

Hamlet of Arviat, NT  
By-Law Number 111

A By-Law of the Municipal Corporation of the Hamlet of Arviat in the Northwest Territories to provide for the administration of municipal lands, pursuant to the Hamlets Act, R.S.N.W.T., 1989, c. H-1, s. 132.2

WHEREAS the Council of the Municipal Corporation of the Hamlet of Arviat deems it to be desirable to establish a uniform process for the disposal of real property owned, leased or otherwise held by the Hamlet;

NOW THEREFORE, THE MUNICIPAL CORPORATION OF THE HAMLET OF ARVIAT, at a duly assembled meeting, enacts as follows:

Title

1. This By-Law may be cited as "The Land Administration By-Law".

Interpretation

2. In this By-Law:
  - a) "Council" means the Council of the Municipal Corporation of the Hamlet of Arviat;
  - b) "Development Costs" means the costs directly incurred by the Hamlet in developing land, including but not limited to the costs of:
    - (i) planning and engineering design;
    - (ii) project management;
    - (iii) road construction;
    - (iv) land fill;
    - (v) open spaces;
    - (vi) piped water and sewer lines;
    - (vii) electrical distribution lines (and poles);
    - (viii) legal surveys;
    - (ix) land acquisitions and disposal costs;
    - (x) financing charges, including interest, for any loans incurred in developing the land;
  - c) "Disposal of Land" means the lease, or other disposition of land;
  - d) "Hamlet" means the Hamlet of Arviat;

- e) "Lands" means real property owned, leased or otherwise held or acquired by the Municipal Corporation;
- f) "Lot" means a parcel of land, for which development costs have been incurred and which has been duly described or surveyed for the purpose of acquisition lease or other disposition;
- g) "Lot Price" means the valuation of a lot;
- h) "Market Value" means the value of a parcel of land based on the amount that a willing buyer would pay to a willing seller. This value shall be determined by a professionally qualified land appraiser or by public tender or auction;
- i) "Minister" means the Minister of Municipal and Community Affairs;
- j) "New Lots" means vacant lots which are developed after the date of this By-Law;
- k) "Off Site Levy" means a surcharge levied (at the time of lease execution) by the Hamlet to a lessee of municipal lands to assist in the payment of all or part of the capital costs of new or expanded infrastructure including land acquired specifically for its creation, which although located outside the lands being leased, provides a direct, although not exclusive benefit to the lessee;
- l) "Replacement Cost" means the estimated development costs for a parcel of land, updated to the current year, representing the costs to develop a similar lot and incorporating site-specific factors;
- m) "Site-Specific Factors" means factors which may be used, where applicable, in adding or subtracting up to 25 percent of the development costs of new lots or the replacement cost for existing developed lots, and which may be composed of:
  - (i) size of land parcel;
  - (ii) site conditions;
  - (iii) desirability of location;
  - (iv) adjacent land uses; and
  - (v) proposed land use;

The addition of site specific factors for new lots shall not exceed development cost for the entire subdivision.

- n) "Senior Administrative Officer" means the Senior Administrative Officer of the Hamlet or such other person as may be designated, from time to time, to exercise the powers and perform the duties of the Senior Administrative Officer pursuant to this By-Law;

Application of the By-Law

3. This By-Law shall, except as otherwise expressly authorized by the Minister, apply to all acquisitions, leases or other dispositions of lands by the Hamlet.

Preconditions to Acquisition and Disposal of Land

4. Land speculation will be discouraged.
5. Neither the Hamlet nor any authorized representative of the Hamlet shall make or enter into any offer, agreement or other arrangement for the purchase, lease, or other disposition of land, except by By-Law in the form of Appendix A or Appendix B attached hereto, and each such By-Law shall contain:
- a) a complete legal description of the lands to be acquired or otherwise disposed of;
  - b) the minimum consideration to be paid for the acquisition lease or other disposition of the lands; and,
  - c) the terms and conditions, if any, upon which the lands shall be acquired, leased or otherwise disposed of.
6. No By-Law for the acquisition, lease or other disposition of land shall be passed pursuant to Sections 132.2 (4) or 132.2 (5) of the Hamlets Act, until:
- a) it has been established through a search at the appropriate Land Registry Office, that the Hamlet may lawfully acquire lease or otherwise dispose of the land;
  - b) an inspection of the lands has been conducted to determine:
    - (i) if the lands are occupied;
    - (ii) if there are any improvements situate on the lands;
    - (iii) if there are any easements affecting the lands; and,
    - (iv) such other information as Council may, in its discretion, consider to be relevant;

- c) the Senior Administrative Officer has advised to Council as to the value of the lands and any improvements situate thereon and that the proposed use of the lands shall comply with the zoning by-law requirements of the Hamlet in effect in the Hamlet.

Advertising of Land for Disposal

- 7. a) Subject to subsection 6 (c), the Hamlet shall not lease or otherwise dispose of lands until it has published a notice of such proposed lease or other disposition:
    - (i) by notice posted in three prominent places in the Hamlet for a period of two weeks; or
    - (ii) by advertisement for two consecutive weeks in a newspaper having weekly circulation in the Hamlet.
  - b) Each advertisement or notice shall contain:
    - (i) a sketch, drawn to scale, identifying the size and location of the lands to be leased or otherwise disposed of;
    - (ii) the minimum consideration for which the lands will be leased or otherwise disposed of;
    - (iii) an indication as to the method to be employed in leasing or otherwise disposing of lands; and
    - (iv) an indication as to where and when applicants may obtain application forms.
  - c) Subsection 6 (a) and 6 (b) shall not apply to:
    - (i) lands required by the Federal or Territorial Government;
    - (ii) lands which can only be of use to an adjoining owner/lessee;
    - (iii) additional adjacent lands required for expansion of an owner/lessee existing or proposed development.
8. The Hamlet shall readvertise for lease or other disposition land for which:
- a) an application has been made but withdrawn by the applicant after acceptance by the Hamlet;

- b) a Lease has been granted but terminated prior to the construction of any improvements on the lands; or
- c) re-zoning has taken place and the lands remain untenured.

Applications for Land

9. The Hamlet shall only accept a written application for land in the form of Appendix C. Such application shall, at minimum, include information respecting:
- a) the legal name of the applicant or applicants;
  - b) the legal description of the land;
  - c) the purpose for which the land is to be used;
  - d) a request, if applicable, for joint tenancy or tenancy-in-common;
  - e) the signature of the applicant or applicants; and
  - f) a non-refundable application fee.
10. The Hamlet shall keep a ledger of all lands containing:
- a) a full legal description of the lands;
  - b) the location of the lands within the Hamlet,
  - c) a valuation of the lands for purpose of lease or other disposition;
  - d) the terms and conditions upon which the lands may be leased or otherwise disposed of ; and
  - e) an indication of whether the lands have been leased or otherwise disposed of, or whether there is a pending lease or other disposition of the lands.
11. The ledger kept pursuant to Section 8 of this By-Law shall be open to inspection by the public at the Hamlet Office during normal business hours.

Terms and Conditions of Land Disposals

12. a) "The standard term of all lease documents shall be:
- Ⓟ 30 years for residential land use;
  - Ⓟ 30 years for commercial land use;
- b) The term of lease referred to in Section 10 (a) may vary at Council's discretion based on the nature value of improvements to be constructed.
- c) The term of all other leases will be at Council's discretion.
13. The Hamlet, in the leasing or otherwise disposing of new lots for residential purposes, shall ensure that prospective private home owners have preference over applicants who wish to acquire more than one lot at a time, except when lots are required by:
- a) the Federal or Territorial Government;
  - b) the Northwest Territories Housing Corporation or their clients; or
  - c) the Canada Mortgage and Housing Corporation.
14. Every disposal of land shall be in writing.
15. The Hamlet in leasing or otherwise disposing of new lots, shall require that commenced of construction must begin within 12 months of the effective date of the lease and improvements must be complete within 24 months of the date of the agreement. The Hamlet may cancel a lease for failure to commence or complete construction of the improvements within the time frame specified above. Subject to section 13, if the Hamlet cancels a lease due to non-compliance of this clause, the land may revert back to the Hamlet.
16. The Hamlet may allow a maximum extension of twelve (12) months to either term outlined in Section 12. The following may be required prior to consideration by Council:
- a) written explanation for the delay in construction;
  - b) written plan to complete construction within the extension period;
  - c) proof of approved financing;

- d) development permit application;
  - e) no outstanding debts to the Hamlet;
  - f) a written request for extension must be received by the Hamlet not later than 3 months/days prior to the expiration of the application period. YB
17. The Hamlet shall not lease or otherwise dispose of new lots by auction.
18. The Hamlet shall lease land by one or a combination of the following means:
- a) Public Draw, where demand indicates that a draw is required;
  - b) Development Proposal Call, as set out in Section 16,
  - c) First-come-first-served basis;
  - d) Lease, in the form of Appendix B.

Council will decide, at its discretion, as to the means to be employed to lease land. Prior to disposing of land through means of a ballot draw, Council shall, by resolution, establish guidelines for such a process.

19. The Hamlet shall decide whether, and under what circumstances, and under what terms and conditions, formal development proposals may be solicited from prospective developer-lessees and may use a proposal call tender system outlined in Appendix D for this process.

#### Pricing of New Lots

20. The lot price for new shall be determined by development cost, including any allowance for site specific factors.
21. The Hamlet shall recover all development costs in the valuation of lands for disposal, subject to Section 22.
22. The Hamlet may, when it is unable to lease or otherwise dispose of a lot, reduce its price valuation of the lot below its true development cost:
- a) when the lot has not been developed through financing from the Government of the Northwest Territories or a financial institution, or

- b) when the lot has been developed through financing from the Government of the Northwest Territories or a financial institution and the reduced land valuation is approved by the Minister.

Pricing of Existing Lots

- 23. The Hamlet in leasing or otherwise disposing of existing developed lands shall determine lot price by either of the following:
  - a) replacement cost; or
  - b) the market value as determined by:
    - i) a qualified land appraiser or assessor; or
    - ii) a calling for bids, (by public tender or auction) in which the advertised minimum price is not less than replacement cost.

Lease Rates

- 24. The Hamlet shall, in the leasing of lands, charge rent based on a rate of not more than ten percent (10%) of the lot price a year, unless otherwise authorized by the Minister.
- 25. 1) The annual lease rate shall be:
  - a) residential: 3 percent of lot price per annum.
  - b) commercial: 3 percent of lot price per annum.
  - c) industrial: 3 percent of lot price per annum.
  - d) other land uses: 7 percent ~~as decided by Council~~ 16
- 2) Council may vary the lease rate for disposition of land to non-profit organization.

Off Site Levies

- 26. When disposing of land, the Hamlet may levy a surcharge to a lessee of lands to help the municipality pay for all or part of the Hamlet's capital cost for all or any of the following:
  - a) new or expanded facilities for the storage, transmission, treatment, or supply of water;



- b) new or expanded facilities for the storage treatment, movement or disposal of sewage;
  - c) new or expanded storm sewer drainage facilities;
  - d) new or expanded roadways and sidewalks; and
  - e) land required for, or in connection with, any of the facilities described in a), b), c), and d).
27. The Hamlet shall not include, as part of any off site levy, any costs paid for by grants or contributions received from the Government of the Northwest Territories.
28. The Hamlet shall clearly identify to the public that an off site levy is a separate surcharge above the basic lot price, which is collected together with the lot price.
29. The Hamlet shall place all off site levy revenues in a separate account, to be used for the purpose set out in Section 25. *26 (16)*

Land Development Reserve Account

30. The Hamlet shall open and maintain a separate financial account in which all revenue obtained from the leasing or otherwise disposing of lands will be placed. *30 (16)*
31. The Hamlet shall, in regards to the account identified in section 29;
- a) establish clear procedures for the management and operation of the account;
  - b) use all expenditures from the account for the sole purpose of acquiring and/or developing land by the Hamlet, unless written approval by the Minister is obtained for other types of expenditures.

Private Sector Development of Lands

32. The Hamlet shall encourage the utilization of the private sector in the development of land only if:
- a) the Hamlet has prepared a cost estimate of the project as if it were to develop the land; and

- b) the private sector can develop the land such that the lot price is the same as, or less than, the Hamlet would charge under its estimate in (a).
33. If in the opinion of the Hamlet, the private sector can develop the lands in a cost-effective manner as outlined in section 31, the Hamlet shall call for proposals.
34. The Hamlet, in disposing of vacant lands to a private developer, shall:
- a) do so by way of a Lease to which a subdivision agreement may be attached;
  - b) require the developer to establish a land disposal procedure that is consistent with this by-law;
  - c) require that the developer provide a list of the prices of the lots to be developed;
  - d) specify, in the Lease, the standards to which the land must be developed; and
  - e) specify, in the lease, that in cases for non-performance with regard to 33 (a), 33 (b), or 33 (c) above, the lease will be cancelled.

Easements

35. The municipality may, in the public interest, establish easements through, under or over any portion of the land for any public utility purpose, but the said easement shall not interfere with the rights granted to the lessee or any improvements may by the lessee on the lands.

Lease Assignments (transfer)

36. Assignments may be granted subject to the following:
- a) annual lease rental owing the the Municipality must be paid in full;
  - b) any taxes owing to the Government of the Northwest Territories must be paid in full;
  - c) proof of ownership of improvements;

### Lease Surrenders

37. Surrenders may be granted to the following;
- a) annual lease rental owing to the Municipality must be paid in full;
  - b) any taxes owing to the Government of the Northwest Territories must be paid in full;
  - c) the lessee must remove all improvements from the land and return the lot in a state satisfactory to the Municipality;
  - d) the lessee must deliver up to the Municipality the duplicate leasehold title where one exists.

### Cancellation of Lease

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38. If the Municipality cancels a lease due to non-compliance with any terms and conditions of a lease;
- a) where there is a debt owed to the Municipality, the Municipality may seek an order to retain the right to any improvements upon the leased lands;
  - b) where there is no debt owing to the Municipality, the lessee shall remove any improvements and restore the site within 90 days, failing which the Municipality may seek an order allowing for the removal of the improvements; and
  - c) where the duplicate leasehold title for the lands has not been surrendered in accordance with the Land Titles Act, the Municipality shall seek an order cancelling the leasehold title.

### Quarries

39. a) The Municipality may issue quarry permits for the temporary use of a quarry site. Applications for a quarry permit shall be in the form of Appendix "E".
- b) Prior to the issuance of a quarry permit, the Municipality shall, by Council resolution, establish quarry fees and any exemptions to such fees;
- c) Fees established under Section <sup>29</sup>40 (b) shall reflect the cost of <sup>3</sup>development, operation, maintenance, administration and restoration of quarries;

Land Use Permits

- 40. a) The Municipality may issue land use permits for the temporary use of land.
- b) The temporary land uses for which a permit is required are set out in Appendix "F".
- c) Application for a land use permit shall be in the form of Appendix "G".
- d) Any environmental impacts of the proposed use must be addressed by the applicant to the satisfaction of the Municipality prior to the issuance of a permit.

By-Law Administration

41. Council may by resolution adopt standard forms of agreement for the administration of land and the Municipality may make minor changes not affecting the intent of these forms of agreement as may be necessary for such administration.

42. The following appendices shall form part of this By-Law.

APPENDIX "A"	Land Acquisition By-Law
APPENDIX "B"	Land Disposal By-Law (Lease)
APPENDIX "C"	Land Application Form
APPENDIX "D"	Guidelines for Proposal Calls
APPENDIX "E"	Quarry Application Forms
APPENDIX "F"	Land Use Operations
APPENDIX "G"	Application for Land Use Permit

43. Minor changes to the Appendices of this By-Law can be made by Council, without amending this By-Law provided the changes to the Appendices do not alter the intent of this By-Law.

Read a first time this 24th day of October, 1995 A.D.

*[Signature]*  
Mayor

*[Signature]*  
Senior Administrative Officer

Read a second time this 9th day of November, 1995 A.D.

*[Signature]*  
Mayor

*[Signature]*  
Senior Administrative Officer

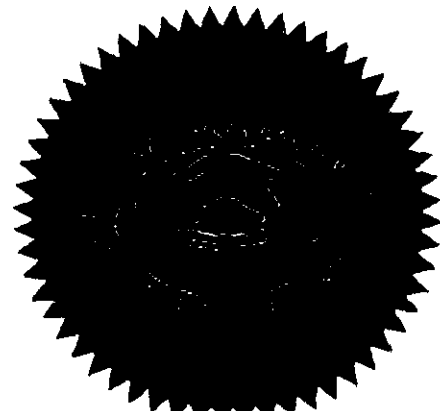
Approved by the Minister of Municipal and Community Affairs this 4 day of January 1996 A.D.

*[Signature]*  
MINISTER OF MUNICIPAL AND  
COMMUNITY AFFAIRS

Read a third time and finally adopted this \_\_\_\_\_ day of \_\_\_\_\_, 1996 A.D.

*[Signature]*  
Mayor

*[Signature]*  
Senior Administrative Officer



APPENDIX "A"

Hamlet of Arviat, NT  
By-Law No. 111

A By-Law of the Municipal Corporation of the Hamlet of Arviat in the Northwest Territories to acquire real property, pursuant to the Hamlets Act, R.S.N.W.T., 1988, c. H-1, s. 132.2.

WHEREAS the Council of the Hamlet of Arviat deems it to be in the public interest to acquire the land described hereunder;

NOW, THEREFORE, THE COUNCIL OF THE HAMLET OF ARVIAT, in duly assembled meeting, enacts as follows:

1. The Mayor and the Senior Administrative Officer are hereby authorized on behalf of the Hamlet of Arviat to acquire from for the sum (\$ ) the land described hereunder:

The whole of Lot ( ) in the Hamlet of Arviat, in the Northwest Territories according to a plan of survey filed in the Land Titles Office for the Northwest Territories under number.

2. The noted land shall be acquired for Municipal purposes.

APPENDIX "B"HAMLET OF ARVIAT, NT  
BY-LAW 111

A By-Law of the Municipal Corporation of the Hamlet of Arviat in the Northwest Territories to dispose of real property, pursuant to the Hamlets Act, R.S.N.W.T., 1988 c. H-1, s. 132.2.

WHEREAS the Council of the Hamlet of Arviat deems it to be in the public interest to dispose of the land described hereunder;

NOW, THEREFORE, THE COUNCIL OF THE HAMLET OF ARVIAT, in duly assembled meeting, enacts as follows:

1. The whole of Lot ( ) in the Hamlet of Arviat, in the Northwest Territories according to a plan of survey filed in the Land Titles Office for the Northwest Territories under number , which is owned by the Hamlet under certificate of Title number , be leased.
2. The Mayor and the Senior Administrative Officer are hereby authorized on behalf of the Hamlet of Arviat to execute a lease agreement for those lots described in "Schedule A", attached to and forming part of this by-law.

APPENDIX "C"  
APPLICATION FOR LAND IN THE HAMLET OF ARVIAT

PART 1

1. MR. MS. MRS. MISS \_\_\_\_\_ AGE 19+ YES \_\_\_ NO \_\_\_  
[CIRCLE ONE] [SURNAME OF APPLICANT] [FIRST & OTHER NAMES OF APPLICANT]

ADDRESS \_\_\_\_\_  
[APPLICANT'S FULL MAILING ADDRESS INCLUDING COMMUNITY NAME AND POSTAL CODE]

HOME PHONE # \_\_\_\_\_ WORK # \_\_\_\_\_

OCCUPATION \_\_\_\_\_ EMPLOYED BY \_\_\_\_\_  
[APPLICANT'S JOB TITLE, TRADE, BUSINESS, ETC]

MR. MS. MRS. MISS \_\_\_\_\_ AGE 19+ YES \_\_\_ NO \_\_\_  
[CIRCLE ONE] [SURNAME OF APPLICANT'S SPOUSE]  
[FIRST AND OTHER NAMES OF SPOUSE]

OCCUPATION \_\_\_\_\_ EMPLOYED BY \_\_\_\_\_  
[SPOUSE'S JOB TITLE, TRADE, BUSINESS, ETC]

MR. MS. MRS. MISS \_\_\_\_\_ AGE 19+ YES \_\_\_ NO \_\_\_  
[CIRCLE ONE] [LIST FULL NAME OF THE CONTACT PERSON FOR THIS APPLICATION IF DIFFERENT  
FROM THE APPLICANT, OR IF THE APPLICANT IS A BUSINESS, ETC]

ADDRESS \_\_\_\_\_ PHONE # \_\_\_\_\_  
[CONTACT PERSON'S FULL MAILING ADDRESS IF DIFFERENT THAN APPLICANT'S]

2. THE UNDERSIGNED HEREBY MAKE APPLICATION TO \_\_\_\_\_ THE LAND DESCRIBED AS  
FOLLOWS: [LEASE, PURCHASE]

\_\_\_\_\_  
\_\_\_\_\_  
[IF THE LAND YOU ARE APPLYING FOR IS SURVEYED, LIST ITS LOT NUMBER, BLOCK OR GROUP  
NUMBER, AND LTO NUMBER AS SHOWN ON THE LANDS MAP. IF THE LAND YOU ARE APPLYING  
FOR IS UNSURVEYED, LIST ITS PROPOSED LOT NUMBER AND THE NAMES OF THE  
DEVELOPMENT AREA OR DESCRIBE THE DIMENSIONS, SIZE AND LOCATION OF THE LAND AND  
ATTACH A COPY OF A PORTION OF THE RESPECTIVE LANDS MAP SHOWING THE LOCATION OF  
THE LAND OUTLINED IN RED.]

IF THERE IS MORE THAN ONE APPLICANT, DO YOU WISH JOINT TENANCY } OR  
TENANTS-IN-COMMON }?

3. THE LAND WILL BE USED FOR RESIDENTIAL  IF "OTHER", PLEASE SPECIFY \_\_\_\_\_  
COMMERCIAL  \_\_\_\_\_  
INDUSTRIAL  \_\_\_\_\_  
OTHER  \_\_\_\_\_



4. ARE THERE ANY BUILDINGS OR IMPROVEMENTS ON THE LAND NOW? YES  NO   
IF YES, WILL THESE IMPROVEMENTS BE REMOVED? YES  NO

EXISTING IMPROVEMENTS HAVE A VALUE OF \$ \_\_\_\_\_, AND ARE DESCRIBED AS FOLLOWS:

\_\_\_\_\_  
\_\_\_\_\_

NAME OF OWNER OF EXISTING IMPROVEMENTS: \_\_\_\_\_

[IF EXISTING IMPROVEMENTS ARE TO REMAIN ON  
THE LAND YOU ARE APPLYING FOR PLEASE  
ATTACH YOUR PROOF OF OWNERSHIP]

5. THE UNDERSIGNED AGREE TO CONSTRUCT THE FOLLOWING IMPROVEMENTS:

\_\_\_\_\_

THE ESTIMATED VALUE OF THESE IMPROVEMENTS IS \$ \_\_\_\_\_ AND WILL REQUIRE APPROXIMATELY  
\_\_\_\_ MONTHS TO COMPLETE.

6. THE UNDERSIGNED UNDERSTAND THAT FAILURE TO COMPLY WITH ANY TERMS AND  
CONDITIONS OF THE LEASE WILL BE GROUNDS FOR CANCELLATION OF THE SAID INSTRUMENT.

THE UNDERSIGNED CERTIFY THAT I/WE HAVE READ AND UNDERSTAND THE TERMS AND CONDITIONS LISTED ON THIS FORM AND AM/ARE IN COMPLETE AGREEMENT WITH THEM.

THE UNDERSIGNED UNDERSTAND THAT THE INFORMATION MUST CONFORM TO LOCAL BY LAWS AND BUILDING STANDARDS.

IF THERE ARE BUILDING AND OTHER IMPROVEMENTS PROPOSED BY THE APPLICANT, HE MUST, ON HIS OWN RESPONSIBILITY, SUBMIT TO THE TERRITORIAL FIRE MARSHALL'S OFFICE A PLOT PLAN SHOWING LOCATION OF ALL PRESENT AND PROPOSED BUILDINGS AND IMPROVEMENTS CONCERNING THE SAID LAND AND ALSO SUCH DRAWINGS AND SPECIFICATIONS AS WILL INDICATE SAFETY SYSTEMS AND THE MATERIALS TO BE USED IN CONSTRUCTION. IT WILL ALSO BE THE APPLICANT'S RESPONSIBILITY TO FURNISH THE SAME INFORMATION TO THE LOCAL COUNCIL OR PUBLIC HEALTH AUTHORITIES IF DEEMED NECESSARY BY THEM ON WHICH TO BASE THEIR RECOMMENDATION.

THIS APPLICATION WILL NOT BE CONSIDERED UNLESS ACCOMPANIED BY A DEPOSIT OF (\$ ) AND PLOT PLAN OF PROPOSED IMPROVEMENTS.

THE SUBMISSION OF THIS APPLICATION AND PAYMENT OF THE (\$ ) DEPOSIT DO NOT IN THEMSELVES CONVEY ANY RIGHT TO LAND

IF THIS APPLICATION IS REFUSED, THE DEPOSIT WILL NOT BE REFUNDED. IF A LEASE OR AGREEMENT IS APPROVED BUT NOT EXECUTED BY THE APPLICANT, THE DEPOSIT GOES TOWARD THE FIRST PAYMENT, THE REMAINDER IF ANY, TO BE PAID WHEN THE DOCUMENT IS EXECUTED.

ALL RIGHTS TO MUNICIPAL LAND EXCLUDE THE FOLLOWING:

- (A) ALL MINES AND MINERALS WHETHER SOLID, LIQUID OR GASEOUS WHICH MAY BE FOUND TO EXIST WITHIN, UPON, OR UNDER THE LAND TOGETHER WITH THE FULL POWERS TO WORK THE SAME AND FOR THAT PURPOSE TO ENTER UPON, USE AND OCCUPY THE LAND OR SO MUCH THEREOF AND TO SUCH AN EXTENT AS MAY BE NECESSARY FOR THE EFFECTUAL WORKING AND EXTRACTING OF THE SAID MINERALS.
- (B) THE RIGHT TO ENTER UPON, WORK AND REMOVE ANY ROCK OUT CROP REQUIRED FOR PUBLIC PURPOSES;
- (C) SUCH RIGHT OR RIGHTS OF WAY AND OF ENTRY AS MAY BE REQUIRED UNDER THE REGULATIONS IN FORCE IN CONNECTION WITH CONSTRUCTION, MAINTENANCE AND USE OF WORKS FOR CONVEYANCE OF WATER FOR USE IN MINING OPERATIONS; AND

(E) THE RIGHT TO ENTER UPON THE LAND FOR THE PURPOSES OF  
INSTALLING AND MAINTAINING ANY PUBLIC UTILITY.

\_\_\_\_\_  
SIGNATURE OF APPLICANT                      DATE

\_\_\_\_\_  
SIGNATURE OF CO-APPLICANT                      DATE

APPENDIX "D"

## GUIDELINES FOR PROPOSAL CALLS

## PROPOSAL CALL / TENDER SYSTEM

This system is usually employed for the sale, lease, or other disposition of commercial and industrial lots and takes the following form:

A set price is established for such lots and applicants submit with their applications a proposal which sets out the types of improvements that the applicant proposes to construct or make on the lots and an indication as to the type of business, industry or undertaking which the applicant proposes to conduct on the lots. The successful applicant is usually determined by the Hamlet on the basis of the best proposal submitted.

The advertisement printed in connection with the Proposal Call should include, in addition to those items identified in the Land Administration By-Law, the following:

- a) the last date and time for the submission of applicants;
- b) the time, date and place at which the Hamlet will announce the successful application;
- c) the criteria to be employed by the Hamlet in selecting the successful application;
- d) a request for documents or information which will be required by the Hamlet in support of applications (estimated cost of construction, drawings, specifications, etc).
- e) a request for any deposit that is required;
- f) the terms and conditions of any Agreement for Sale or Lease which the successful applicant will be required to enter into;
- g) building standards which must be employed in the construction of improvements; and
- h) the amounts of any bonds that successful applicant may be required to pay the Hamlet to guarantee the completion of the construction of improvements.

APPENDIX "E"

APPLICATION FOR QUARRY PERMIT

NAME IN FULL: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

OCCUPATION: \_\_\_\_\_

I/We hereby apply for a quarry permit for the purpose of taking \_\_\_\_ cubic metres of \_\_\_\_\_ (type of material) from the lands indicated on a sketch or described as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

to be used for \_\_\_\_\_

\_\_\_\_\_

Is any part of the land occupied? If so, by whom and for what purpose?

\_\_\_\_\_

Permit Fee: \$

Quarry Fee: \$

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE

APPENDIX "F"

## Land Use Operations

Operations for which a land use permit is required include:

1. The use of any form of explosive.
2. The use, except on public roads or trails maintained wholly or in part by public funds, of any vehicle that exceeds 4500 kgs (10000 lbs) net vehicle weight, or the use of any vehicle of any weight that exerts pressure on the ground in excess of 35 Kpa (5 lbs per square inch).
3. The use of any self propelled power driven machinery for moving earth or clearing land.
4. The use of any power driven machinery for earth drilling purposes, the operating weight of which exceeds 450 Kgs (1000 lbs).
5. The establishment of any campsite that is to be used in excess of 50 man days.
6. The levelling, grading, clearing or cutting of any line trail or right-of-way exceeding two metres in width (6 feet).
7. The establishment of any petroleum cache in excess of 1300 litres (300 gallons).

APPENDIX "G"

Application for Land Use Permit

1. Applicant
2. Address
3. Address of head office
4. Location and description of operation:
  - a) Attach a description and proposed techniques
  - b) Attach map and sketch of area
5. Equipment - Type, size and purpose
6. Fuel
  - a) Type, volume, method of storage containment
  - b) Method of emptying and filling containers
7. Method of Waste Disposal  
 Arrangements planned for disposal of garbage, sanitary waste and debris
8. Contractors and Functions
9. Time Schedule  
 Start:  
 Completion.
10. Name and address of field supervisor
11. Number of Employees
12. Area used (Hectare)

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Signature

Title

Date

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Office Use

Hamlet of Arviat  
By-law No. 000

A by-law of the Municipal Corporation of the Hamlet of Arviat in the Nunavut Territory to provide for the administration of municipal lands, pursuant to the Hamlets Act, R.S.N.W.T., 1988, c. H-1 as amended by S.Nu. 2003, c.3, s.53.5.

NOW THEREFORE, THE MUNICIPAL CORPORATION OF THE HAMLET OF ARVIAT, at a duly assembled meeting, enacts as follows:

1. This By-law may be cited as "Land Administration Amendment".
2. AMENDMENT to Land Administration By-law No. 111 are as follows:

i) Remove section 12 and insert the following:

Terms and Conditions of Land Disposals

12. 1. a) The standard term of all lease documents shall be:

Residential- 30 years

Commercial- 20 years

Industrial- 20 years

- b) The term of lease referred to in Section 12 (a) may vary at Councils discretion based on the nature of improvements to be constructed.
- c) Terms of all other leases will be at Council's discretion.

12. 2. Residential lots are only available to the residents of Arviat. A business or company applying for land should have a head office in Arviat, unless otherwise under special direction from the hamlet council.

12. 3. Nunavut Housing Corporation is exempt from section 12. 2.



ii) Insert the following immediately following section 18:

18. 1. The Municipal Corporation shall, when disposing of land through means of a lot allocation, give preference to prospective applicants by a point system. Businesses or companies are exempt from the residency status. The applicants will be awarded points as per the following categories;

<u>Residency:</u>		<u>Points</u>
Arviat	1-5 years	5
	6-10 years	7
	Over 10 years	9

<u>Development Status:</u>		
First time home owner/builder		5

<u>Proof of Intent:</u>		
Building plans (engineer)		3
Contractor's contract		2
Sketch drawing		1

iii) Insert the following immediately after section 23:

23. 1. New leases

- a) Equity leases permit accumulation of value and recover 100% of lot development cost over a set period of time.
  - b) For new leases of new lots, Council may issue equity leases, which permit the accumulation of value.
  - c) Nunavut Housing Corporation and development corporations shall be issued equity leases.
  - d) Where equity leases are required for new lots, leases have a choice of two payment methods: 10% of the lot price must be paid at the time of signing the equity lease and the remainder must be paid within 90 days of the signing date, or 10% of the lot price must be paid at the time of signing the equity lease and entering into a financing agreement with the municipality.
  - e) After full payment of equity lease, lease rates shall be \$1.00 per annum.
  - f) All new land development projects will be self financed.
- 4) Conversion of existing leases to equity leases
- a) Council shall consider requests for conversion of existing leases to equity leases, at terms and conditions to be established and approved by Council.
  - b) New lease assignments may, with the agreement of the lessee, be based on an equity lease for the assignee.

iv) Insert the following page as Appendix “H”:

**Appendix “H”**

Rate of fees

Land application fee	\$250.00
Assignment of lease fee	\$50.00
Amendment to lease fee	\$50.00

Quarry fees

Quarry permit application fee	\$50.00
Royalty	\$ 0.25 per cubic metre of material taken
Quarry administration fee	\$ 0.50 per cubic metre of material taken
Quarry restoration fee	\$ 0.50 per cubic metre of material taken
Road maintenance fee	\$ 0.50 per cubic metre of material taken

Note: \$1.00 per cubic material taken may be reimbursed if the roads used and quarry where material is taken is in a satisfactory condition to the municipality.

Land Application

Land application fee shall be paid upon approval of application. The fee will be refunded to unsuccessful applicants.

Hamlet of Arviat  
By-law No. 000  
Page 5

READ a First time this                      day of                      , 2004.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Senior Administrative Officer

READ a Second time this                      day of                      , 2004.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Senior Administrative Officer

READ a Third and Final Time this                      day of                      , 2004.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Senior Administrative Officer

APPROVED BY THE MINISTER OF COMMUNITY AND GOVERNMENT  
SERVICES THIS                      DAY OF                      , 2004.

\_\_\_\_\_  
Minister  
Community and Government Services