do not alter the intent of this By-law.

E) This by-law hereby repeals the Land Administration By-Law #119, and By-Law #183

Read a first time this 27th day of May, 2014.

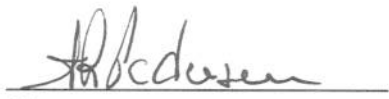


Mayor




Senior Administrative Officer

After due notice and a public hearing,
Read a second time this 12th day of June, 2014.



Mayor



Senior Administrative Officer

Approved by the Minister of Community Government and Services

This 3rd day of September, 2015.



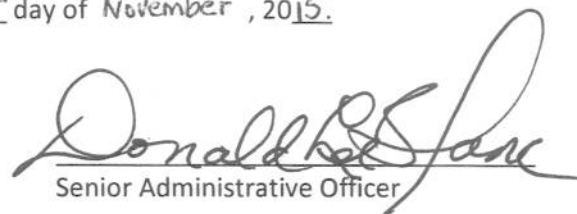
Minister
Community and Government Services



Read a Third time and finally passed this 2nd day of November, 2015.



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 "H" | Ballot Draw Procedures |
| Appendix "I" | Quarry Permit Fees |



APPENDIX "A"
LAND ACQUISITION BY-LAW
HAMLET OF KUGLUKTUK, NU
BY-LAW NUMBER ###

A by-law of the Municipal Corporation of the Hamlet of Kugluktuk 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 Kugluktuk, 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 Kugluktuk 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 ___, 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 KUGLUKTUK, NU
BY-LAW NUMBER ###



A By-law of the Municipal Corporation of the Hamlet of Kugluktuk 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 Kugluktuk, 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 Kugluktuk 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 Kugluktuk to execute the lease agreements in accordance with the Land Administration By-Laws in the Hamlet of Kugluktuk 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



APPENDIX "C"
LAND LEASE BY-LAW
HAMLET OF KUGLUKTUK, NU
BY-LAW NUMBER ###



A By-law of the Municipal Corporation of the Hamlet of Kugluktuk 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 Kugluktuk deems it to be in the public interest to lease the land described hereunder:

NOW, THEREFORE, the Municipal Corporation of the Hamlet of Kugluktuk, 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 Kugluktuk 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 Taloyaok 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 Kugluktuk.

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



Appendix "D"
Land Application Form
Hamlet of Kugluktuk, Nunavut
By-law ### , Land Administration



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 attach 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:

\$700 _____ AND

Plot Plan of Proposed Improvements. _____

Signature of Applicant

Signature of Co-Applicant

Date

Date:



Appendix "E" 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 Municipality 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 shall be included:

1. The last date and time for the submission of applications.
2. The time, date and place at which the municipality will announce the successful candidate.
3. The criteria to be employed by the municipality in selecting the successful application.
4. A request for documents or information which will be required by the municipality in support of applications (estimated cost of construction, drawings, specifications, etc.).
5. A request for deposit that is required.
6. The terms and conditions of any agreement for the Sale or Lease which the successful applicant will be required to enter into.
7. Building standards which must be employed in the construction of improvements.
8. The amounts of any bonds that the successful applicant may be required to pay the municipality to guarantee the completion of the construction of improvements.



KUGLUKTUK

Appendix "F"
Application for Land Use Permit
By-Law ### , Land Administration



1. Applicant's Name: _____
2. Address: _____
3. Location & Description of Operation:
 - a) Attach a description and proposed techniques;
 - b) Attach map and sketch of area.
4. Equipment (Type / Size / Purpose)

5. Fuel (Type / Volume / Method of Storage Containment)

6. Method of Waste Disposal
Arrangements planned for disposal of garbage, sanitary waste and debris

7. Contractors and Function: _____
8. Time Schedule: Start: _____ Completion: _____ Number of Days: _____
9. Name and Address of Field Supervisor: _____

10. Number of Employees: _____
12. Area Used (Square Meters / Hectares): _____

Land Use permits are for those which are short term (temporary) in nature. A permit will not be issued for any undertaking that will be long term or permanent (construction of a building). All Land Use permits will outline conditions, restrictions, and the expiry date. Any extensions must be brought to Council and will be reviewed for the original purpose only. Any alterations to the original purpose must start over from the application process.

Signature
Hamlet of Kugluktuk
By-Law No. **280** - Land Administration

Title

Date



KUGLUKTUK

**Appendix "G"
Land Administration Fees**

Land Lease Application	\$700
Amendment to Application	\$ 50/each time
Amendment to Lease	\$150/each time
Assignment of Lease	\$50.00/each time
Compliance Letter	\$100/each letter
Land Use Permit	\$250/Each
Transfer of Lease	\$150.00/each time
Surrender of lease	\$100/each time
Lease Status Letters	\$50/each time



Appendix "H"

Ballot Draw Procedures

1. Ballot draws shall be administered by the Senior Administrative Officer.
2. All applicants for ballot draws must be at least 19 years of age.
3. No applications for ballot draws will be accepted from companies, groups, or societies.
4. No applicants for ballot draws will be given approval to exchange, transfer or assign their ballot or application.
5. First Time Homeowners are defined as never owning a home in Taloyoak prior to the ballot draw. Proof may be required by signing a statutory declaration before a Commissioner of Oaths.
6. Proof of residency may include utility bills or other bills showing the applicant as the payer with a Taloyoak address for a period of five or two years as per section 21 of this by-law.
7. Only one ballot per family unit allowed. Family unit is described as Father, Mother, and their children currently residing together.
8. Each ballot application shall include a certified cheque or money order for a non-refundable ballot fee of \$250.00.
9. Lots are leased on an "as is" basis. It is the responsibility of the lessee to deal with soil conditions and provide pads for housing construction to meet development permit requirements.
10. Ballot holders should be present at the time of the ballot draw. Ballot holders may provide a letter of proxy or a power of attorney for a party acting on their behalf during the ballot draw should they not be able to attend.
11. On the date of the ballot draw, the draw will be held in three stages
 - Category 1 – First Time Homeowners five year plus residency
 - Category 2 – First Time Homeowners 2 years to five years residency
 - Category 3 – All Others
12. Each Category applicants will be drawn to determine the order of selections of lots still available.
13. The person whose name is drawn first shall have first selection and so on to the last person drawn
14. Each lot chosen by the person whose name is drawn shall not be available for following names drawn.
15. Any lots remaining after the ballot draw shall be available on a "first come, first served" basis.
16. Ballot draw selections may not be exchanged, transferred, or assigned.
17. All selections will be subject to all requirements of this by-law, the zoning by-law and development permit requirements.



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**Appendix "1"
Quarry Permit Fees**

Quarry Permit Application Fee	\$150
Quarry Restoration Fee	\$1.50/m ³
Quarry Road Maintenance Fee	\$1.50/m ³
Quarry Administration Fee	\$1.50/m ³
Royalties	\$1.50/m ³



KUGLUKTUK

APPLICATION FOR QUARRY PERMIT

Municipal Corporation of the Hamlet of Kugluktuk

Appendix "J"

Name/Business: _____

Address: _____

I/We do hereby apply for a quarry permit for the purpose of taking _____ cubic metres of _____ (type of materials) from the lands indicated as follows:

(Only one area may be chosen per application)

- Lot 572 Plan 3925
- Quarry 1 (South of Airport)
- Quarry 2 (West of Airport)
- Quarry 3 (4 Mile Bay)

to be used for _____

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

	Q1,Q2,Q3 / Lot 572	
Permit Fee:	\$50.00 / \$150.00	\$ _____
Royalties	\$0.25 / \$1.50 per cubic metre	\$ _____
Restoration Fee	\$0.50 / \$1.50 per cubic metre	\$ _____
Road Maintenance Fee	\$0.50 / \$1.50 per cubic metre	\$ _____
Quarry Administration Fee	\$0.50 / \$1.50 per cubic metre	\$ _____
Subtotal		\$ _____
GST	5.0%	\$ _____
Total		\$ _____

Free Permit under Section 18 (E) of the Land Administration By-Law.

Date: _____ Signature of Applicant _____

Note that Quarry Permit Applications may be subject to NIRB (Nunavut Impact Review Board) Screening. Please allow sufficient time for your application to be processed, a minimum of 45 days.

Date: _____ Signature of Applicant _____

Note that Quarry Permit Applications may be subject to NIRB (Nunavut Impact Review Board) Screening. Please allow sufficient time for your application to be processed, a minimum of 45 days.

