



Your file - Votre référence

Our file - Notre référence

### CERTIFICATION

Pursuant to Section 86, Indian Act RSC 1985 C.I-5 and amendments thereto, I certify that the attached copy of the **Tsleil-Waututh First Nation By-law No. 1 1992**, which came into effect August 5, 1992, is a true copy of the said by-law.



Kathy Hankin

A/Associate Director, Lands and Trust Services,  
a superintendent as defined in  
Section 2(1) Indian Act RSC 1985

Tseil'waututh Nation (Burrard Indian Band)

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By-Law No. 1 1992

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By-Law to designate the Reserves of the Burrard Indian Band, or portions thereof, as Special Development Zones and to prohibit the construction or maintenance of any class of buildings, or any use of land, or the carrying on of any class of business, trade or calling within such Special Development Zones, except to the extent that such construction or maintenance of any class of buildings, such use of land or such carrying on of any class of business, trade or calling conforms to the requirements of this By-Law and amendments thereto.

WHEREAS the Council of the Burrard Indian Band desires to establish a By-Law to designate the Reserves of the Band as Special Development Zones and to prohibit any construction or maintenance of buildings, or use of land, or carrying on of any class of business, trade or calling within such Special Development Zones, except to the extent the use conforms to the requirements of the By-Law; and

WHEREAS the Council of the Band is empowered to make such a By-Law pursuant to Paragraphs 81(1)(g),(q) and (r) of the Indian Act of Canada.

NOW THEREFORE the Council of the Burrard Indian Band hereby enacts as a By-Law of the Band as follows:

1. Definitions - All words and phrases used in the By-Law shall have the meanings set out in the Indian Act of Canada.
2. Establishment of Special Development Zones - The following Reserves of the Burrard Indian Band are designated Special Development Zones:
  - (a) Burrard Inlet I.R. # 3, with the exception of:
    - (i) Lot 38, in the Burrard Inlet I.R. # 3, Province of British Columbia, as shown on Plan of Survey # 72141 deposited in the Canada Lands Surveys Records at Ottawa, Ontario; and
    - (ii) The area of Burrard Inlet # 3 shown on the plan attached hereto as Exhibit "A";
  - (b) Inlailawatash I.R. # 4; and
  - (c) Inlailawatash I.R. # 4A;

together with such other Reserves, parts of Reserves and lands as are the property of the Burrard Indian Band and such other parcels of land as may, pursuant to the Indian Act of Canada, hereinafter become Reserves of the Burrard Indian Band either as additions to the aforementioned Reserves or as new Reserves.

3. Restrictions and Prohibitions in Special Development Zones -

(a) Within a Special Development Zone, no building or structure shall be commenced, built, constructed, reconstructed, altered, moved, extended or maintained unless it is in conformity with the requirements of this By-Law and amendments thereto.

(b) Within a Special Development Zone, no land shall be used in any way unless it is in conformity with the requirements of this By-Law and amendments thereto.

(c) Within a Special Development Zone, no business, trade or calling shall be carried on unless it is in conformity with the requirements of this By-Law and amendments thereto.

4. Non-Conforming Uses -

(a) A lawful use of premises or land or the lawful carrying on of any class of business, trade or calling in a Special Development Zone at the time of the coming into force of this By-Law may be continued as a non-conforming use, but if such non-conforming use is discontinued for a period of thirty (30) days, any future use of such premises or land or carrying on of any business, trade or calling shall be in conformity with this By-Law and amendments thereto.

(b) Where any building or structure, the use of which is non-conforming, is damaged to the extent of sixty-six percent (66%) or more of its value or area, as determined by the Burrard Indian Band, it shall not be repaired or reconstructed except in conformity with this By-Law and amendments thereto.

5. Principles for Development - Upon the application of a member of the Burrard Indian Band, the lawful holder of an interest in land in a Special Development Zone or any other person, the Burrard Indian Band Council may by amendment to this By-Law determine the terms and conditions under which the building, construction, reconstruction, alteration, moving, extension or maintenance of buildings and structures may be carried out, the use to which the land may be put and the businesses, trades and callings which may be carried out, and in doing so shall have due regard to the following considerations:

(a) The promotion of health, safety, convenience and welfare of the members of the Burrard Indian Band, residents and occupants and other persons who have a lawful interest in lands within the Special Development Zone;

- (b) The prevention of overcrowding on the land and the preservation of the amenities peculiar to the Special Development Zone;
- (c) The securing of adequate light and reasonable access;
- (d) The value of the land in the Special Development Zone and the nature of its present and prospective use and occupancy;
- (e) The character of the Special Development Zone, the character of the buildings already erected and the peculiar suitability of the Special Development Zone for particular uses;
- (f) The conservation of property values;
- (g) The development of the Special Development Zone to promote greater efficiency and quality;
- (h) The development of the Special Development Zone to the general economic and social welfare and advancement of the Burrard Indian Band; and
- (i) With respect to commercial ventures, the compliance with the following development principles:
  - (i) Each development shall protect the natural integrity of the Special Development Zone, shall be environmentally sound and shall not impose any threat of irreparable damage to the Special Development Zone, or any occupants of the Zone;
  - (ii) Each development shall respect the traditional life style of the Burrard Indian Band, or provide an acceptable compromise to all members of the Burrard Indian Band that may be affected by the development;
  - (iii) Each development shall only be implemented in accordance with a sound business plan approved by the Burrard Indian Band Council;
  - (iv) Each development shall embody the concepts of fairness, integrity, honesty and mutual respect for all people;
  - (v) Each development shall provide to the Burrard Indian Band a minimum of majority profit participation and equal ownership; and
  - (vi) Each development shall provide the maximum number of meaningful, long term employment opportunities for all members of the Burrard Indian Band, as well as for those from other First Nations, and such employment shall include employment created in direct project related

activity as well as the establishment of secondary service businesses required to support the development.

In the case of commercial ventures, the Burrard Indian Band Council may refer the proposed amendment to a general band meeting for approval by the membership of the Burrard Indian Band.

6. Applications for Amendments - Every applicant for an amendment to this By-Law or a permit for the development, construction, reconstruction, alteration or extension of a building or structure and for the operation of a business, trade or calling, and every person intending to commence, build, construct, reconstruct, alter or extend a building or structure or to operate a business, trade or calling shall submit an application in writing to the Burrard Indian Band Council indicating the following information:

(a) A site plan or site plans including a legal description of the area to be affected and the location of all existing and proposed buildings, streets, lanes, highways, driveways, parking and loading areas, sidewalks, street lights, utilities and utility easements, streams and other typographical features of the site;

(b) Preliminary architectural plans for any proposed buildings;

(c) Existing and proposed grades and their relations to the elevations on adjoining properties;

(d) The location, size, height, colour, lighting and orientation of all signs;

(e) The location and treatment of open spaces, landscaping and fences;

(f) A statement of intended use;

(g) A statement of the interest of the applicant in the land and the development;

(h) An estimated commencement date and a proposed schedule of construction; and

(i) A statement of the financial responsibility of the applicant;

together with such other information as shall in the opinion of the Burrard Indian Band Council be necessary to enable the Council to have due regard to the considerations enumerated in Section 5 of this By-Law.

7. Penalties -

(a) Every person who violates or causes or allows to be violated any of the provisions of this By-Law shall be guilty of an offence against this By-Law, and each day on which such violation occurs or is caused or allowed to continue shall constitute a separate offence.

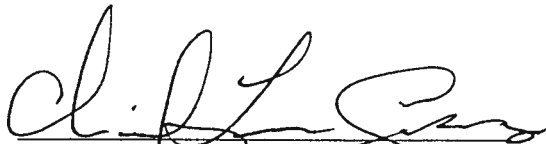
(b) Every person guilty of an offence against this By-Law shall be liable on summary conviction to a fine not exceeding One Thousand Dollars (\$1,000.00) or imprisonment not exceeding thirty (30) days, or both, for each offence committed.

(c) Where a person guilty of an offence under this By-Law is a corporation, every person who at the time of the offence is a director or officer of the corporation is guilty of an offence under this By-Law, unless the director or officer proves that the act or omission constituting the offence took place without his knowledge or consent or that he exercised all due diligence to prevent the commission of such offence.

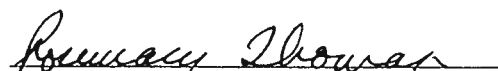
8. Title - This By-Law may be cited for all purposes as the "Burrard Indian Band Zoning By-Law No. 1 1992".

This By-Law is hereby made at a duly convened meeting of the Council of the Burrard Indian Band this 25<sup>th</sup> day of June, 1992.

Voting in favour of the By-Law are the following members of the Council:

  
Chief Leonard George - Chief


  
Matthew Thomas - Councillor

  
Rosemary Thomas - Councillor

  
Duane George - Councillor

being all of the members of the Council of the Burrard Indian Band and all being present at the aforementioned meeting.

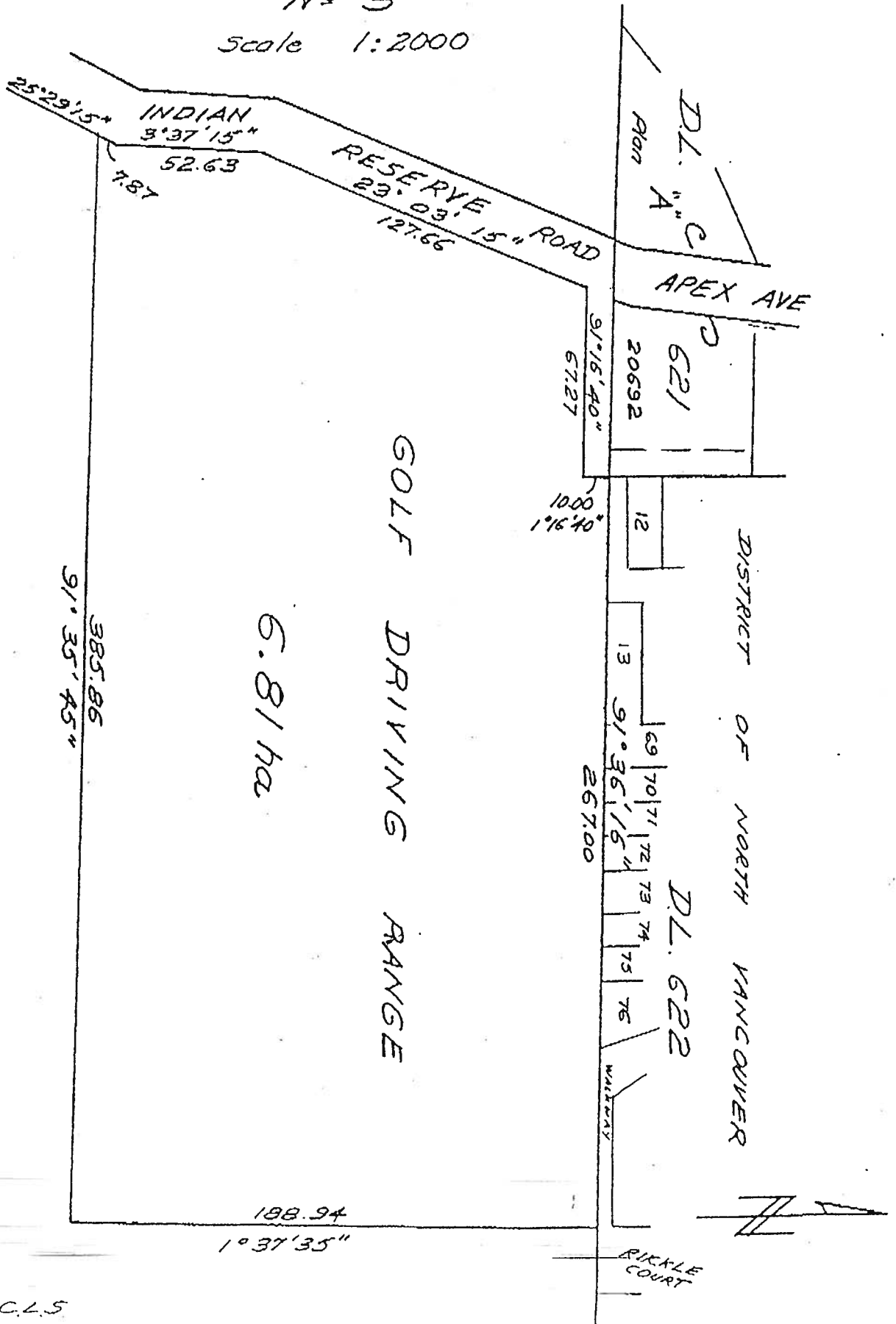
I, Chief Leonard George of the Burrard Indian Band, do hereby certify that a true copy of the foregoing By-Law was mailed to the Minister of Indian Affairs and Northern Development at the British Columbia regional office pursuant to Subsection 82(1) of the Indian Act of Canada this 26<sup>th</sup> day of June, 1992.



Chief Leonard George

PLAN OF SURVEY OF  
 PORTION OF BURRARD INLET INDIAN RESERVE  
 No 3

Scale 1:2000



A. H. Parnell C.L.S.





Indian and Northern  
Affairs Canada

Affaires indiennes  
et du Nord Canada

E-1116-5

August 6, 1992

Your file / Votre référence

Our file / Notre référence

E4216-549

Regional Director General  
Indian and Inuit Affairs  
B.C. Region

Attention: Debby Catizzone

Burrard Band  
By-law respecting zoning

Further to your memorandum dated July 2, 1992 regarding the above-noted by-law, I wish to confirm that the by-law was recorded on July 7, 1992. The forty-day period stipulated in subsection 82(2) of the Indian Act expired on or about August 5, 1992. Accordingly the effective date of the by-law is August 5, 1992.

Please note that the Burrard Indian Band was notified directly by headquarters on August 6, 1992. The coming into force of any by-law pursuant to section 82 of the Indian Act is not an expression of opinion by the Minister that the by-law is valid. DIAND is not ruling on the validity of a by-law; only a court of law has such a power.

Gaetan Pilon  
Manager  
Band Governance

Canada