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TSAWWASSEN FIRST NATION

Land Use Planning and Development Act

TEMPORARY USE PERMIT REGULATION 2024

Date Enacted: 15 October 2024

Order Number: O.069-2024

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Table of Regulation Changes

Section(s) Amended	Date	Order number	Come Into Force Date

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Authority

- 1 This regulation is enacted under Section 99 of the *Land Use Planning and Development Act*.

Application

- 2 This regulation applies to Permits for temporary use of land or structures on Tsawwassen Lands, including uses not in compliance with requirements set out in the *Zoning Regulation* and/or the *Subdivision and Development Regulation*.

Definitions

- 3 In this Regulation:

“**Applicant**” means any person applying for a Permit;

“**Director**” means the Director of Lands, or any other person designated by the Chief Administrative Officer, and includes an Acting Director of Lands or an interim Director of Lands;

“**Land Holder**” means the holder of an interest in Tsawwassen Lands;

“**Permit**” means a temporary use permit issued by the Director under this regulation;

“**Permit Holder**” means a person who has been issued a Permit; and

“**Temporary Use**” means the use of land or a structure for less than three years.

General Guidelines

- 4 All costs and liabilities in respect of the Temporary Use authorized by a Permit are the responsibility of the Permit Holder.

Application Requirements

- 5
 - (1) A Land Holder, or a person acting on the Land Holder’s behalf, may apply for a Permit to the Director or their designate.
 - (2) Applicants must submit an application in the form prescribed by the Director, as amended from time to time, together with all supporting materials specified in such form.
 - (3) Applicants must pay a non-refundable application fee as set out in the *Consolidated Planning and Development Application Fees Regulation*.
 - (4) The Director may waive the application fee for an Applicant who is a Tsawwassen Member.
 - (5) In addition to the Permit, the Director may require an Applicant to obtain one or more additional development permits.

Permit Issuance or Refusal

- 6 (1) The Director may issue a Permit with or without conditions.
- (2) The Director may for any reason refuse an application for a Permit.
- (3) The Director may, in their absolute discretion, refer an application for a Permit to Executive Council for their direction or approval.
- (4) If an application is refused, the Director will provide the Applicant with written reasons for the refusal.

Review of Decisions

- 7 (1) If the Director does not approve an application for a Permit, the Applicant may, within 30 days of the refusal, request that the decision be reviewed by the Chief Administrative Officer.
- (2) The Chief Administrative Officer may confirm, vary, or overturn the decision being appealed.

Permit Conditions

- 8 The Director may make the Permit subject to any conditions the Director considers appropriate including, but not limited to:
 - (a) measures to reduce impact on surrounding properties; and
 - (b) restoration of the land upon Permit expiry.

Permit Display

- 9 The Permit Holder must post a copy of the Permit on site.

Permit Length and Renewal

- 10 (1) A Permit is valid for three years or any shorter term specified by the Director in the Permit, and may be renewed once for an additional term of up to three years. Any further renewals must be approved by Executive Council.
- (2) Permit Holders must follow the requirements set by the Director for Permit renewal applications.

Security Deposit

- 11 (1) As a condition of Permit approval or renewal, the Director may require an Applicant to provide security of up to \$25,000 or 125% of the estimated demolition and remediation cost of site and building improvement for the proposed Temporary Use, whichever is greater.
- (2) If the Director considers that

- (a) a condition in a Permit has not been satisfied; or
- (b) an unsafe condition has resulted as a consequence of a contravention of a condition in a Permit; or
- (c) damage to the natural environment has resulted as a consequence of a contravention of a condition in a Permit;

then the Director may:

- (d) undertake, at the expense of the Permit Holder, the works, construction or other activities required to satisfy the condition, correct the unsafe condition or correct the damage to the environment; and
 - (e) apply the security under subsection (1) in payment of the cost of the works, construction or other activities, with any excess to be returned to the Permit Holder at the end of term of the Permit.
- (3) If the cost of the works carried out in accordance with (2)(d) exceeds the value of the security provided by the Permit Holder, the Permit Holder shall be liable to reimburse Tsawwassen First Nation for the amount of excess.

Compliance and Enforcement

- 12 (1) Any person who contravenes this Regulation, or violates the conditions of a Permit, may be liable:
- (a) to a penalty as set out in the Ticket Regulation;
 - (b) if no penalty for the contravention is set out in the Ticket Regulation, to a fine not exceeding \$2,000;
 - (c) to restriction, amendment or revocation of their Permit by the Director; and
 - (d) to suspension or revocation of their business license by the Director, as set out in the Business License Regulation.
- (2) Contraventions of this regulation are designated for enforcement under the Land Use Planning and Development Act or the Laws Enforcement Act.
- (3) Every day that a contravention continues under this regulation constitutes a separate and distinct contravention.