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TSAWWASSEN FIRST NATION

## **Tsawwassen First Nation**

### **Servicing for New Home Construction Policy**

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**Date Enacted: 24 October 2023**

*Order Number: O.089-2023*

**X**

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Kim Baird  
Interim Chief Administrative Officer

Table of Amendments

<b>Section(s) Amended</b>	<b>Date</b>	<b>Order number</b>	<b>Come Into Force Date</b>

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## 1) Authority

- 1.1 This policy is established pursuant to Section 3(1)(a) of the *Community Governance Act*, which authorizes Executive Council to provide services to Members on Tsawwassen Lands.

## 2) Interpretation

- 2.1 The *Interpretation and Definitions Act* applies to this policy as if it were an enactment of Tsawwassen First Nation.

## 3) Definitions

- 3.1 In this policy:

**“Applicant”** means a TFN Member holding a Tsawwassen Fee Simple Interest lot and has applied for payment of site Servicing costs under this Policy;

**“Bare Land Strata”** means a subdivision of a Tsawwassen Fee Simple Interest lot into strata lots and common property with a single-family dwelling housing as registered under a strata plan filed with the Land Title and Survey Authority of British Columbia;

**“Director”** means the Director of Lands, or their designate;

**“Driveway”** has the meaning given in the *Zoning Regulation*;

**“Duplex”** has the meaning given in the *Zoning Regulation*;

**“Member”** means a Member of Tsawwassen First Nation;

**“Member Owned Lot”** means a registered lot or Bare Land Strata lot owned by a Member and located within the TFN Community Area;

**“Multiple Family Housing”** has the meaning given in the *Zoning Regulation*;

**“Original Falcon Way Lots”** means Member owned lots in the Falcon Way Subdivision including Lots 12 to 19, 22, 23, and 27 to 30 Plan BCP38101;

**“Pre-Serviced Falcon Way Lots”** means Lots 1-8, 13-15, 26, 30 Plan BCP38131 in the Falcon Way Subdivision.

**“Project Manager”** means a Qualified Professional or Project Management Professional registered in BC, designated by the Applicant or authorized by the property owner to carry out responsibilities outlined in section 10 of this policy;

**“Qualified Professionals”** means engineers and architects registered by a BC regulatory association;

**“Servicing”** means work related to water, electricity, Driveways, communications infrastructure, drainage systems, sewage, or gas lines;

**“Servicing Extension”** means an addition to TFN municipal or third-party service from the main line to the lot or dwelling;

**“Single Family Dwelling”** has the meaning given in the *Zoning Regulation*;

**“TFN”** means the Tsawwassen First Nation Government.

**“TFN Community Area”** means the TFN Community Area shown in Schedule B.

**“TFN Community Area Plan”** means the most recent edition of the TFN Community Area Plan;

**“Townhouse”** has the meaning given in the *Zoning Regulation*; and

**“Tsawwassen Fee Simple Interest”** has the same meaning in the *Land Act*.

#### **4) Purpose**

**4.1** The purpose of this policy is to govern support for Servicing costs for new home construction within the TFN Community Area.

#### **5) Application**

**5.1** This policy applies to TFN in administering support to Members within the TFN Community Area for payment of:

- the extension of Services to the property line of lots; or
- Services to Lots adjacent to an existing serviced public road when Members are building Single Family Dwellings or Duplexes for their primary residence, or the primary residence of their family members.

**5.2** This policy does not apply to servicing for developed lots, which is governed by the *Servicing and Renovations for Developed Lots Policy*.

#### **6) Application Eligibility**

**6.1** Member Owned Lots along Tsawwassen Drive and the Falcon Way Subdivision are eligible for payment.

**6.2** Applications for Servicing are not eligible where:

- Existing Servicing is suitable to support the land use, as determined by the Director; and
- Servicing costs occurred before September 7<sup>th</sup>, 2021.

**6.3** Applications that meet the eligibility requirements may not receive the Director’s approval, as payment for Servicing is dependent on TFN budgetary considerations.

**6.4** Applicants who already received funding for Servicing for a Member Owned Lot under this policy are not eligible for funding for the same Service, unless otherwise adopted in the funding agreement as approved by Executive Council.

**6.5** Multi-unit Family Housing, Townhouses, or units that are not consistent with the TFN Community Area Plan are not eligible for support.

#### **7) Eligible Costs and Criteria**

**7.1** The eligible costs for Servicing Member Owned Lots and Original Falcon Way Lots include:

- extension of a water line to the lot line, including a meter box;
- extension of a sewage line to the lot line;
- extension of an electrical line to the panel of the principal structure on the lot;
- extension of communications lines to the panel of the principal structure on the lot;
- modification of any TFN owned public infrastructure required as part of the Servicing as per TFN's *Land Use Planning and Development Act*, as well as TFN's Building Regulation and Development Permit requirements;
- installation of drainage infrastructure on the lot as per TFN's Floodplain Development Permit requirements, or to comply with TFN's *Drainage and Sewer Regulation*;
- installation of drainage infrastructure on adjoining lots if required by the Director, as per TFN's *Land Use Planning and Development Act*, the *Drainage and Sewer Regulation* and associated policies;
- construction of asphalt apron to property line within the public road lot and gravel Driveway from the end of the apron to the nearest garage sill, up to 50 metres in accordance with *Building Regulation*;
- design, supply, placement, compaction, and certification of site fill on the lot to resolve substandard grading on older lots and/or to assist with compliance to the flood control elevation as per TFN's Floodplain Development Permit requirements, as approved by the Director. Foundation work is not eligible;
- design and construction of on-site drainage systems, between a point a minimum of 1 metre away from the building face and the lot line, as approved by the Director, in accordance with TFN's *Building Regulation*. All on-site drainage systems must be linked with existing and future neighbourhood drainage infrastructure;
- topographic survey and plans prepared by a registered BC Land Surveyor; and
- project management and project design fees for a qualified Project Manager for Servicing.

**7.2** Eligible costs for Pre-Serviced Falcon Way Lots may include:

- extension of an electrical line to the panel of the principal structure on the lot;
- extension of communications lines to the panel of the principal structure on the lot;
- sewer, water, and drainage connections where none previously existed;
- design and construction of on-site drainage systems, between a point a minimum of 1 meter away from the building face and the lot line, as approved by the Director, in accordance with the *Building Regulation*. All on-site drainage systems must be linked with existing and future neighbourhood drainage infrastructure as determined by the Director; and
- design, supply, placement, compaction, and certification of site fill on the Lot to resolve substandard grading on older lots and/or to assist with compliance to the

flood control elevation as per TFN's Floodplain Development Permit requirements, as approved by the Director. Foundation work is not eligible.

**7.3** Where there is more than one location from which the lines referred to in 7.1 and 7.2 can be extended, TFN will only support the extension to the least costly location.

**7.4** For clarity, any site filling must comply with the *Soil Transport, Deposit, and Removal Regulation*, as well as associated BC laws.

## **8) Application Process**

**8.1** Applicants must apply in the form provided in Schedule A and provide any supporting documentation requested by the Director.

**8.2** In addition, the Applicant must provide:

- evidence that they retained a Project Manager;
- the Project Manager's name and qualifications; and
- documentation prepared by Qualified Professionals demonstrating the estimated costs that is requested for payment.

**8.3** The Applicant must inform the Director if there have been any changes pertaining to the Project Manager.

**8.4** TFN may require additional documentation including, but not limited to:

- evidence of the Applicants funds or financing that is relevant to Servicing, such as a bank statement or construction mortgage agreement;
- evidence that the Applicant has acquired all the necessary permits, as required under the *Land Use Planning and Development Act* and its associated regulations; and
- documents showing the purchase or lease of a home that will be relocated to the lot.

**8.5** The application and the project's budget must be realistic, reasonable, and competitive, as determined by the Director.

**8.6** Applications are prioritized with the following considerations:

- projects with earlier anticipated completion dates. TFN evaluates projects on the proposed timeline for construction of any dwellings on the Member Owned Lot; and
- the estimated cost of the project, prioritizing the allocation of funding to support more projects in a given fiscal year.

**8.7** The Director may reject any application due to expected risk of harm to health and safety, TFN property, or the environment.

**8.8** If the Director denies an application for any reason, they must provide the Applicant with a written response that includes reasons why it was unsuccessful.

## 9) Payment Process

9.1 TFN may provide payment to Applicants who have been approved by the Director for eligible Servicing by:

- direct payment, provided they enter into a funding agreement with TFN, as outlined in 9.3; or
- reimbursement, provided they provide the necessary documentation and proof of payment, as identified by the Director.

9.2 The funding agreement between TFN and the Applicant must be in the form provided by the Director.

9.3 Subject to the application's approval for direct payment, the Applicant and TFN must enter into a funding agreement that includes:

- details, including cost estimates, of all work being funded;
- a requirement for professional designs, approved in accordance with the *Subdivision and Development Regulation*;
- a timeframe of no longer than two years for the work to be completed, or a phasing program for Servicing and building as approved by the Director; and
- conditions and scheduling for payments to the Applicant.

9.4 TFN only reimburses the actual costs of Servicing.

## 10) Project Manager Responsibilities

10.1 The Project Manager is responsible for ensuring that the Director receives:

- invoices, receipts, payment certificates, and any other relevant financial documents 30 days after the date of Service;
- quarterly project reports; and
- regular updates and is informed about the project's progress and informed in writing immediately if any costs variances occur from the approved budget.

## 11) Bare Land Strata

11.1 Applications for Bare Land Strata Servicing must include:

- details of construction staging and phasing;
- information about phasing of building construction; and
- schedules by fiscal year that project the proposed costs for multi-year projects and identify cash flows within the building construction schedules.

11.2 Funding allocations for Bare Land Strata projects are subject to additional review in accordance with the *Financial Management Policy*.



# Schedule A – Application for Payment of Servicing and Costs for New Home Construction

Submit applications to the attention of the Director of Lands.



## Applicant Information

Name: \_\_\_\_\_

Membership Number: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

## Lot and Planning Information

Civic Address, Lot Location, or Legal Description: \_\_\_\_\_  
\_\_\_\_\_

Description of planned work and estimated timeline to complete the work:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Budget Estimate: \_\_\_\_\_

Project Manager Name: \_\_\_\_\_

Project Manager Phone: \_\_\_\_\_ Project Manager Email: \_\_\_\_\_

Business License No.: \_\_\_\_\_

Contractors/design professionals/consultant MUST have a valid Business License to do work on Tsawwassen Lands. Apply to the Lands Department for a business license if you do not have one.

**Attach documents showing your intent and capacity to carry out the plan described above. Your application will not be accepted unless they are included.** For details, see the Tsawwassen First Nation *Payment of Servicing for New Home Construction Policy*.

**I am applying for Servicing and confirm that the information set out above is correct.**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**I am the sole agent for the owner(s) and will be the only contact with Tsawwassen First Nation Lands Department.**

Signature of Applicant/Authorized Agent: \_\_\_\_\_ Date: \_\_\_\_\_

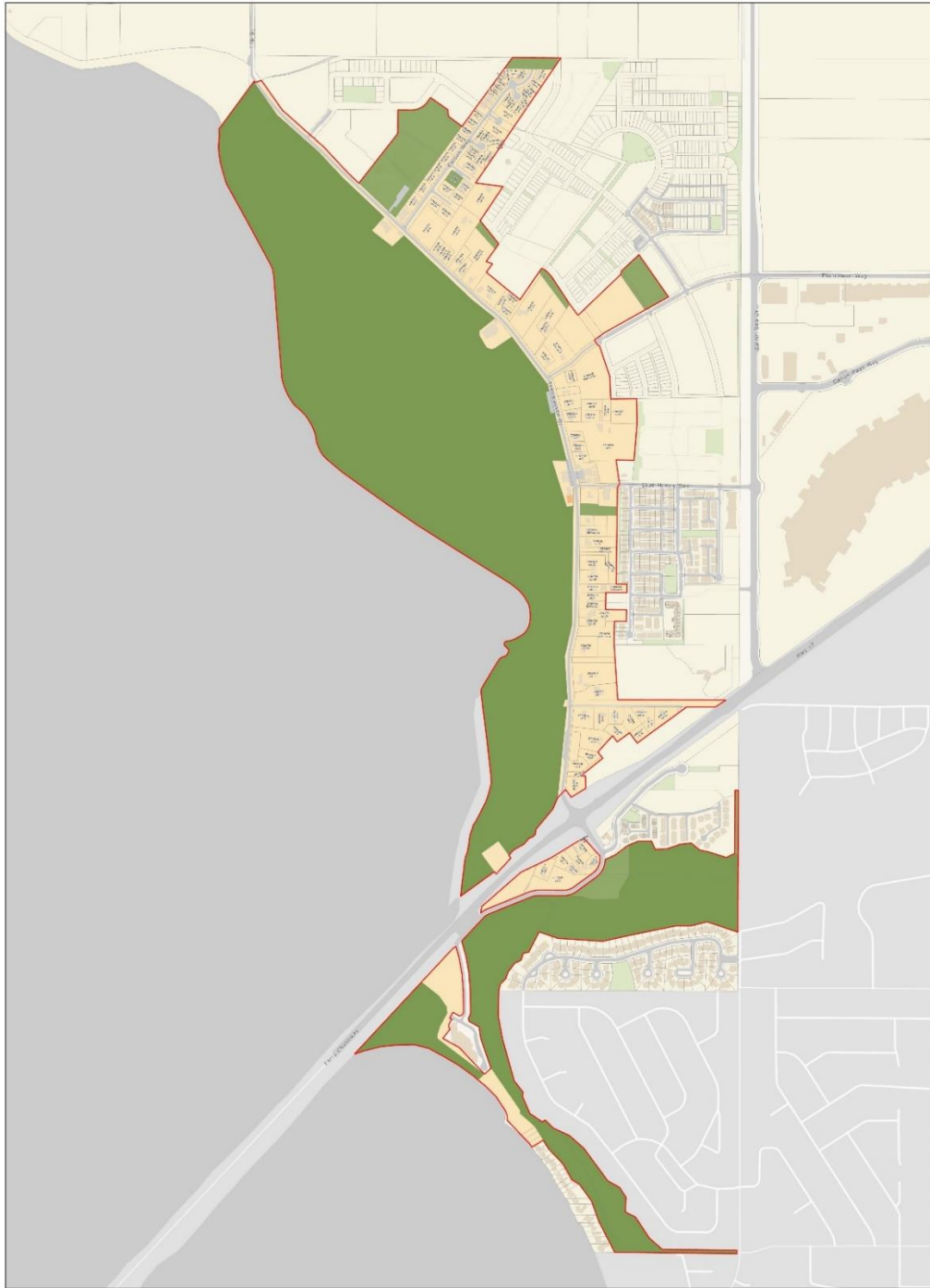
## Approval - staff use only; do not write in this section

Approved:  Not Approved:


If not approved, provide reasons: \_\_\_\_\_

Director's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# Schedule B – TFN Community Area Map



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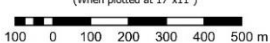
**Schedule B – TFN Community Area**

**Legend**

- TFN Community Area Boundary
- Residential and Institutional
- Parks and Open Spaces
- Parcel Boundary



Scale: 1:10,000  
(When plotted at 17"x11")



100 0 100 200 300 400 500 m