
METIS SETTLEMENTS GENERAL COUNCIL

Business Property Contributions Policy

Policy GC-P9602

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Business Property Contributions Policy GC-P9602

Part I - Context

1.01 Background

The Metis Settlement areas have been set aside, and title transferred to the Metis Settlements General Council, to provide a land base for the preservation and enhancement of Metis culture and identity. These lands are also used, however, for business purposes, including industrial and commercial operations. Under the *Metis Settlements Act*, if a suitable General Council Policy is in effect a Settlement Council can make bylaws requiring those who use land in the Settlement Area to contribute to the cost of providing community services.¹

1.02 Purpose

The purpose of this Policy is to establish a fair, orderly, and equitable system by which those who use land in a Settlement area for business purposes can be required to contribute a fair share, based on valuation or agreement, to the cost of maintaining a viable Metis community in the Settlement area.

1.03 Definitions

In this Policy,

- (a) *Act* means the *Metis Settlements Act*;
- (b) *business property* means property used to carry on a business other than a member owned farm;
- (c) *contributing property* means business property for which an annual business property contribution toward community services is required;
- (d) *deemed value* means the value as determined under Part 3 of this Policy;
- (e) *improvement* means
 - (i) a structure,
 - (ii) any thing attached or secured to a structure, that would be transferred without special mention by a transfer or sale of the structure,
 - (iii) a mobile unit, and
 - (iv) machinery and equipment;
- (f) *machinery and equipment* means materials, devices, fittings, installations, appliances, apparatus and tanks other than tanks used exclusively for storage, including supporting foundations and footings and any other thing prescribed by General Council resolution that forms an integral part of an operational unit intended for or used in
 - (i) manufacturing,
 - (ii) processing,

¹ For reference see s.166(l) and s.222 (1)(i) of the *Metis Settlements Act*.

- (iii) the production or transmission by pipeline of natural resources or products or byproducts of that production, but not including pipeline that fits within the definition of linear property in this Policy,
- (iv) the excavation or transportation of coal or oil sands, as defined in the Oil Sands Conservation Act,
- (v) a telecommunications system, or
- (vi) an electric power system,
whether or not the materials, devices, fittings, installations, appliances, apparatus, tanks, foundations, footings or other things are affixed to land in such a manner that they would be transferred without special mention by a transfer or sale of the land;
- (g) **member owned farm** means a farm, including a ranch or tree farm², that is directly owned and operated by one or more settlement members³;
- (h) **mobile unit** means a structure that is designed to be towed or carried from place to place and used as a residence or for any other purpose; mobile unit" means a structure that is designed to be towed or carried from place to place and used as a residence or for any other purpose;
- (i) **property** means
 - (i) a parcel of land,
 - (ii) an improvement,
 - (iii) a parcel of land and the improvements to it, or
 - (iv) linear property as defined in the *Municipal Government Act*;⁴
- (j) **responsible contributor** means the person required under section 2.04 to pay the annual required business property contribution for a specific contributing property;

and terms defined in the Act, or regulations made under it, have the same meaning when used in this Policy unless the context makes such an interpretation unreasonable.

1.04 Interpretation

- (1) The annual required business property contributions⁵ provided for in this Policy should be considered as a property tax, and responsible contributors as taxpayers.⁶
- (2) The periods of time referred to in this Policy should be determined in accordance with the *Interpretation Act*.
- (3) The footnotes in this Policy are a part of the Policy included to help with interpretation.

² A tree farm means a farm on which trees are planted, cared for, and harvested for sale. It does not include a logging operation.

³ For example, a commercial agricultural enterprise carried on by a business corporation would not be a farm.

⁴ A copy of this definition is attached as Schedule A to this Policy.

⁵ The use of the term "contribution" should not be interpreted as meaning the payment is in lieu of tax.

⁶ For example, in applying s.36 (1)(b) of the *Metis Settlement Land Registry Regulation*.

Part 2 - Required Contributions

2.01 Purpose

The purpose of this part is to identify the kinds of property that can be required to contribute to the cost of community services, establish the means of calculating a fair contribution, and specify who has to pay the contribution.

2.02 Classes of contributing property

- (1) The classes of contributing property are Heavy Industrial, Linear, and Commercial, where
 - (a) the Heavy Industrial class of contributing property consists of property, other than linear and personal property, used in relation to the search for, or removal of, minerals, or for manufacturing or processing;
 - (b) the Linear class of contributing property consists of linear property as defined in this Policy;
 - (c) the Commercial class of contributing property consists of any business property not reasonably classed as Heavy Industrial or Linear.
- (2) Any question as to which class a business property belongs to must be decided by the valuator based on the nature and use of the property and the ordinary meaning of the names of the classes.
- (3) The General Council may, by resolution of the General Council Assembly, create additional classes of contributing property or refine the definition of a class.

2.03 Business Property Contributions Bylaw

- (1) A Settlement can make an annual Business Property Contributions Bylaw, and, where appropriate, a supplementary Business Property Contributions Bylaw.
- (2) The bylaw can
 - (a) specify, as a percentage of the deemed value of the property,⁷ a required rate of contribution for each class of non-exempt business property in the settlement area;
 - (b) specify the rate of interest applied to unpaid contributions;
 - (c) exempt business property for which the deemed value is below a specified amount; and
 - (d) identify the business properties for which the business property contribution is determined by agreement.
- (3) The bylaw cannot specify a required rate of contribution that
 - (a) is inconsistent with the provisions of this Policy or the Settlement's annual budget bylaw, or
 - (b) is more than 130% of the maximum mill rate for similar classes of property in adjacent local government areas using similar assessment methods.
- (4) A supplementary Business Property Contributions Bylaw can be made if needed to require

⁷ The deemed value is the value as determined in Part 3.

business property contributions in relation to improvements beginning operation part way through the year.

2.04 Responsible Contributor

- (1) The person required to pay the annual business property contribution for a particular type of business property is as set out in Schedule B.
- (2) A person who purchases property or in any other manner becomes liable to be shown on the valuation list as the responsible contributor must give the settlement written notice of a mailing address to which notices can be sent.

2.05 Annual contribution

- (1) The annual required business property contribution is proportionate to the amount of the full calendar year that the property qualifies as a contributing property.
- (2) All annual required business property contributions, other than supplementary contributions, are deemed to have been imposed on January 1.
- (3) The requirement to contribute in a year ceases to exist if notice to contribute is not given by December 31 of the year the contribution is due.

2.06 Determining contribution by agreement

- (1) A Settlement council can make an annual contributions agreement with a responsible contributor by which the annual required contribution for the contributing property is determined by some means other than by applying a contribution rate to a deemed value.
- (2) An annual contributions agreement is not effective unless
 - (a) it contains provisions for periodic review of the required contribution and for resolving any related disputes, and
 - (b) it is approved by by-law.
- (3) While an annual contributions agreement is in effect, this Policy and by-laws under it must be interpreted and applied in such a way as to give effect to the agreement.

Part 3 - Valuation

3.01 Context

This Policy enables Settlements to require an annual contribution toward the cost of community services by applying a rate to the deemed value of business property in the Settlement area. In this Part, the Policy establishes a system for independently determining the deemed values of business properties for that purpose. This Part does not apply to business properties for which the annual required business property contribution is determined by agreement.

3.02 Appointment of valuator

- (1) Each year, the Settlement council must appoint a valuator for the purpose of preparing an annual valuation list of business property in the Settlement area.
- (2) A person may not be appointed as a valuator unless they are recognized as a qualified assessor of similar property in Alberta.

3.03 Duties of valuator

The valuator is responsible for

- (a) determining the deemed value of contributing property.
- (b) preparing and amending the valuation list.
- (c) reporting to and advising Settlement council on valuation matters.
- (d) dealing with inquiries and complaints from owners of business property with respect to valuation matters, and
- (e) attending appeal hearings at the request of the Settlement council.

3.04 Property subject to valuation

All business property in a Settlement area, for which the annual required business property contribution is not determined by agreement, is subject to valuation.

3.05 Principles governing valuation

Business property is to be valued as if the contributing property were located in an adjacent municipality outside the Settlement area and the *Municipal Government Act* assessment rules for the property in effect at the time applied.

3.06 Preparation of valuation list

- (1) Each calendar year the valuator must prepare a valuation list containing the deemed value of all contributing property.
- (2) The valuation list must specify, for each property,
 - (a) a description of the property with sufficient detail to identify and locate it;
 - (b) the name and mailing address of the responsible contributor;
 - (c) the deemed value of property including, when necessary or useful, separate values reflecting bare land and improvements;
 - (d) whether the property is exempt, subject to a contribution agreement, or required to contribute; and
 - (e) if necessary, the classification into which the property falls.

3.07 Effect of valuation list

The valuation list, as adopted or amended by Settlement council resolution, forms the basis for determining the business property contribution for the year of adoption.

3.08 Amending the valuation list

- (1) The valuation list may be amended at any time to reflect
 - (a) a reconsideration of technical matters by the valuator, or
 - (b) the outcome of a complaint or appeal.
- (2) A proposed change to the valuation list does not take effect as an amendment until it has been approved by Settlement council resolution.
- (3) Subject to subsection (4), an amendment to the valuation list has the effect of adjusting the contribution payable on the affected land in accordance with the principle of time proportionality set out in section 2.05.

- (4) The contribution adjustment is to be calculated as of the date on which the amendment could have been made, but no earlier than the beginning of the calendar year prior to the year in which the amendment is made.

3.09 Valuation Notice

- (1) Each year the Settlement must prepare a valuation notice for each contributing property on the valuation list and send the notice to the responsible contributor.
- (2) The notice must be sent on or before the date the annual contribution notice is sent and no later than June 30.
- (3) The notice must include
 - (a) the same information about the property as is on the valuation list;
 - (b) the date the valuation notice is sent to the responsible contributor;
 - (c) when and where the valuation list can be inspected;
 - (d) how a complaint can be filed; and
 - (e) the date by which a complaint may be made.
- (4) If the valuation list is amended in a way that affects the contribution required for a piece of business property, the Settlement must, as soon as practicable,
 - (a) prepare a valuation amendment notice, and
 - (b) send the notice to the responsible contributor.
- (4) A valuation amendment notice must contain the same information as a valuation notice, and as well point out how the valuation list has been amended.

3.10 Contribution Notice

- (1) Each year the Settlement must prepare a contribution notice for each contributing property on the valuation list and send the notice to the responsible contributor.
- (2) The contribution notice should be sent out by November 30, but cannot be sent out before the valuation notice.
- (3) The contribution notice must include
 - (a) an identification of the property similar to that on the valuation list;
 - (b) the date the notice is sent to the responsible contributor;
 - (c) the rate of contribution;
 - (d) the classification of the property; and
 - (e) the conditions for payment of the contribution, including
 - (i) when contribution must be received,
 - (ii) how payment can be made, and
 - (iii) what penalties apply to late payments.

3.11 Responsible Contributor's rights

- (1) This section applies to valuation notices and notices of contribution.
- (2) Anyone who receives a notice they think should be sent to someone else, or doesn't receive a notice they think they should have received, can write the Settlement explaining what

correction should be made, and why.

- (3) If satisfied a correction is required, the Settlement must enter the correct name and the date of the change on a new notice and send it to the persons affected.
- (4) The Settlement must provide a copy of the valuation record of a business property to the responsible contributor on request.
- (5) A responsible contributor (or their representative) is entitled to inspect and obtain copies of the valuation list during normal business hours.

3.12 Valuation complaints

- (1) On receiving the valuation notice, a responsible contributor can file a complaint with the Settlement about
 - (a) the deemed value of the property,
 - (b) the property's liability to contribution,
 - (c) the classification of the property, or
 - (d) anything on, or omitted from, the notice.
- (2) The complaint must
 - (a) be in writing,
 - (b) state how the complainant should be contacted, and
 - (c) be received by the Settlement within 30 days from the date the valuation notice was sent, and all rights of complaint and appeal are lost if any of these conditions are not met.
- (3) The Settlement must refer the complaint to the valuator with instructions to review the matter with the complainant and report back to the Settlement council.
- (4) After considering the report, and providing the complainant an opportunity to be heard, the Settlement council may confirm the original valuation or adopt any changes recommended by the valuator, and may give, or decline to give, reasons for its decision.
- (5) A notice of the decision must be sent to the complainant, including information on how the decision can be appealed.

3.13 Appeal to the Metis Settlements Appeal Tribunal

- (1) A complainant who has received a notice of decision under section 3.12(5) can appeal to the Metis Settlements Appeal Tribunal on any matter raised in the original complaint to the Settlement.
- (2) If a complainant has not received a notice of a decision of Settlement council within 90 days of filing a complaint under section 3.12(1), the complainant may, within a further 30 days, file an appeal with the Metis Settlements Appeal Tribunal.
- (3) The notice of appeal must
 - (a) be in writing,
 - (b) state how the complainant should be contacted,
 - (c) explain the details of the complaint and the reasons for it, and
 - (d) be filed within 30 days of when the notice of the Settlement council's decision was sent.

- (4) In an appeal the Metis Settlements Appeal Tribunal must consider the principles established by this Policy.

3.14 Effect of decision on complaint or appeal

- (1) Where a Settlement council, the Metis Settlements Appeal Tribunal, or a court orders that a valuation be changed, the valuation list must be amended immediately and the contribution for the year adjusted accordingly.
- (2) In case the contribution paid was more or less than would have been payable at the revised valuation, interest is payable on the difference at the Bank of Canada prime rate in place at the time of the revision order.

3.15 Information for the valuator

- (1) In order to determine a matter related to the valuation or qualification for contribution of a business property, a valuator may at any reasonable time
- (a) enter and inspect property and businesses,
 - (b) require the responsible contributor or occupier to produce records, documents and samples, and
 - (c) make copies of records and documents, and take samples.
- (2) The valuator must produce identification when requested to do so.
- (3) If the valuator is unable to carry out a full examination of the property because the property owner refuses to cooperate, the valuator may make a best estimate of the valuation and that valuation will be considered as valid as if a full examination had been completed.
- (4) Information obtained by a valuator as part of a valuation or valuation record must be kept confidential unless
- (a) it must be produced for the Metis Settlements Appeal Tribunal, or
 - (b) it is used in a way which does not identify the specific persons or property to which the information relates.

Part 4 - Contributions Administration

4.01 Appointment of Contributions Administrator

Each Settlement council must appoint a Contributions Administrator to maintain the valuation list send out notices, collect contributions, and administer other matters related to business property contributions.⁸

4.02 Contributions calendar

- (1) The valuator must complete the annual valuation list and deliver it to the Settlement by January 15 of the year for which the contribution is required.
- (2) The Settlement council must adopt the valuation list by March 1.

⁸ The Contributions Administrator may be someone who also holds another position, for example Settlement Administrator.

- (3) The Contributions Administrator must send out all valuation notices no later than November 30.

4.03 Payment of contributions

- (1) A Settlement council may agree with an owner of business property that contributions for the property will be paid by installments or any other means considered more convenient than a single annual payment.
- (2) Where a settlement council considers it fair and proper, it may, for a particular business property or class of business property, and with any conditions it considers appropriate.
 - (a) cancel or reduce contribution arrears,
 - (b) cancel or refund all or part of a contribution,
 - (c) defer the collection of a contribution, or
 - (d) phase in a contribution rate increase or decrease.

4.04 Payment due

- (1) A required contribution must be paid within 30 days of the sending of the contribution notice.
- (2) If there is an adjustment in the contribution required due to an amendment to the valuation list, the contribution must be paid within 30 days of the sending of the notice of contribution adjustment.
- (3) Any amount remaining unpaid after the due date is subject to a penalty at the rate of one percent (1%) per month compounded monthly, commencing the first day of the month following the due date, and the penalty becomes part of the required contribution.
- (4) The filing of a complaint, appeal or request for review of a contribution does not affect the requirement that the contribution be paid in full, and if it is not paid in full the Settlement may proceed with enforcement.
- (5) When a person is entitled to a refund as a result of a complaint, appeal or request for review, the Settlement must pay the person interest on the amount of the refund at the rate specified by by-law for unpaid contributions.

4.05 Confirmation of payment

On request, the Contributions Administrator must provide a written statement showing contributions paid in respect of specified business property and the amount owing, if any.

4.06 Valuations based on concealment or failure to disclose

- (1) If property was not valued or was valued at less than its proper value because the responsible contributor intentionally
 - (a) fails to disclose information, or
 - (b) conceals particulars relating to the property,a valuator may amend the valuation list to value the property in the manner in which it should have been valued.
- (2) A Settlement council may require a contribution and interest in respect of property under subsection (1) retroactively in the same way it could have required it if the valuation had been properly made.

4.07 Application of contribution

- (1) A contribution must be applied first to arrears.
- (2) If a person does not indicate to which property a contribution is to be applied, the Contributions Administrator may decide to which property the payment is to be applied.

4.08 Contributions become debt

Contributions due to a settlement

- (a) are an amount owing to the settlement,
- (b) are recoverable as a debt due to the settlement,
- (c) take priority over the claims of every person except the Crown, and
- (d) are a lien on the property in favour of the settlement.

4.09 Fire insurance proceeds

Contributions imposed in respect of improvements are a first charge on any money payable under a fire insurance policy for loss or damage to those improvements.

Part 5 - General Matters

5.01 Proof of documents and service

- (1) If the Contributions Administrator certifies that a document is a true copy the document may be used as evidence instead of the original.
- (2) A statutory declaration by an officer of a Settlement is sufficient evidence that a notice was sent on the date stated in the declaration.
- (3) A valuation notice or contribution notice is deemed to have been received 7 days after it is sent.

5.02 Adjustment of dates

The General Council may, by a resolution of the Assembly, amend any date specified in this Policy if the change

- (a) is considered necessary for the proper working of this Policy, and
- (b) does not unfairly alter the rights of a responsible contributor.

5.03 Validity of actions despite errors

Nothing done under this Policy or a by-law adopted under it is invalidated, nor is the liability of anyone to pay affected, by an error or omission in administration.

5.04 Limitations of Actions

- (1) Any action for the return of money paid to a Settlement for a business property contribution, or contribution arrears, must be started within 6 months of paying the money to the Settlement.
- (2) Notwithstanding subsection (1), an action based on a wrongfully requiring a contribution on exempt property may be started within two years of the date of the first payment on the contribution.

5.05 Protection of officials

The valuator, Contributions Administrator, members of Settlement council, and Settlement staff are not personally liable for anything they do or fail to do in good faith in order to carry out this Policy or a by-law made under it.

5.06 Application of Model Bylaw

The model by-law included with this Policy applies to each settlement area until amended or repealed by the settlement council.

5.07 Disagreements

If there is a disagreement over the meaning or effect of a provision of this Policy, any person directly affected can apply to the Metis Settlements Appeal Tribunal for a ruling.

5.08 Amendment

- (1) Subject to the provisions of this section, this Policy should be considered as a Policy to be subsequently amended or repealed in accordance with section 223(2) of the Act.
- (2) A proposed amendment to this Policy that unfairly discriminates against a Settlement cannot be passed without that Settlement's consent.
- (3) If, on a motion for third reading of a proposed amendment to this Policy there is a disagreement as to whether a proposed amendment unfairly discriminates against a Settlement, any Settlement can, within 30 days of the motion, apply under section 5.07 for a resolution of the disagreement.
- (4) Unless such an application is made within the specified time, it will be deemed that the proposed amendment does not unfairly discriminate against any settlement.

Linear Property Definition

In the *Municipal Government Act* "linear property" means

- (i) electric power systems, including structures, installations, materials, devices, fittings, apparatus, appliances and machinery and equipment, owned or operated by a person whose rates are controlled or set by the Public Utilities Board or by a municipality or under the *Small Power Research and Development Act*, but not including land or buildings.
- (ii) telecommunications systems, including
 - (A) cables, amplifiers, antennae and drop lines, and
 - (B) structures, installations, materials, devices, fittings, apparatus, appliances and machinery and equipment,
intended for or used in the communication systems of cable distribution undertakings and telecommunication carriers that are owned or operated by a company as defined in Part 3 of the Telecommunications Act or whose rates are regulated by the Canadian Radio-television and Telecommunications Commission or any successor of the Commission, but not including
 - (C) cables, structures, amplifiers, antennae or drop lines installed in and owned by the owner of a building to which telecommunications services are being supplied, or
 - (D) land or buildings,
and
- (iii) pipelines, including
 - (A) any continuous string of pipe, including loops, by-passes, cleanouts, distribution meters, distribution regulators, remote telemetry units, valves, fittings and improvements used for the protection of pipelines intended for or used in gathering, distributing or transporting gas, oil, coal, salt, brine, wood or any combination, product or by-product of any of them, whether the string of pipe is used or not,
 - (B) any pipe for the conveyance or disposal of water, steam, salt water, glycol, gas or any other substance intended for or used in the production of gas or oil, or both,
 - (C) any pipe in a well intended for or used in
 - (I) obtaining oil or gas, or both, or any other mineral,
 - (II) injecting or disposing of water, steam, salt water, glycol, gas or any other substance to an underground formation,
 - (III) supplying water for injection to an underground formation, or
 - (IV) monitoring or observing performance of a pool, aquifer or an oil sands deposit.
 - (D) well head installations or other improvements located at a well site intended for or used for any of the purposes described in paragraph (C) or for the protection of the well head installations, and
 - (E) the legal interest in the land that forms the site of wells used for any of the purposes described in paragraph (C), whether it is by way of a lease, licence or permit from the Crown,
but not including
 - (F) the inlet valve or outlet valve or any installations, materials, devices, fittings, apparatus, appliances, machinery or equipment between those valves in
 - (I) any processing, refining, manufacturing, marketing, transmission line pumping, heating, treating, separating or storage facilities, or
 - (II) a regulating or metering station,
or
 - (G) land or buildings.

Responsible Contributor for Business Property

(1) The name of the person described in column (C) must be recorded on the valuation list as the Responsible Contributor for the business property described in column (B).

(A)	Property (B)	Person (C)
(a)	the improvements to a parcel of land, unless otherwise dealt with in this subsection	the owner of the improvements
(b)	a parcel of land and the improvements to it held under a lease, licence, permit, or project interest ⁹	the holder of the lease, licence, permit, or project interest or the person occupying the land with the consent of that holder
(c)	a parcel of land and the improvements to it held under a lease, licence or permit from a regional airports authority, where the land and improvements are used in connection with the operation of an airport	the holder of the lease, licence or permit or the person who occupies the land with the consent of that holder
(d)	improvements to land held under a lease, licence or permit for (i) working any minerals in or under the land or in or under land in the vicinity of it, (ii) drilling for oil, salt or natural gas, or (iii) operating a well for oil, salt or natural gas	the person who uses the improvements for the purpose indicated
(e)	machinery and equipment used in the excavation or transportation of coal or oil sands as defined in the <i>Oil Sands Conservation Act</i>	the owner of the machinery and equipment
(f)	linear property	the operator of the linear property
(g)	a mobile unit located on a site in a mobile home park and any other improvements located on the site and owned or occupied by the person occupying the mobile unit	the owner of the mobile unit

⁹ A project interest is defined in the General Council *Mineral Projects Policy*. It is essentially an interest in land supporting a mineral project. Land occupied under the authority of an order of Land Access Panel or Existing Leases Land Access Panel, or an order made under any other Act, is considered to be occupied under a lease, licence, or project interest from the Metis title holder of the land.

Model Business Property Contributions Bylaw

Part I - Context

1.01 Background

The Metis Settlements General Council *Business Property Contributions Policy* establishes a system requiring those who use land in settlement areas for business purposes to contribute to the cost of community services. Under the *Metis Settlements Act* the settlement council can make by-laws to implement the Policy and a General Council Policy can contain a model by-law that applies to settlement areas as if it were made by the settlement council.¹

1.02 Purpose and Application

The purpose of this model by-law is to specify the level of contributions required towards the cost of community services from those using land in the Settlement Area for business purposes and provide for the recovery of those contributions.

1.03 Interpretation

In this bylaw "the Policy" means the Metis Settlements General Council *Business Property Contributions Policy*, the rules of interpretation of the Policy apply to this bylaw, and any terms defined in the Policy have the same meaning when used in this By-law unless the context makes such an interpretation unreasonable.

Part 2 - Required Contributions

2.01 Contribution required

- (1) Each year, for each contributing property, the responsible contributor must pay the Settlement a business property contribution at the rate specified in section 2.03.
- (2) Business property for which the deemed value is less than one thousand five hundred (\$1500) dollars is not considered contributing property for the purposes of this bylaw.

2.02 Classes of contributing property

- (1) The classes of contributing property are Heavy Industrial, Linear, and Commercial as defined by General Council Policy.
- (2) Any question as to which class a business property belongs to must be decided by the valuator based on the nature and use of the property and the ordinary meaning of the names of the classes.

2.03 Contribution rates

- (1) After calendar year 1996, the rate of contribution for each class of contributing property, is the percentage of its deemed value as determined by Settlement bylaw.

¹ For reference see the *Metis Settlements Act* s.166 (1), s.222(1)(i), s.228 and s.20, Schedule 1.

- (2) For the 1996 calendar year the contribution rates for each Settlement are:

Settlement	Class of Contributing Property		
	Heavy Industrial	Linear	Commercial
Buffalo Lake	1.73%	1.30%	1.73%
East Prairie	1.58%	1.58%	1.58%
Elizabeth	1.73%	1.30%	1.73%
Fishing Lake	1.73%	1.30%	1.73%
Gift Lake	1.58%	1.58%	1.58%
Kikino	1.73%	1.30%	1.73%
Paddle Prairie	2.09%	2.31%	2.09%
Peavine	1.58%	1.58%	1.58%

Part 3 - Recovery Of Contributions

3.01 Application

- (1) This Part applies to the business property of a settlement member only if the property is used exclusively as business property.
- (2) The settlement may recover contribution arrears in respect of business property in accordance with this Part.

3.02 Contribution Lien

- (1) In this Part, a "**contribution lien**" means the lien provided for under subsection 4.08 of the Policy in favour of a settlement on the property of a responsible contributor for the amount of unpaid contributions, or a written notice of such a lien.
- (2) The settlement may send a contribution lien to the Registrar for property in the settlement in respect of which there are contribution arrears for more than 3 months.
- (3) The Registrar must register a contribution lien received from the settlement against the property or properties described in the lien.
- (4) The settlement is responsible for the payment of any costs payable to the Registrar in connection with registration of the lien but may add the costs to contribution payments owing in respect of the property or properties described in the lien.
- (5) The Registrar must not remove a contribution lien until the settlement at whose request it was registered requests its removal.

3.03 Removal of Improvements

When a contribution lien has been registered, the responsible contributor for that property must not remove from that property, unless the settlement at whose request the lien was registered consents,

any improvements for which the responsible contributor is also liable to make contributions.

3.04 Right to Pay Arrears

- (1) After a contribution lien has been registered against business property, any person may pay the contribution payment arrears in respect of the property at any time before the property is transferred to the settlement in accordance with section 3.08.
- (2) On payment of the arrears in full under subsection (1), the settlement must ask the Registrar to remove the contribution lien.
- (3) A settlement may enter into an agreement with any person providing for the payment of contribution arrears by installments and proceedings under section 3.08 will be stayed as long as there is no default under the agreement.

3.05 Right to Collect Rent

- (1) After a contribution lien has been registered against business property, the settlement may send a notice to any person who holds all or part of the property under a lease from the responsible contributor requiring that person to pay the rent as it becomes due to the settlement until the contribution arrears have been paid.
- (2) Not less than 14 days before a settlement sends a notice under subsection (1), it must send a notice to the responsible contributor for the property advising him or her of the settlement's intention to proceed under subsection (1).
- (3) This section does prevent the settlement from exercising any other right it has to collect the contribution arrears.

3.06 Warning of Transfer to the Settlement

- (1) The settlement must notify the affected responsible contributor that a contribution lien has been sent to the Registrar.
- (2) Not more than 10 days following registration of a contribution lien, the Registrar must, in respect of the property against which the lien was registered, send a notice to
 - (a) the responsible contributor, and
 - (b) any person who has an interest in the property that is evidenced by a recording.
- (3) The notice sent by the Registrar under (2) must state that if the contribution arrears in respect of the property are not paid within three months from the date of registration of the lien, the settlement may become the owner of the property.
- (4) The notice must be sent to the address shown on the Metis Settlements Land Registry records for each person referred to in subsection (2).

3.07 Right to Possession

- (1) If the contribution arrears are not paid in full, the settlement is entitled to possession of property subject to a lien upon expiry of the three month period in subsection 3.06(3).
- (2) For the purposes of obtaining possession of property, a designated person may enter the property and take possession of it for and in the name of the settlement and, if in so doing resistance is encountered, the settlement may apply by originating notice to the Court of Queen's Bench for an order for possession of the property.

3.08 Transfer of Property to Settlement

- (1) In this section "*encumbrance*" means any charge on land created or effected for any purpose

whatever and that is qualified for recording under the *Metis Settlements Land Registry Regulation*.

- (2) The settlement at whose request a contribution lien is registered against property may become the owner of the property after the expiry of the three month period in subsection 3.06(3) if the contribution arrears are not paid in full.
- (3) If the settlement wishes to become the owner of the property, it must request the Registrar to revise the entries in the register for the property to effect a transfer of the property to the settlement.
- (4) A settlement that becomes the owner of property under subsection (2), may deal with the property as its own and acquires the property free of any interest, right or claim of the responsible contributor or a person claiming under him and free of all encumbrances, except
 - (a) registered easements and registered covenants.
 - (b) registered utility interests registered under s.100 of the *Metis Settlements Land Registry Regulation*, and
 - (c) surface leases and right of entry orders under Part 4, Division 7 of the *Metis Settlements Act* recorded in the *Metis Settlements Land Registry*.
- (5) There is no right under section 3.04 to pay the contribution arrears in respect of the property after it is transferred to the settlement under this section.
- (6) A settlement is not limited to proceedings under this section in attempting to collect contribution arrears.

3.09 Deposit Account

- (1) The money paid for property pursuant to this section must be deposited by the settlement in an account that is established solely for the purpose of depositing money from the disposition of property under this Part.
- (2) A settlement that becomes the owner of property under section 3.08 may dispose of the parcel
 - (a) by selling it at a price that is as close as reasonably possible to the market value of the property, or
 - (b) by depositing in the account referred to in subsection (1) an amount of money equal to the price at which the settlement would be willing to sell the property under clause (a).
- (3) Money paid for property pursuant to subsection (2) must be paid out in accordance with this section.
- (4) The following must be paid first and in the following order:
 - (a) any expenses incurred to perform work under an environmental protection order or an enforcement order issued under the *Environmental Protection and Enhancement Act*;
 - (b) the contribution arrears in respect of the property;
 - (c) any lawful expenses of the settlement in respect of the property;
 - (d) costs associated with contribution recovery proceedings;
 - (e) if the settlement has passed a by-law creating the liability, any unpaid costs, expenses or charges attributable to the property which are related to
 - (i) the construction, maintenance and repair of utility service connections or related

- land restoration;
- (ii) utility services;
 - (iii) actions or measures taken by the settlement with respect to property necessary to remedy a contravention of a General Council Policy or by-law;
 - (iv) actions or measures taken by the settlement necessary to eliminate the danger to public safety caused by a structure, excavation or hole or to deal with the unsightly conditions of property;
 - (v) actions or measures with respect to property necessary to eliminate an emergency;
 - (vi) carrying out a stop order in respect of development of land or use of land or a building;
 - (vii) any other amount that may be added to required contributions under a General Council Policy or by-law;
- (f) an administration fee of 5% of the deemed value of the property, payable to the settlement.
- (5) If there is any money remaining after payment of the amounts listed in subsection (4), the settlement must notify the responsible contributor in writing that there is money remaining and that an application may be made to the settlement for the remaining money.
- (6) If no application is made under subsection (5) within 1 year after the date of receipt of the notice by the responsible contributor, the settlement may, for any purpose, use the money deposited in accordance with this section that remains undistributed.
- (7) In this Part, deemed value is the value as determined under section 4.01.
- (8) In this Part, a notice sent by ordinary mail is deemed to have been received 7 days after it is sent.

3.10 Right to place arrears on new property

When there are contribution arrears in respect of property that is to be subdivided, the settlement may distribute the arrears and any contributions that may be imposed in respect of the property among the properties that are created by the subdivision in a manner the settlement considers appropriate.

Part 4 - Other Matters

4.01 Policy provisions apply

Parts 2, 3, 4 and 5, and Schedules A and B, of the Metis Settlements General Council *Business Property Contributions Policy*, except for sections 2.03, 5.06 and 5.08, should be considered as provisions of this bylaw, with wording changes as required to serve that purpose.²

² For example, where the word "Policy" is used in the Policy, the word "bylaw" would be used here.

4.02 Offences and penalties

A person commits an offence³ who

- (a) although able to do so, fails or refuses to give information required to be given by this by-law, or intentionally gives false information;
- (b) intentionally makes a false valuation or related record of any kind;
- (c) intentionally does not make a valuation or removes or omits a name from a valuation list;
- (d) intentionally does or omits to do something which results in a person not being charged a contribution;

and is liable on summary conviction to a fine not exceeding \$2500 and in default of payment to imprisonment for not more than 6 months.

³ Under the *Act*, additional penalties are imposed for

- (a) obstructing a person in the exercise of powers or duties under a by-law (s.243), and
- (b) an administrator or employee failing to discharge duties or making a report or record containing a false statement (s.246).