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TSAWWASSEN FIRST NATION

Tsawwassen First Nation

Servicing and Renovation for Developed Lots Policy

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Order Number: O.089-2023

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Kim Baird

Interim Chief Administrative Officer

Table of Amendments

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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 Member holding a Tsawwassen Fee Simple Interest Lot and has applied for payment of site Servicing costs under this Policy;

“Developed Lots” Member owned lots along Tsawwassen Drive and the Falcon Way subdivision and excludes Pre-Serviced Falcon Way Lots;

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

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

“Member” means a Member of Tsawwassen First Nation;

“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 12 of this policy;

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

“Renovation” means any renovation that does not impact the structural integrity of the house;

“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;

“TFN” means 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, as issued and amended from time to time; 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 and Renovations for housing and Developed Lots within the TFN Community Area.

5) Application

5.1 This policy applies to TFN in administering support to Members for payment of replacing existing Servicing to Developed Lots within the TFN Community Area, adjacent to an existing serviced public road, when necessary to address structural, health and safety, or environmental concerns.

5.2 This policy applies to administering Renovation support for existing homes in Developed Lots.

5.3 This policy does not apply to Servicing for new home construction, which is governed by the *Payment of Servicing Costs for New Home Construction Policy*.

6) Application Eligibility

6.1 Developed Lots are eligible for Servicing and support, but Pre-Serviced Falcon Way Lots are excluded.

6.2 Developed Lots and Pre-Serviced Falcon Way Lots are eligible for Renovation support.

6.3 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 7th, 2021.

6.4 Applications that meet the eligibility requirements may not receive the Director’s approval, as payment for Servicing and Renovations are dependent on TFN budgetary considerations.

6.5 Applicants who already received funding for Servicing for a Member Owned Lot under the *Payment of Servicing Costs for New Home Construction Policy* or this policy may not be eligible for funding for the same Service, unless otherwise approved by the Director.

7) Eligible Servicing Costs and Criteria

7.1 The eligible costs for Servicing Developed Lots and Original Falcon Way Lots include:

- extension of a water line to the lot line, or upgrading a water service to current standard;
- extension of a sewage line and inspection chamber to the lot line;
- extension of an electrical line to the panel of the principal structure;
- extension of communications lines to the panel of the principal structure;
- modification of any TFN owned public infrastructure required as part of the Servicing in accordance with TFN's *Land Use Planning and Development Act*;
- installation of drainage infrastructure to:
 - correct legacy drainage problems;
 - comply with flood control elevations as required in TFN's Floodplain Development Permit; or
 - comply with TFN's *Drainage and Sewer Regulation*.
- installation of drainage infrastructure on adjoining lots if required by the Director, in accordance with the *Land Use Planning and Development Act*, *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 m in accordance with the *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.
- 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 For clarity, any site filling must comply with the *Soil Transport, Deposit, and Removal Regulation*, as well as associated BC laws.

8) Renovations Eligibility

8.1 Members may be eligible to receive payment for Renovation costs of a maximum of \$40,000 CAD every 10 years.

8.2 Payment for Renovation costs apply by household at the maximum set out in 8.1.

9) Servicing Application Process

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

9.2 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.

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

9.4 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; and
- evidence that the Applicant has acquired all the necessary permits, as required under the *Land Use Planning and Development Act* and its associated regulations.

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

9.6 Applications are prioritized according to the following conditions:

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

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

9.8 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.

10) Renovation Application Process

10.1 Applications for Renovation support must be in a separate form provided by the Director.

10.2 The Applicant must provide a completed application to the Director and any supporting documentation, at the discretion of the Director, 30 days prior to the start of the Renovation.

10.3 The Director may request additional information from the Applicant.

10.4 Applications are processed and reviewed by the Director on a first come first served basis.

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

10.6 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.

11) Payment Process

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

- direct payment for Servicing, provided they enter into a funding agreement with TFN, as outlined in 11.3;
- direct payment for Renovations, provided directly to the Applicant; or
- reimbursement for Servicing or Renovations, provided they provide the necessary documentation and proof of payment, as identified by the Director.

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

11.3 Subject to the application's approval for direct payment for Servicing, 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 approved by the Director for Servicing and building; and
- conditions and scheduling for payments to the Applicant.

11.4 TFN only reimburses the actual costs of Servicing and Renovations.

12) Project Manager Responsibilities

12.1 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.

Schedule A – Application for Payment of Servicing Costs for Developed Lots

Applications shall be made 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.

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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 and Renovation for Developed Lots Policy*.

I am applying for servicing extension 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



Schedule B – TFN Community Area



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TSAWASSEN FIRST NATION

Legend

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

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

