



scəwʌθən məsteyəx<sup>w</sup>

TSAWWASSEN FIRST NATION

*Community Governance Act*

**BUSINESS LICENCE REGULATION 2015**

**Date Enacted: 17 September 2015**

*Order Number:* O.063-2015

**Last Amended: 1 October 2019**

This version of the Regulation is not the official version, and is for informational purposes only. Persons who need to rely of the text of the Regulation for legal or other purposes may access the official version held in the TFN Laws Registry by contacting the TFN Administration Office at (604) 943-2112.

## Table of Regulation Changes

| Section(s) Amended | Date       | Order number | Come Into Force Date |
|--------------------|------------|--------------|----------------------|
| Schedule A         | 01/10/2019 | O.068-2019   | 01/10/2019           |
|                    |            |              |                      |
|                    |            |              |                      |

## *Contents*

### **PART 1 - ADMINISTRATION**

- 1 Title
- 2 Authority
- 3 Severability
- 4 Definitions
- 5 Licence required
- 6 Non-transferability
- 7 Licence conditions
- 8 Business licensed to serve liquor
- 9 Safety
- 10 Licence to be displayed

### **PART 2 – EXEMPTIONS**

- 11 Licence not required

### **PART 3 – APPLICATION AND PROCESS**

- 12 Licence applications
- 13 Applicant must give true information

### **PART 4 – ISSUING OF LICENCES**

- 14 Director authorized
- 15 No licence issued
- 16 Licence cancelled

### **PART 5 – LICENCE FEES AND TERMS**

- 17 Fees
- 18 Licence term

### **PART 6 – LICENCE RENEWAL**

- 19 Renewal requirements
- 20 Late renewal
- 21 Licence no longer required

### **PART 7 – CHANGES AFFECTING LICENCE**

- 22 Changes

### **PART 8 – LICENCE OPERATION**

- 23 Mobile businesses
- 24 Conditions
- 25 Businesses offering accommodations
- 26 Access to premise

### **PART 9 – SUSPENSION AND REVOCATION**

- 27 Suspension and revocation

### **PART 10 – APPEALS AND RECONSIDERATION**

- 28 Administrative review
- 29 Appeal

**PART 11 – OFFENCES**

- 30     Contraventions
- 31     Effective date
- 32     Schedules

## PART 1 – ADMINISTRATION

### Title

- 1 This regulation may be cited for all purposes as the “Business Licence Regulation, 2015.”

### Authority

- 2 (1) This regulation is made under the *Community Governance Act*.
- (2) A licence issued pursuant to this regulation does not permit or authorize construction, renovation, or development

### Severability

- 3 The provisions of this regulation are severable and the invalidity of any part of this regulation shall not affect the validity of the remainder of this regulation.

### Definitions

- 4 (1) In this regulation:
  - “**Act**” means the *Community Governance Act*;
  - “**business**” means the carrying on of a commercial or industrial undertaking of any kind or nature, or the providing of professional, personal, or other services for the purpose of gain or profit but does not include any activities carried on by the Tsawwassen First Nation government or by Tsawwassen Corporations or Tsawwassen Public Institutions;
  - “**chief administrative officer**” means a person appointed in that capacity under the *Government Organization Act*;
  - “**Director**” means the Director of Lands or the Director’s delegate;
  - “**enforcement officer**” has the same meaning as in the *Laws Enforcement Act*, and as such, includes a person appointed as an enforcement officer under section 3 of that act;
  - “**farm operation**” means land within Tsawwassen Lands, whether consisting of one or more separate parcels, classified as farm land by the British Columbia Assessment Authority, and operated as one farming operation principally for the growing or raising of farm produce;
  - “**home-based business**” is an accessory business use permitted within a principal residential building;
  - “**licence**” unless otherwise defined or qualified means a business licence issued in accordance with this regulation;
  - “**licencee**” means a Person holding a valid licence issued under this regulation;
  - “**mobile**” means a business that changes its location or that operates in a premise that is capable of relocating, such as in the case of a food truck or similar;
  - “**Member-owned business**” means a business that is directly or indirectly majority owned by a Tsawwassen Member or Members;
  - “**occupier**” means a leaseholder or sub-leaseholder of Tsawwassen Lands or the holder of a Tsawwassen Fee Simple Interest;

“**person**,” in addition to its ordinary meaning, includes a partnership, unincorporated association, trust and corporation and the singular shall be held to mean and include the plural.

“**premise**” means the place of operation of a business, and as such, includes a place, structure, vehicle or location of any type in or on which a business operates;

“**TFN Member**” means a Tsawwassen Individual who is enrolled as a member of Tsawwassen First Nation in accordance with the *Membership Act*; and

“**TFSI**” or “**Tsawwassen Fee Simple Interest**” means a fee simple interest that is subject to any condition, proviso, restriction, exception, or reservation that may be set out in Tsawwassen Law, but does not include a fee simple interest in Tsawwassen Lands held by the Tsawwassen Government;

- (2) Unless specifically provided otherwise in this regulation, the terms used herein have the same meaning as defined in the Act.

#### **Licence Required**

- 5 (1) Except as hereinafter provided or by order of the Executive Council, no person shall carry on a business on Tsawwassen Lands, without holding a valid and subsisting licence for the business so carried on.
- (2) Every licence issued pursuant to this regulation shall authorize the holder to carry on the business stipulated in the licence in a lawful manner for the period, within the times, and at the premise specified in the licence, subject to the terms and conditions specified on the licence.
- (3) Where a business is carried on in or at more than one premise, each premise is deemed to be a separate business.
- (4) Every person who operates more than one business from the same premise must apply for and maintain a separate business licence in respect of each business.

#### **Non-transferability**

- 6 (1) Every licence issued is personal to the person named therein and may not be transferred, given, lent, or sold to another person.
- (2) Where any person purchases the controlling interest in a business licensed under this regulation from another person, the licence of that business expires sixty (60) days after the purchase.

#### **Licence Conditions**

- 7 (1) It shall be the responsibility of the applicant for a licence under this regulation to ensure that the business complies with all applicable regulations and other enactments, including, without limitation, the *Land Use Planning and Development Act*, the *Fire Services Act* (BC), and the *Public Health Act* (BC), and the regulations made pursuant thereto, and the applicant shall, upon request by the Director, produce certificates, permits or letters of approval as may be required by applicable governmental authorities.
- (2) Neither the issuance of a licence under this regulation nor the acceptance or review of supporting documents, nor any inspections made by or on behalf of the Tsawwassen First Nation, shall in any way relieve the business or its owners from full and sole responsibility to comply with this regulation and any other applicable enactments.

- (3) Neither the issuance of a licence under this regulation nor the acceptance of supporting documents, nor any inspections made by or on behalf of the Tsawwassen First Nation, constitute in any way a representation, warranty, assurance or statement that this regulation or other applicable enactments have been complied with.
- (4) No person shall rely upon any licence as evidence of compliance with this regulation or assume or conclude that this regulation has been administered or enforced according to its terms.

#### **Businesses Licensed to Serve Liquor**

- 8 No one may sell, distribute or serve liquor on Tsawwassen Lands without a valid permit issued under applicable laws.

#### **Safety**

- 9 (1) Every licence application shall be accompanied by a satisfactory fire safety inspection report, except a license application for a home-based business, subject to subsection (2).
- (2) The Director may require that a home-based business obtain a satisfactory fire safety inspection report before issuing a license.
- (3) Every licence application must be accompanied by confirmation of approvals from other regulatory agencies that provide approvals for the business, such as Fraser Health or the Liquor Licensing Board, or any other approval required by the Director.

#### **License to be Displayed**

- 10 (1) Every licence granted under this regulation must be displayed in a conspicuous place on the premise for which the licence was issued.
- (2) Where the licensee has no permanent business premises on Tsawwassen Lands, the licence shall be carried upon the licensee's person, or by a representative of the licensee at all times when the licensee is engaged within Tsawwassen Lands in the business for which the licence was issued.

## **PART 2 – EXEMPTIONS**

#### **Licence not required**

- 11 (1) Notwithstanding the provisions of this or any other regulation, a business licence is not required for the following activities:
  - (a) any business, the entire proceeds of which, above actual bona fide expenses, are devoted to any charitable purposes, but does not include a charitable casino;
  - (b) any performance, concert, exhibition or concession which is held in a premise that is licensed for such a purpose;
  - (c) any business of renting rooms where not more than two rooms are available for renting;
  - (d) carriers and taxi cabs and owners or operators of carriers other than taxi cabs whose premise and licence are maintained in another jurisdiction and whose

only activity on Tsawwassen Lands is the picking up and/or discharge of chattels or passengers;

- (e) owners or operators of retail businesses whose premise and licence are maintained in another jurisdiction and whose only activity on Tsawwassen Lands is to deliver commodities already purchased or requested for delivery and pick up of commodities being returned or exchanged;
  - (f) a wholesaler, manufacturer, or processor whose premise and licence are maintained in another jurisdiction and whose only activity on Tsawwassen Lands is to deliver merchandise in their own vehicle to licensed businesses and/or licencees for resale by them in the ordinary course of their business; and
  - (g) a farm operation.
- (2) For greater certainty, and despite subsection 11(1)(g), a business license is required for the operation of a roadside stand or other retail business located on a farm.

### **PART 3 – APPLICATION AND PROCESS**

#### **Licence Applications**

- 12 Every application for a licence must
- (a) be made to the Director in the form contained in Schedule B [*Application for a Business Licence*] of this regulation;
  - (b) be signed by the owner of the business or his/her agent, who is authorized in writing by the owner, to make such application on behalf of the owner, or, in the case of a corporation, be signed by a director of the corporation or an agent authorized in writing by a director to make such application on behalf of the corporation;
  - (c) in the case of partnerships, joint ventures, or multiple owners, any one of such partners or owners may apply and such partner or owner will be deemed to be duly authorized by all the remaining partners or owners; and
  - (d) be accompanied by the fee prescribed in Schedule A [*Licence Classes and Fee Amounts*] of this regulation.

#### **Applicant must give true information**

- 13 An applicant must at the time of making the application give true, correct, and complete details and facts with regard to all information about the business for which the application is being made.

### **PART 4 – ISSUING OF LICENCES**

#### **Director authorized**

- 14 (1) The Director is authorized to issue or deny business licences as provided in this regulation.
- (2) A licence may be issued with conditions which the Director considers necessary, including, but not limited to, that specified insurance be obtained, and documentation thereof provided to the Director, that the applicant indemnify



Tsawwassen First Nation, or stating a maximum number of occupants allowed on the premise of the business.

- (3) The Director may deny a business license to an applicant who:
  - (a) has been convicted under any law of the Tsawwassen First Nation, another First Nation, the Province of British Columbia or Canada in relation to the activities of the business for which the applicant has applied; or
  - (b) is the owner of a business whose license was suspended or revoked under section 27 [*Suspension and Revocation*] of this regulation, and that suspension or revocation was not reversed under section 28 [*Administrative Review*] or set aside under section 29 [*Appeal*].
- (4) If the Director denies a business license under subsection 14(3), the Director shall provide a written summary of the reason(s).

#### **No licence issued**

- 15 (1) The Director may refuse to review any application which is materially incomplete or insufficient to ascertain whether the business complies with this or other applicable laws or regulations.
- (2) The Director must deny a business licence if the business is not permitted under the *Zoning Regulation* (Tsawwassen) or does not comply with the provisions of this regulation or other applicable laws or regulations, in which case the Director shall provide a written summary of the reason(s) for the refusal.

#### **Licence cancelled**

- 16 (1) If an application for a business is approved in error, the licence will be cancelled at the time that the error is uncovered, and the applicant will be sent notification to the contact address provided by the applicant.
- (2) If an application for such a business is accepted due to any misrepresentation or concealment of fact, the application will be revoked upon the discovery of such misrepresentation or concealment of fact, and no refund will be given.

## **PART 5 – LICENCE FEES AND TERMS**

#### **Fees**

- 17 (1) The licence fees set out in Schedule A [*Licence Classes and Fee Amounts*] are hereby imposed. Every applicant for a licence must pay to Tsawwassen First Nation at the time of application, the proper licence fees set out in Schedule A and no licence will be issued until payment of the fee is made.
- (2) No fee is payable by Member-owned businesses for licences issued under this regulation.

#### **Licence term**

- 18 All licences issued pursuant to this regulation shall terminate one year from the date the application is approved.

## PART 6 – LICENCE RENEWAL

### Renewal Requirements

- 19 (1) Each licensee wishing to continue operation must renew their licence before it expires.
- (2) A request for renewal must be sent to the Director using the form provided in Schedule B [*Application for Business Licence*] of this regulation, and accompanied by the appropriate fee as established in Schedule A [*Licence Classes and Fee Amounts*] of this regulation.

### Late Renewal

- 20 Any licence renewal requests received after the termination of the licence period shall be levied a late processing fee as established in Schedule A [*Licence Classes and Fee Amounts*] of this regulation.

### Licence No Longer Required

- 21 Every licensee must notify the Director in writing when the licence is no longer required. The licence will be cancelled upon receipt of such notification or on the date indicated in the notification as the end of business operations. There will be no refund or partial refund of the licence fee.

## PART 7 – CHANGES AFFECTING LICENCE

### Changes

- 22 (1) Every licensee must immediately notify the Director in writing of:
  - (a) any change in the contact and/or business address, provided that if the intention is relocation of the business to a different premise than the premise for which the licence was granted, a business licence application must be submitted and approved for the new premise prior to such relocation;
  - (b) any change in the nature or activities of the business;
  - (c) any change to the name of the business;
  - (d) any change to the ownership of the business; and
  - (e) any change to any term or condition on which the licence was granted.
- (2) If any notification given under subsection 22(1) would lead to an additional fee under Schedule A [*Licence Classes and Fee Amounts*] of this regulation, the additional amount shall be paid at the time when the notification is given.
- (3) For certainty, an application to relocate an existing business to a new location may require a fire inspection report as set out in section 9 [*Safety*].

## PART 8 – LICENCE OPERATION

### Mobile Businesses

- 23 Operation of a mobile business is prohibited:
  - (a) on any leaseholder or TFSI lands except with the written permission of the occupier or authorized agent of the occupier;

- (b) in any roadway such that flow of vehicular or pedestrian traffic is obstructed or impeded, including by customers accessing the mobile business, except with authorization by Tsawwassen First Nation government; and
- (c) at any location where the Tsawwassen First Nation Zoning Regulation does not provide for the operation of such a business.

#### **Conditions**

- 24 The mobile business licence may be issued with conditions which the Director deems necessary, including, but not limited to, that the business:
- (a) provide on-site receptacles for garbage, and dispose of the garbage in an appropriate manner;
  - (b) not operate at certain hours of the day;
  - (c) not be or become a nuisance by generating excessive odours, music, light, or noise;
  - (d) limit the accessory equipment around the vending vehicle; and
  - (e) limit the distance the vending vehicle must be from a like food service establishment.

#### **Businesses Offering Accommodations**

- 25 All licencees whose business activities include the letting of rooms, suites, or other accommodations shall maintain a register of all persons dwelling therein that includes the name and contact information of those persons and that shall be produced at the request of any enforcement officer.

#### **Access to Premise**

- 26
- (1) The Director or a designated Tsawwassen enforcement officer may enter at any reasonable hours, any house, place, premises, vehicle, or other place in respect of which a licence has been applied for, granted or may be required under this regulation, for the purpose of ascertaining that the terms of this regulation are being observed, except that where any residential building is occupied, must obtain the consent of the occupant, or provide written notice to the occupant 24 hours in advance of entry.
  - (2) Despite subsection 26(1), the Director or a designated Tsawwassen enforcement officer may conduct an inspection without providing notice to the occupant of a residential building if:
    - (a) providing notice would not be reasonably possible or practical in the circumstances, or
    - (b) providing notice would frustrate the purposes of the inspection.
  - (3) An individual authorized under Federal law or British Columbia law to inspect premises to ensure health and safety, may enter at any reasonable hours, any house, place, premises, vehicle, or other place in respect of which a licence has been applied for, granted or may be required under this regulation, for the purpose of ascertaining that a business is observing the applicable health and safety laws and regulations.
  - (4) It shall be unlawful for any person to prevent or obstruct or attempt to prevent or obstruct the Director or designated Tsawwassen enforcement officer from carrying out any of their official duties under this regulation.

## **PART 9 – SUSPENSION AND REVOCATION**

### **Suspension and Revocation**

- 27 (1) The Director may revoke or may suspend a licence for any period of time deemed necessary if the licensee:
- (a) is convicted of an offence indictable in Canada;
  - (b) is convicted under any law of the Tsawwassen First Nation, another First Nation, the Province of British Columbia or Canada in relation to the activities of the business for which the licensee is licensed;
  - (c) has, in the opinion of the Director, been guilty of such gross misconduct in respect of the business for which the licensee is licensed or with respect to the premise for which the business is licensed as to warrant the suspension of the holder's licence;
  - (d) has ceased to meet the legal or regulatory requirements to carry on the business for which the licensee is licensed or with respect to the premise for which the business is licensed;
  - (e) has failed, or ceased, to meet the conditions imposed by the Director as a condition of issuing the licence; or
  - (f) has, in the opinion of the Director, conducted the business in a manner, performed a service in a manner, or sold, offered for sale, displayed for sale or distributed to a person actually or apparently under the age of 16 years, anything that may be harmful or dangerous to the health or safety of a person actually or apparently under the age of 16.
- (2) A revocation or suspension under this regulation must be made in writing, signed by the Director and served on the licensee or delivered to the contact address provided in the licence application.
- (3) No licensee will engage in any business operations or activities or otherwise conduct a business for which a suspension is in effect.

## **PART 10 – APPEALS AND RECONSIDERATION**

### **Administrative Review**

- 28 (1) An applicant or a licensee who wishes reconsideration of a decision of the Director must, within ten business days of receipt of notice of the decision, deliver to the Chief Administrative Officer a written request stating the grounds upon which the request for reconsideration is based, together with any relevant supporting information or evidence.
- (2) The Chief Administrative Officer must consider the request within 30 days of receipt of the notice.
- (3) The Chief Administrative Officer may concur with, modify, or reverse the decision of the Director, and must provide written notification to the applicant or licensee and the Director of the decision.

### **Appeal**

- 29 (1) If the applicant or licensee is dissatisfied with the decision under section 28, he or she may appeal the matter to the Judicial Council no later than 10 business

days after the Chief Administrative Officer's written decision is provided to the applicant or licensee.

- (2) Judicial Council will consider the appeal pursuant to the *Administrative Review and Judicial Proceedings Act*.
- (3) The Judicial Council may confirm, modify, or set aside the decision of the Director or the Chief Administrative Officer.
- (4) The decision of the Judicial Council is final.

## **PART 11 – OFFENCES**

### **Contraventions**

- 30 (1) Any person who contravenes, violates or permits any act or thing to be done in contravention of, or neglects or refrains from doing anything required to be done pursuant to the provisions of this regulation, commits a contravention and shall, in addition to any other provisions of this regulation, be liable:
- (a) to a penalty as set out in the Tsawwassen First Nation Ticket Regulation, 2013;
  - (b) if no penalty is set out for the contravention in the Tsawwassen First Nation Ticket Regulation, 2013, then to a fine not exceeding \$2,000;
  - (c) to business licence restrictions, suspension or revocation; or
  - (d) to both business licence restrictions, suspension, or revocation under subsection (c) and either a penalty under subsection (a) or a fine under subsection (b).
- (2) Every day that a contravention continues under this regulation constitutes a separate and distinct contravention.
- (3) Contraventions of this regulation are designated for enforcement under the *Community Governance Act* (Tsawwassen) or the *Laws Enforcement Act* (Tsawwassen).

## **PART 12 – COMING INTO FORCE**

### **Effective Date**

- 31 This regulation comes into force on the date of its enactment by Executive Council.

### **Schedules**

- 32 Schedules A and B to this regulation form a part of this regulation.

## SCHEDULE A – LICENCE CLASSES AND FEE AMOUNTS

| Licence Classes                                   | Fees   |
|---|--|
| Basic Fee For All Businesses Not Otherwise Listed | \$175 per year   |
| Home-Based Business                               | \$60 per year  |
| Temporary Business                                | \$50 per 90-day period   |
| Carnival  | Each mechanical riding device, game of chance or skill - \$20 per day;<br>Amusement Machines – each machine \$35 per day |
| Warehouse   | First 2,000 ft <sup>2</sup> \$110, and<br>Each additional 1,000 ft <sup>2</sup> \$25 per year                            |
| Late Renewal Fee                                  | \$50   |
| Member-Owned Business                             | \$0  |

*Amended by Order number O.068-2019*

# SCHEDULE B – APPLICATION FOR A BUSINESS LICENCE



1926 Tsawwassen Drive  
Tsawwassen, BC V4M 4G2  
Canada

Tel (604) 943 2112  
Fax (604) 943 9226  
www.tsawwassenfirstnation.com

Terms used in this application form have the meanings ascribed to them in the *Business License Regulation*.

## Business type – check all that apply

- Business operating on Tsawwassen Lands
- Member-owned business
- Mobile business
- Home-based business – number of employees \_\_\_\_\_
- Temporary business – dates of operation \_\_\_\_\_ to \_\_\_\_\_

## Business Information

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

Nature and activities of business: \_\_\_\_\_

\_\_\_\_\_

Will the public be attending the business? Yes  No

Proposed hours of operation: \_\_\_\_\_

Business address or location: \_\_\_\_\_

Phone number: \_\_\_\_\_ Email Address: \_\_\_\_\_

## Contact Address

- Same as Business Address
- Same as Owner Address
- Other: Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ Province: \_\_\_\_\_ Postal Code: \_\_\_\_\_

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

## Owner Information

Name (individual or corporation): \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ Province: \_\_\_\_\_ Postal Code: \_\_\_\_\_

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

Tsawwassen Member? Yes / No

If Yes, what proportion of the business do you own? \_\_\_\_\_

*If there are additional owners, please attach a separate sheet with the above information for each.*

**This application must be accompanied by the fee set out in Schedule A of the *Business License Regulation*.**

I hereby apply to Tsawwassen First Nation (“TFN”) for the issuance of a business license under the provisions of the *Business License Regulation*. By signature hereon, I declare that all information provided in the support of this application is true and correct. I fully understand that acceptance of a fee and/or the issuance of a business license by TFN is done solely to satisfy the requirements of the *Business License Regulation* and does not convey or imply assurance by TFN or its employees that this business conforms to the *Business License Regulation* or any other enactment. I further understand this is an application only and does not constitute the issuance of a business license.

Signature of owner, director or authorized agent: \_\_\_\_\_ Date: \_\_\_\_\_

| FOR OFFICE USE ONLY |                  |        |                    |               |
|---------------------|------------------|--------|--------------------|---------------|
| Date Received       |                  | File # |                    | Date Approved |
| Zoning              | Fire             | Health | Building           | Insurance     |
| Occupancy           | Public Attending | Signs  | Good Neighbour Reg |               |
| Other               |                  |        |                    |               |
| Notes               |                  |        |                    |               |

The personal information on this form is collected under section 15 of the *Freedom of Information and Protection of Privacy Act*. The information will be used to process business license applications and to inform development and zoning planning activities of Tsawwassen First Nation government. If you have any questions about the collection or use of this information, please contact the CAO at 604-943-2112.