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TSAWWASSEN FIRST NATION

***Land Use Planning and Development Act***

**OFFSITE LEVIES REGULATION**

**Date Enacted: 3 April 2009**

*Order Number: O.053-2009*

**Last Amended: 5 September 2023**

*Order Number: O.071-2023*

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## Table of Regulation Changes

Section(s) Amended	Date	Order number	Come Into Force Date
s.3.3 added	08/12/2010	O.060-2010	08/12/2010
Renumbering Pre-amble deleted Definitions added to s.2.1 s.3.1 repealed and replaced s.3.2 repealed and replaced s.5, s.6, s.7 added sch. A repealed and replaced	29/02/2012	O.019-2012	29/02/2012
Sch. A amended	14/11/2012	O.059-2012	14/11/2012
s.3(1) amended s.7(2) amended s.7(4)(c) amended sch. A repealed and replaced	18/12/2013	O.117-2013	18/12/2013
Sch. A repealed and replaced	14/05/2014	O.047-2014	14/05/2014
Definitions added/amended/deleted (s.2) Sch. A repealed and replaced	03/06/2015	O.042-2015	03/06/2015
Sch. A amended	27/07/2016	O.059-2016	27/07/2016
Sch. A amended	20/09/2017	O.072-2017	20/09/2017
Sch. A amended	29/05/2018	O.035-2018	29/05/2018
Schedule A amended	07/05/2019	O.034-2019	07/05/2019
Schedule A amended	14/07/2020	O.048-2020	14/07/2020
Schedule A amended	25/05/2021	O.035-2021	25/05/2021
Schedule A amended	14/06/2022	O.054-2022	14/06/2022
Schedule A amended	05/09/2023	O.071-2023	05/09/2023

## *Contents*

1. Citation .....	2
2. Interpretation .....	2
3. Levies Payable.....	2
4. Schedule .....	2
5. Offsite Levy Capital Works Plan .....	3
6. Offsite levies formula.....	3
7. Front ended works .....	3
8. SCHEDULE A .....	4

## Citation

1 This Regulation may be cited as “Tsawwassen First Nation Offsite Levies Regulation, 2009”.

## Interpretation

2 In this Regulation:

“**Act**” means the *Land Use Planning and Development Act*;

“**activity**” means the activities listed in section 62 (2) of the Act;

“**dwelling unit**” has the same meaning as defined in Tsawwassen *First Nation Zoning Regulation, 2009*, as amended or replaced from time to time;

“**gross floor area**” or “**GFA**” means the total area of all the floors, measured to the extreme outer limits of all buildings, including all dwelling units and all areas giving access thereto such as corridors, hallways, landings, foyers, staircases and stairwells and including all enclosed balconies and mezzanines, enclosed porches or verandas, elevator shafts, and accessory buildings shall also be included;

“**per unit**” or “**/unit**” means per dwelling unit approved by building permit; and

“**qualified professional**” means a licenced professional engineer.

[Amended by Order number O.019-2012]

[Amended by Order number O.042-2015]

(2) Unless specifically defined herein, words and phrases used in this regulation shall be construed in accordance with the meanings assigned to them in the Tsawwassen First Nation *Final Agreement* or the Tsawwassen First Nation *Land Use Planning and Development Act*, as the context and circumstances require.

## Levies Payable

3 (1) Subject to exemptions established in section 65 of Act [Exemptions from payment of offsite levies], and subject to any agreement entered into by Tsawwassen First Nation, every person must pay to the Tsawwassen First Nation the applicable levies established in Schedule A, indexed to the annual rate of inflation for British Columbia as determined by the Statistics Canada consumer price index for British Columbia, as a condition of

(a) approval of a subdivision, or

(b) a building permit authorizing the construction, alteration or extension of a building or structure.

[Amended by Order number O.019-2012]

[Amended by Order number O.117-2013]

(2) In the case of a multiple use building, must pay the accumulation of applicable offsite levies for each use.

[Amended by Order number O.019-2012]

(3) No offsite levy is payable if

(a) Four (4) or fewer lots are being subdivided as part of one application, and

(b) the lots that are subject of the application are located within the RS1 zone of Tsawwassen Lands, as identified in the Zoning Regulation.

[Amended by Order number O.060-2010]

## Schedule

4 Schedule A is attached to and forms part of this Regulation.

## Offsite Levy Capital Works Plan

- 5 The Offsite Levy Capital Works Plan is composed of a list of activities that form the basis for the calculation of the offsite levy rates, and is a component of the Tsawwassen capital works plan.

[Amended by Order number O.019-2012]

## Offsite levies formula

- 6 Offsite levies applied pursuant to section 3 of this regulation will be calculated and applied to persons on the basis of their estimated proportionate share of use of a specific activity contained within the Offsite Levy Capital Works Plan, as determined by a qualified professional selected by Executive Council.

[Amended by Order number O.019-2012]

## Front ended works

- 7 (1) In this section
- (a) **“front-end works”** means works that are identified in the Offsite Levy Capital Works Plan and are constructed at the front-end of a development by a person liable to pay an offsite levy for an activity.
  - (b) **“class of activity”** means
    - (i) sewage works,
    - (ii) water works,
    - (iii) transportation works, including but not limited to highway, pedestrian, parking, and cycling works,
    - (iv) community developments or amenities, or
    - (v) drainage works.
- (2) If a person who is liable for the payment of offsite levies is required to construct front-end works, then they are eligible for an offsite levy credit, and the Executive Council may enter into an agreement with the person to set out the timing and the terms and conditions of any repayment of any excess front-ended works.

[Amended by Order number O.117-2013]

- (3) The amount of the offsite levy credit may not exceed the cost of the work that is identified in the Offsite Levies Capital Works Plan.
- (4) Agreements made under this section will be subject to the following terms and conditions:
  - (a) the maximum term of an agreement is 20 years;
  - (b) interest will not apply to any front-end works; and
  - (c) an offsite levy credit will be paid as offsite levy revenues are collected from other persons who are liable to pay an offsite levy for the same class of activity, or, where the cost of front-ended works carried out or to be carried out by a developer in connection with a development exceed the amount of the offsite levy for the development, the agreement may provide for reimbursement to the developer of eligible excess costs, as such costs are incurred, up to the maximum amounts for the costs of the front-ended works, for each class of activity, set out in the Offsite Levy Capital Works Plan.

[Amended by Order number O.019-2012]

[Amended by Order number O.117-2013]

## SCHEDULE A

Category of Use	Offsite Levy Charge	Fee Payable Upon
<b>Single Family (per lot)</b>	\$62,137.95	Final Subdivision Approval
<b>Multi-Family Residential</b>		
Townhouse	\$47,903.37	Issuance of Building Permit
*includes Duplex units (per unit)		
Apartment (per unit)	\$35,229.75	Issuance of Building Permit
<b>Commercial (per m<sup>2</sup>)</b>	\$530.50	Issuance of Building Permit
<b>Industrial (per ha)</b>	\$468,553.31	Final Subdivision approval or Issuance of Building Permit

[Amended by Order number O.019-2012]

[Amended by Order number O.059-2012]

[Amended by Order number O.117-2013]

[Amended by Order number O.047-2014]

[Amended by Order number O.042-2015]

[Amended by Order number O.059-2016]

[Amended by Order number O.072-2017]

[Amended by Order number O.035-2018]

[Amended by Order number O.034-2019]

[Amended by Order number O.048-2020]

[Amended by Order number O.035-2021]

[Amended by Order number O.054-2022]

[Amended by Order number O.071-2023]

Offsite Levies collected by TFN must be placed into a reserve fund and may only be used to fund activities listed in section 62 (2) (a) (b) (c) [*Imposition and payment of offsite levies to Tsawwassen Government*] of the *Land Use Planning and Development Act* as amended from time to time.