



DEPARTMENT OF COMMUNITY SERVICES

COMMISSIONER'S LAND LEASE PRICING POLICY

POLICY STATEMENT

The Government of Nunavut shall price Commissioner's land for lease or other disposition.

1. PRINCIPLES

This policy is committed to Inuit Qaujimajatuqangit principles of:

- Inuuqatigiitiarniq - Respecting and caring for others by ensuring that land lease pricing respects the needs and well-being of the community. By regulating lot lease prices to recover development costs in a timely and fair manner, the policy aims to maintain affordability and avoid disruptions to the existing land markets.
- Tunnganarniq - Fostering good spirits being open, welcoming, and inclusive. The policy ensures transparent and clear land lease pricing, making prices easy to understand, consistently applied, and fair to build public trust.
- Havaqatigiingniq/Ikajuqtigiingniq - Working together for a common cause. This policy aligns with the respective municipal corporation's Land Administration By-laws, ensuring consistent and shared goals for land management.
- Pijitsirniq – Serving and Providing for the Community: The policy ensures that municipal corporations actively manage land administration by collecting all land rental, permit payments, and application fees for Commissioner's land within their boundaries. This strengthens local governance and supports community needs and growth.

2. SCOPE

This policy applies to the lease or other disposition of Commissioner's land administered by the Department on behalf of the Commissioner.

3. DEFINITIONS

Department - means the Department within the Government of Nunavut responsible for lands under the administration and control of the Commissioner, other than Commissioner's airport lands, as defined in the *Commissioner's Airport Lands Regulations* made under the *Commissioner's Land Act*.

Commissioner - means the Commissioner of Nunavut.

Commissioner's land - means land defined in Section 49 of the *Nunavut Act* (Canada). For the purpose of this policy, there are five types of Commissioner's lands:

- a) Lands identified in Article 14 Part 1 subsection 14.1.1(b)(ii) of the *Nunavut Agreement* (otherwise known as the 100-foot strip) unless fee simple title or a reserve has been issued to another person or entity;
- b) Lands identified under the name of a territorial entity, with the exception of the Nunavut Housing Corporation and the Nunavut Arctic College, in Article 14 Part 1 subsection 14.1.1(b)(iii) of the *Nunavut Agreement* (Otherwise known as the Government Exemption List);-



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- c) Lands identified in Article 14 Part 4 section 14.4.1 of the *Nunavut Agreement* (otherwise known as untitled municipal land);
- d) Block Land Transfer lands outside the municipal boundary; and
- e) Lands owned in Fee Simple by the Commissioner.

Deputy Minister - the Deputy Minister of the department responsible for lands under the administration and control of the Commissioner, other than Commissioner's airport lands, as defined in the *Commissioner's Airport Lands Regulations* made under the *Commissioner's Land Act*.

Development Cost – means, for the purposes of this policy, costs in developing land. These costs can include but not limited to the following:

- a) Planning and engineering design & studies;
- b) salaries and benefits of municipal land administrators;
- c) project management;
- d) street furniture;
- e) road construction;
- f) culverts and drainage works;
- g) sidewalks;
- h) fill required to provide positive drainage;
- i) parks and recreational spaces;
- j) piped water and sewer lines;
- k) street names and signage;
- l) electrical distribution lines (and power poles);
- m) lighting;
- n) legal costs associated with planning and land administration;
- o) legal surveys; telephone services and communication services;
- p) land acquisition and/or disposal costs;
- q) and financing and interest charges.

Equity Lease - means an equity land lease defined in a municipal corporation's LAB. Failing that, an equity lease may mean a land lease for which the development cost, replacement cost, or assessed or appraised value, has been established where all payments, excluding interest charges, late payment fees, administration fees, or off-site levies, are credited against the lot price until such time the lot price is paid in full.

GN - means the Government of Nunavut.

Land Administration By-law (LAB) - means the by-law passed by a municipal corporation under subsection 53.5 (2) of the *Hamlets Act or the Cities, Towns, and Villages Act*, which may be amended from time to time.



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Lot - means an area of land depicted as a Lot on a Plan of Survey registered at the Land Titles Office for the Nunavut Registration District or un-surveyed land identified by a sketch.

Lot price - means the total value assigned to a lot as calculated by this policy.

Minister – the Minister of the department responsible for lands under the administration and control of the Commissioner, other than Commissioner's airport lands, as defined in the *Commissioner's Airport Lands Regulations* made under the *Commissioner's Land Act*.

Municipal Corporation - means a community's governing body incorporated under the *Cities, Towns and Villages Act*, or the *Hamlets Act*.

New Contracts - means, for the purposes of this policy, a lease or other land contract applied for on or after April 1, 2027.

Non-profit user - has the same definition outlined in the respective municipal corporations LAB that may be identified as a non-profit society or religious organization. Failing that, non-profit user may mean a club, society, or association operated solely for social welfare, civic improvement, pleasure or recreation, or any other purpose except profit, and is in good standing with, the *Societies Act*. Also, a religious organization or entity that manages the upkeep of places of worship, such as mosques, churches, temples, synagogues, chapels and other similar buildings or meeting places, and payment of salaries to religious leaders.

Replacement cost - means the cost defined in the respective municipal corporation's LAB. Failing that, replacement cost may mean the estimated development costs for lots, updated to the current year representing the cost to develop a similar lot in the municipality and incorporating any site-specific factors and/or off-site levies.

Site-specific factors - has the same definition as that outlined in the respective municipal corporation's LAB. Failing that, Site-specific factors may mean to add or subtract up to 25 percent (25%) of the development cost of lots, and may include: size of land parcel; site conditions (slope & grade level, amount of granular material, etc.); desirability of location (e.g., river, stream or lake, vistas, etc.); adjacent land uses; and proposed land use (affordable housing).

However, adjustments to lot prices may not result in higher total development cost for a particular land development area.

Standard Lease - means a standard land lease as defined in the respective municipal corporation's LAB. Failing that, a standard lease may mean a lease that has an annual payment for the term of the lease but does not accumulate equity.

Off-site levy - means a levy or surcharge as defined in the respective municipal corporation's LAB. Failing that, an off-site levy may mean surcharge collected by the municipal corporation charged to a private developer or a lessee to assist in the payment of all or part of the capital costs of new or expanded infrastructure, including land, which is not located in the lot, or lots being leased by the lessee, but which directly, but not necessarily exclusively, benefits the lessee.



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ROLES AND RESPONSIBILITIES

3.1 Minister

The Minister is accountable to the Executive Council for the implementation of this policy.

3.2 Deputy Minister

- a) The Deputy Minister is responsible for the administration of all provisions pursuant to this policy.
- b) The Deputy Minister may:
 - I. Oversee the transfers of land to municipal corporations;
 - II. Approve minimum pricing for lots;
 - III. Determine the location of active real estate markets for the purposes of this policy; and
 - IV. Grant time extensions, as necessary, to meet the terms of any land contract.

4. PROVISIONS

4.1 Establishment of Lot Price

Lot price shall be determined through application of the following and applied in the order listed:

- a) LAB: In municipalities where the municipal corporation has adopted a LAB and they developed the land, lot prices will be determined by the LAB; or
- b) Development cost: In communities where the GN has been developing land, lot prices will be determined by development cost; or
- c) Assessed Value: In those communities where the GN has not been developing land, the assessed value in the property assessment roll will determine the lot price; or
- d) Appraised value: a value assigned to a lot or lots by a professionally qualified land appraiser; or
- e) Minimum Recovery: In those municipalities where none of the above conditions apply, Lot price will be set by the Deputy Minister.

4.2 Lot Disposal

Lots shall be disposed of using an equity lease, standard lease, land use or quarry permit, or other such instruments authorizing use of Commissioner's land. The instrument used will be determined by the municipal corporation's LAB.

4.3 Terms and Conditions for Land Disposals

Land leases and other such land instruments issued by the Commissioner shall have the same payment schedule as determined by the respective municipal corporation's LAB. If the LAB does not have such schedules or certain terms and conditions, the following may apply:



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a) Equity Leases:

- I. Lessees shall have two options for payment:
 - o 10% of the lot price must be paid upon execution of the equity lease and the remaining balance will be paid in equal annual instalments over a period determined by the municipal corporation's council; or
 - o Pay the lot price in full within 90 days of execution of the equity lease.
- II. After the lot price is paid in full, the annual rental will be \$1.00 per annum for the remainder of the lease term.
- III. Payment of the lot price may be made at any time without penalty and no further interest shall be due.
- IV. Equity leases issued within the 100-foot strip shall not contain a clause guaranteeing the transferring of fee simple title to the Lessee if the restriction on land sales is removed. (otherwise known as the "title" clause).

b) Standard leases:

- I. The annual rental shall be determined by a municipal corporation's council resolution.
- II. Notwithstanding *Standard Leases* subsection (ii)(I), the *Commissioner* may issue a *standard lease* with an annual rental of \$1.00 to *non-profit users*.

c) Land use permits:

- I. The annual rental shall be determined by the municipal corporation's LAB. If no such rate exists, the rate shall be determined by a municipal corporation's council resolution.

d) Quarry Permits:

- I. The rate per cubic meter shall be determined by the Commissioner's Land Regulations, which may be amended from time to time.

e) All other land instruments:

- I. Shall use the rates outlined in one of the subsections above, unless otherwise determined by the Deputy Minister.

4.4 Terms and conditions for renewing or amending existing land contracts

The terms and conditions for renewing or amending existing land contracts shall be the same as if it was a new contract.

4.5 Interest

Interest shall be calculated based on the rate established by the Financial Institution carrying any land debentures for the municipal corporation.

4.6 Pricing for land transferred to a municipal corporation

Notwithstanding any other provisions of this policy, the Deputy Minister may:



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- a) recommend conveying the fee simple estate to a municipal corporation of certain parcels of land for a nominal consideration in accordance with Article 14 PART 7 section 14.7.1 of the *Nunavut Agreement*; and
- b) recover any costs related to the transfer of lands to a municipal corporation.

4.7 Terms of payment

- a) Where the terms of payment for any land contract are not met, the department may apply to the court of Nunavut to have the contract terminated unless the Deputy Minister grants an extension of time, in writing.
- b) Interest charges on arrears, at a rate to be prescribed in the Financial Administration Manual, shall be applied after a period specified in the respective municipal corporation's LAB. Failing that, three months from the last day payment was due.

4.8 Lease surrenders, transfers, and terminations

Lease surrenders, transfers, and terminations shall be subject to the provisions contained in the lease and by the respective municipal corporation's LAB.

4.9 Administrative agreements

Municipal corporations shall collect all land rental and permit payments, and application fees, on untitled municipal lands within the municipal boundary. Municipal corporations shall also collect land rental and permit payments, and application fees, on land within the 100-foot strip and the Government Exemption List within the municipal boundary, once they enter into an administrative agreement with the Commissioner.

5. NUNAVUT LEGISLATION

Nothing in this policy shall in any way be construed to limit the authority of the *Nunavut Agreement*, *Hamlet's Act*, *Cities, Towns, and Villages Act*, *Commissioner's Land Regulations*, *Territorial Lands Act*, or the *Nunavut Act*. The applicable legislation shall take precedence over this policy.

6. PREROGATIVE OF CABINET

Nothing in this policy shall in any way be construed to limit the prerogative of Cabinet.

7. SUNSET CLAUSE

This policy shall be in effect from the date of the date approved and sunset on November 28, 2028.