



BAKER LAKE, N.W.T.  
XOC 0AO

Hamlet of Baker Lake  
By-Law #93  
Land Administration - 1995  
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BY-LAW NUMBER 93

.....  
A by-law of the Municipal Corporation or the Hamlet of Baker Lake in the Northwest Territories to provide for the administration of municipal lands, pursuant to the Hamlets Act, R.S.N.W.T., 1988, c. H-1, s. 132.2  
.....

As the Council of the Municipal Corporation of the Hamlet of Baker Lake 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 BAKER LAKE, at a duly assembled meeting, enacts as follows:

SHORT 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 Hamlet;
- b) "development cost" means the costs directly incurred by the Hamlet in developing land, including, but not limited to the cost of:
  - 1) planning and engineering design;
  - 2) project management;
  - 3) road construction;
  - 4) land fill;
  - 5) open spaces;
  - 6) piped water and sewer lines;
  - 7) electrical distribution lines (and poles);
  - 8) legal surveys;
  - 9) land acquisition and disposal costs;
  - 10) 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 Baker Lake;

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- 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 dispositions;
- g) "lot price" means the valuation of a lot;
- h) "market value" means the value of a parcel of land based on the amount 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 by the Hamlet to a lessee of municipal lands, at the time of lease execution, to assist in the payment of all or part of the capital costs of new or expanded infrastructure, including land, such infrastructure being located outside the lands being leased, but of direct, though not inclusive, 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) "Senior Administrative Officer" means the Senior Administrative Officer of the Hamlet or such other person as may be designated, from time to time, or exercise the powers and perform the duties of the Senior Administrative Officer pursuant to this by-law;
- n) "site-specific factors" means factors which may be used, where applicable, in adding or subtracting up to 25% of the development costs of new lots or the replacement cost for existing developed lots, and which may be composed of:

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- 1) size of land parcel;
- 2) site conditions;
- 3) desirability of location;
- 4) adjacent land uses; and
- 5) proposed land use.

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

#### 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 the lands by the Hamlet.

#### PRECONDITION 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 lands 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, leased, 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 section 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 lands;
  - b) an inspection of the lands has been conducted to determine:
    - 1) if the lands are occupied;
    - 2) if there are any improvements situated on the lands;
    - 3) if there are any easements affecting the lands; and
    - 4) such other information as Council may, in its discretion, consider to be relevant;

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- c) the Senior Administrative Officer has advised Council of the value of the lands and any improvements situated thereon and that the proposed use of the lands shall comply with the Zoning By-Law of the Hamlet in effect from time to time.

#### ADVERTISING OF THE LAND FOR DISPOSAL

7. a) Subject to subsection 7 (c), the Hamlet shall not lease or otherwise dispose of land until it has published a notice of such proposed lease or other disposition:
- 1) by advertisement for two consecutive weeks in a newspaper having weekly circulation in the Hamlet; or
  - 2) by notice posted in three prominent places in the Hamlet for a period of two weeks.
- b) Each advertisement or notice shall contain:
- 1) a sketch, drawn to scale, identifying the size and location of the lands to be leased or otherwise disposed of;
  - 2) the minimum consideration for which the lands will be leased or otherwise disposed of;
  - 3) an indication as to the method to be employed in leasing or otherwise disposing of land; and
  - 4) an indication as to where and when applicants may obtain information and application forms.
- c) Subsections 7 (a) and 7 (b) shall not apply to:
- 1) lands required by the Federal or Territorial Governments;
  - 2) lands which can only be of use to an adjoining owner/lessee;
  - 3) additional adjacent lands required for expansion of an owner's/lessee's existing or proposed development.
8. The Hamlet shall readvertise for lease or other disposition lands 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. This form shall contain, but not be limited to:
- 2 a) the legal name of the applicant or applicants;

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- b) the legal description of the land;
  - c) the purpose for which 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 of \$250.00.
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 condition 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 land.
11. The ledger kept pursuant to section 10 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 a minimum of:
- 25 years for Residential
  - 25 years for Commercial
- b) The term of leases referred to in 12 a) may be increased at Council's discretion based on the nature and value of improvements to be constructed. Extensions to a lease will not unreasonably be denied.
  - c) The term of all other leases will be at Council's discretion.
  - d) Renewal of leases will not be unreasonably withheld.
13. The Hamlet, in leasing or otherwise disposing of new lots for residential purposes, shall ensure that prospective private home owners have preference over lessees 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.

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15. The Hamlet, in leasing or otherwise disposing of new lots, shall require commencement of construction must begin within 6 months of the effective date of lease or the lease may be cancelled. Improvements must be constructed on the lots within 24 months of the date of the agreement.

The Hamlet may terminate a lease for failure to commence or complete construction of the building or other improvements within the time required. Subject to Section 16, if construction does not commence or is not completed within specified time period, 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 15. The following criteria will be used by the Hamlet in order to grant an extension:
- a) written explanation for the delay in construction;
  - b) written plan to complete construction within the extension period;
  - c) proof that approved financing is in place;
  - d) all outstanding debts to the Hamlet have been paid; and
  - e) application for development permit has been made.
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. Council shall at their discretion, decide which method of disposal shall be employed and when:
- a) For all lands that are to be disposed of, a Public Draw may be used where demand indicates that a draw is required with the provision that Council approved guidelines for a ballot draw are a prerequisite to any draw taking place;
  - b) For Commercial/Industrial Zoning lands that are to be disposed of, a Development Proposal Call may be used as set out in Section 19 under resolution of Council;
  - c) For all land that are to be disposed of, First-come-first-served basis may be used; or
19. The Hamlet shall decide whether, and under what circumstances, formal development proposals or bids will be asked from prospective lessees and may use the proposal call tender system outlined in Appendix D.

#### PRICING OF NEW LOTS

20. The Hamlet, in leasing or otherwise disposing of new lots, shall determine lot prices by development cost including any allowance for site specific factors.

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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 the price of the lot below its development cost:
  - a) when the lot has not been developed through financing from the Government of the Northwest Territories or a financial institution, Hamlet of Baker Lake  
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:
    - 1) a qualified land appraiser or assessor; or
    - 2) a call for bids, (by public tender or auction) in which the advertised minimum price is not less than the replacement cost.
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.

#### LEASE RATES

25. The annual lease rent charge for a lot under this by-law will be 4.0 % of the lot price per annum. Payment is due thirty (30) days after the date of notice. A person failing to make payment within the period, may have their lease cancelled by resolution of Council.

Council may vary the lease rate for dispositions of land to non-profit organizations.

#### OFF-SITE LEVIES

26. When disposing of land, the Hamlet may levy a surcharge to a lessee of lands to help 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;

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- 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 any off site levy is a separate surcharge above the 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 26.

#### 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.
31. The Hamlet shall, in regards to the account identified in section 30:
- 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 lands 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 32, the Hamlet shall call for proposals.
34. The Hamlet, in disposing of vacant lands to a private developer, shall:



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- a) do so by the 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 the developer to provide a list of the lease 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 cases for non-performance with regard to 34 (a), 34 (b) and 34 (c) above, the lease will be cancelled.

#### EASEMENTS

35. The Hamlet 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 made by the lessee on the lands.

#### LEASE ASSIGNMENTS (TRANSFERS)

36. Annual lease rental owing to the Hamlet and any taxes owing to the Government of the Northwest Territories must be paid in full prior to the assignment of a lot. The lessee must provide proof of ownership of improvements. Assignment of Lease will not be allowed when the improvements to the land have not been completed as per the lease agreement.

#### LEASE SURRENDERS

37. Annual lease rental owing to the Hamlet and any taxes owing to the Government of the Northwest Territories must be paid prior to the surrender of a lease. Also, the lessee must remove all improvements from the land and return the lot to a state which is satisfactory to the Hamlet and deliver up to the Hamlet, the duplicate leasehold title where one exists.

#### CANCELLATION OF LEASE

38. If the Hamlet cancels a lease due to non-compliance with any terms and conditions of a lease:
  - a) where there is a debt owed to the Hamlet, the Hamlet may seek an order to retain the right to any improvements upon the leased lands.
  - b) where there is no debt owing to the Hamlet, the lessee shall remove any improvements and restore the site within 60 days, failing which the Hamlet may seek an order allowing for the removal of improvements.

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- c) where the duplicate leasehold title for the lands has not been surrendered in accordance with the Land Titles Act, the Hamlet shall seek an order cancelling the leasehold title.

39. LAND USE PERMITS

- a) The Hamlet may issue land use permits, for the temporary use of land, in accordance with Appendix E.  
b) Application for a land use permit shall be in the form of Appendix F.  
c) A land use permit fee shall be determined by resolution of Council.  
d) Any environmental impacts of the proposed use must be addressed by the applicant to the satisfaction of the Hamlet prior to the issuance of a permit.

QUARRIES

40. a) The Hamlet may issue quarry permits for the temporary use of a quarry site. Applications for a quarry permit shall be in the form of Appendix G.  
b) The Hamlet shall charge a permit fee for gravel at fifty (\$50) dollars per application.  
c) Quarry fee, Restoration fee, Road Maintenance fee, and Administration fee shall be determined by resolution of Council in order to maintain, restore and for future development of municipal quarries.  
d) The Hamlet's quarry shall be in operation from 9:00 a.m. to noon, and from 1:00 p.m. to 5:00 p.m. Monday through Friday. Surcharge shall be applied to each cubic/meter of gravel after normal working hours.  
This amount of surcharge will be determined by resolution of Council.  
e) The Hamlet is exempt from all charges.  
f) All quarry fees shall be placed in a separate financial account.  
g) Fees established under Section 40 c) shall reflect the cost of development, operation, maintenance, administration and restoration of quarries.

BY-LAW ADMINISTRATION

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

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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 Call/  
Tender System
- Appendix "E" Land Use Operations
- Appendix "F" Land Use Permit Application Form
- Appendix "G" Application For Quarry Permit



MINOR CHANGES

42. Minor changes to the Appendices can be made by resolution of Council, without amending the By-law provided the revisions do not alter the intent of the By-law.

Read a first time this 19TH day of OCTOBER, 1995.

Read a second time this 26TH day of OCTOBER, 1995.

MAYOR DAVID TAGOONA

SENIOR ADMINISTRATIVE OFFICER  
DENNIS ZETTLER

APPROVED by this Minister of Municipal and Community Affairs this  
22 day of NOVEMBER, 1995.

MINISTER  
MUNICIPAL AND COMMUNITY AFFAIRS

Read a third time and finally passed this 7TH day of DECEMBER, 1995.

MAYOR DAVID TAGOONA

SENIOR ADMINISTRATIVE OFFICER  
DENNIS ZETTLER

**APPENDIX "A"**  
**LAND ACQUISITION BY-LAW**

HAMLET OF BAKER LAKE, N.T.  
BY-LAW NUMBER 93

\*\*\*\*\*  
A By-law of the Municipal Corporation of the Hamlet of Baker Lake 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 Baker Lake deems it to be in the public interest to acquire the land described hereunder:

NOW THEREFORE, THE COUNCIL OF THE HAMLET OF BAKER LAKE, in a duly assembled meeting, enacts as follows:

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

The whole of Lot \_\_\_\_\_ ( ) in the Hamlet of Baker Lake, 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.

Read a first time this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ A.D.

\_\_\_\_\_  
MAYOR SENIOR ADMINISTRATIVE OFFICER

Read a Second time this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ A.D.

\_\_\_\_\_  
MAYOR SENIOR ADMINISTRATIVE OFFICER

Read a third time and finally adopted this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ A.D.

\_\_\_\_\_  
MAYOR SENIOR ADMINISTRATIVE OFFICER

**APPENDIX "B"  
LAND DISPOSAL BY-LAW (LEASE)**

**HAMLET OF BAKER LAKE, N.T.  
BY-LAW NUMBER 93**

\*\*\*\*\*  
A By-law of the Municipal Corporation of the Hamlet of Baker Lake 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 Baker Lake deems it to be in the public interest to lease the land described hereunder;

NOW THEREFORE, THE COUNCIL OF THE HAMLET OF BAKER LAKE, in a duly assembled meeting, enacts as follows:

1. The whole or Lot ( ) in the Hamlet of Baker Lake, 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 to as joint tenants and not as tenants in common (or tenants in common and not as joint tenants), both of the Hamlet of Baker Lake.
2. The Mayor and the Senior Administrative Officer are hereby authorized on behalf of the Hamlet of Baker Lake to execute the lease agreement "Schedule A", attached to and forming part of this by-law, conveying the lot to the said lessee.

Read a first time this \_\_\_\_ day of \_\_\_\_\_, 19\_\_ A.D.

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

Read a second time this \_\_\_\_ day of \_\_\_\_\_, 19\_\_ A.D.

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

Read a third time and finally adopted this \_\_\_\_ day of \_\_\_\_\_, 19\_\_ A.D.

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

**APPENDIX "C"**

**APPLICATION FOR LAND IN THE HAMLET OF BAKER TOWN**

**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 PHONE # \_\_\_\_\_

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. \_\_\_\_\_  
(CIRCLE ONE) (LIST THE FULL NAME OF THE CONTACT PERSON FOR THIS APPLICATION IF DIFFERENT THAN 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 LEASE THE LAND DESCRIBED AS FOLLOWS:

\_\_\_\_\_  
\_\_\_\_\_  
(IF THE LAND YOU ARE APPLYING FOR IS SURVEYED, LIST THE LOT NUMBER, BLOCK OR GROUP NUMBER, AND LPO 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 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 IMPROVEMENT 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.)

- 2 -

5. THE UNDERSIGNED AGREE TO CONSTRUCT THE FOLLOWING IMPROVEMENTS: \_\_\_\_\_

THE ESTIMATED VALUE OF THESE IMPROVEMENTS IS \$ \_\_\_\_\_, AND WILL REQUIRE APPROXIMATELY 24 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.
7. THE UNDERSIGNED CERTIFY THAT I/WE HAVE READ AND UNDERSTOOD THE TERMS AND CONDITIONS LISTED ON THIS FORM AND AM IN COMPLETE AGREEMENT WITH THEM.
8. THE UNDERSIGNED CERTIFY THAT THE INFORMATION I/WE HAVE GIVEN IN THIS APPLICATION IS TRUE AND CORRECT.
9. THE CONSTRUCTION OF BUILDINGS AND IMPROVEMENTS MUST CONFORM TO LOCAL BY-LAWS AND BUILDING STANDARD.
10. IF THERE ARE BUILDINGS AND/OR OTHER IMPROVEMENTS PROPOSED BY THE APPLICANTS, 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 ACCURATELY TO SCALE ALL FLOOR PLANS, HEATING AND FIRE 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.
11. THIS APPLICATION WILL NOT BE CONSIDERED UNLESS ACCOMPANIED BY A NON-REFUNDABLE APPLICATION FEE OF TWO HUNDRED & FIFTY DOLLARS (\$250.00) AND PLOT PLAN OF PROPOSED IMPROVEMENTS.
12. THE SUBMISSION OF THIS APPLICATION AND PAYMENT OF THE TWO HUNDRED & FIFTY DOLLARS (\$250.00) DEPOSIT DO NOT IN THEMSELVES CONVEY ANY RIGHT TO LAND.
13. 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 WILL NOT BE REFUNDED. IF THIS APPLICATION IS ACCEPTED THE DEPOSIT WILL BE APPLIED TO THE PROCESSING OF THIS LEASE.
14. ALL RIGHTS TO MUNICIPAL LAND EXCLUDE THE FOLLOWING:
  - A) ALL MINES AND ALL 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 RIGHTS OF THE RECORDED HOLDERS OF MINERAL CLAIMS AND ANY OTHER CLAIMS OR PERMITS AFFECTING THE LAND;
  - C) THE RIGHT TO ENTER UPON, WORK AND REMOVE ANY ROCK OUP CROP REQUIRED FOR PUBLIC PURPOSES;

- D) 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 PURPOSE OF INSTALLING AND MAINTAINING ANY PUBLIC UTILITY.

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SIGNATURE OF APPLICANT

DATE

SIGNATURE OF CO-APPLICANT

DATE



APPENDIX "D"**PROPOSAL CALL / TENDER SYSTEM**

This system is usually employed for the 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 day and time for the submission of applications;
- 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 costs of construction, drawings, specifications, etc.)
- e) a request for any deposit that is required;
- f) the terms and conditions of any 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 the successful applicant may be required to pay the Hamlet to guarantee the completion of the construction of improvements.

APPENDIX "E"

**LAND USE OPERATIONS**

The Hamlet may issue Land Use Permits for those uses of land that will be short term (temporary) in nature. A permit may be issued for site investigation, the temporary storage of materials, etc. One of the main concerns when issuing a permit is the environmental impact of the temporary use. A permit should not be used for any undertaking that will be long term or permanent (construction of a building, etc.). The following guide is to be used when completing an application for Land Use Permits.

Operations for which a land use permit is required includes:

- 1) the use of any explosive;
- 2) the use, except on public roads or trails maintained or in part by public funds, of any vehicle that exceeds 4500 kgs (10,000 lbs) net vehicle weight, or the use of any vehicle of any weight that exerts pressure on the ground of 35 kps (5 lbs per square inch);
- 3) the use of any self propelled power driven machine 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 trails or right-of-way exceeding two meter in width (6 feet), and
- 7) the establishment of any petroleum cache in excess of 1300 litres (300 gallons).

APPENDIX "F"

LAND USE PERMIT APPLICATION FORM

1. APPLICANT

2. ADDRESS

3. ADDRESS OF HEAD OFFICE

4. LOCATION AND DESCRIPTION OF OPERATION: a) Attach a description & 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 & FUNCTION

9. TIME SCHEDULE

Start:

Completion:

10. NAME & ADDRESS OF FIELD SUPERVISOR

11. NO. OF EMPLOYEES

12. AREA USED (Hectare)

13. PERMIT FEE: \$ \_\_\_\_\_ as determined by resolution of Council, section 39.

Signature

Title

Date

OFFICE USE





P.O. Box 149  
3022 – 4<sup>th</sup> Avenue  
Baker Lake, NU  
X0C 0A0  
Bylaw No. 201  
Land Administration Amendment

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A by-law of the Municipal Corporation of the Hamlet of Baker Lake (hereafter “the Hamlet”) to provide for the administration of Municipal Lands and lands provided for in subsection 14.1.1(b) and Article 14, Part 5 of the Nunavut Land Claims Agreement, pursuant to Sections 53.4 and 53.5 of the *Hamlets Act*, R.S.N.W.T. 1988, c.H-1, as duplicated for Nunavut by s.29 of the *Nunavut Act*, S.C. 1993, c.28; and as amended by S. Nu. 2003, c.3, *An Act to Amend the Hamlets Act*, (hereafter “the Act”)

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WHEREAS, the Council of the Municipal Corporation of the Hamlet of Baker Lake has adopted a land administration by-law in accordance with the *Hamlets Act*, and

WHEREAS, the Council has reviewed the Land Administration By-Law and decided to changes sections to reflect current conditions should be made,

NOW THEREFORE, the Municipal Corporations of the Hamlet of Baker Lake, at a duly assembled meeting, enacts as follows:

1. SHORT TITLE

This by-law may be cited as the “Land Administration Amendment”.

2. AMENDMENTS to Land Administration By-law No. 93 are as follows:

i) The addition of the following to section 2

- |                     |   |
|---------------------|---|
| o) “Standard Lease” | means a lease which has an annual payment but does not accumulate equity unless converted to an equity lease;   |
| p) “Equity Lease”   | means a lease for which all lease payments are credited against the total lot price until such time as the lot price is paid in full, at which time lease payments are \$1.00 per year. |

ii) Remove section 12 and insert the following

Terms and conditions for Land Disposal

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

30 years for residential

30 years for commercial

30 years for industrial

b) The term of lease referred in 12a) may be increased at the discretion of the Council based on the nature and value of improvements to be constructed, provided that the lessee, in writing gives reasons for the need of an extension. Extension to a lease will not unreasonably be denied.

c) The terms of all other leases will be at Council's discretion.

d) Renewal of a lease will not be unreasonably withheld.

iii) Remove section 25 and insert the following:

LEASE RATES

**25(a) Standard Lease Rates**

- i) The standard lease rate per lot or portion of a lot will be 4% of the lot price
  - a. \$340.00 per year for lots up to 750 square metres, or;
  - b. \$0.45 per square metre calculated on area over 750 square metres, with a minimum rate of \$340.00 per year.
- ii) Council may vary the standard lease rate for dispositions of land to non-profit organizations.
- iii) The standard lease rate may be reviewed annually, with the lessee being notified of any changes to the standard lease rate a minimum of ninety (90) days before the five year anniversary date of the standard lease.

### **25(b) Equity Lease Rates**

- i) For new leases on new lots, Council shall issue equity leases.
- ii) Where Equity lease are required for new lots, 10% of the price must be paid at the time of signing of the equity lease and the remained must be paid within sixty (60) days of the signing of the lease.

Or

Where equity lease are required for a new lots, 10 % of the lot price must be paid at the time of signing of the equity lease and the remainder of the lot price shall be made in equal annual payments, over a period not to exceed 15 years from the commencement date of the equity lease.

- iii) After all the equity lease payments are paid in full, the lease rate shall be \$1.00 payable April 1<sup>st</sup> each year.
- iv) Not withstanding ii) above, payment of the balance of the lot price may be made at any time.
- v) Where any portion of the rental is unpaid for more then thirty (30) days, a late payment fee of 1.5% per month shall be charged. Excluding leases that were written back dated up to the time that they are current upon which the late payment fee will come into effect.
- vi) The term of all equity leases will be 30 years.
- vii) If a lease is surrendered, rental paid by the Lessee shall be refunded except for the amount equal to 4.0% of the lot price per annum.
- viii) Council may vary the equity lease rate for dispositions of land to non-profit organizations.

### **25(c) Conversion of Existing Leases to Equity Leases**

- i) Council shall allow and encourage the conversion of existing standard leases to equity lease.
- ii) Conversion of a standard lease to an equity lease shall be at the written request of the lessee.
- iii) The lot price shall be determined by the Replace Cost and may be adjusted by:
  - a) Applying a discount factor of 3% per year (being inflation factor), back to the year the lot was constructed
  - b) Applying site-specific factors
  - c) Deducting all previous lease payments made by the current lessee back to the current standard lease, or a preceding lease to the current lessee of the same property.
- iv) Interest on overdue payments shall not be credited to the discount pursuant to section 25(c) iii), but shall none the less remain due and payable.

**25(c) Conversion of Existing Leases to Equity Leases continued**

Where an existing standard lease is converted to an equity lease, 10 % of the lot price as determined by <sup>3</sup> above shall be paid at the time of signing of the equity lease and the remainder of the lot price shall be made in equal annual payments, over a period not to exceed 10 years from the commencement date of the equity lease, after which annual payment for the lease shall be One (\$ 1.00) per year.

- Notwithstanding <sup>4</sup> above, payment of the balance of the lot price may be made at any time.
- By-law No. 93, containing the Land Administration By-law is hereby amended.
- This Bylaw shall come into effect on the date of its third reading

READ the first time <sup>4TH</sup> day of <sup>FEBRUARY</sup>, 2010.

  
\_\_\_\_\_

Mayor David Aksawnee

  
\_\_\_\_\_

Dennis Zettler, SAO

**After due notice and a public hearing,**

READ a second time <sup>4TH</sup> day of <sup>MARCH</sup>, 2010.

  
\_\_\_\_\_

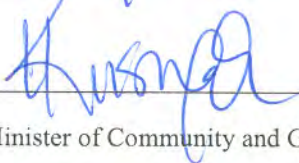
Mayor David Aksawnee

  
\_\_\_\_\_

Dennis Zettler, SAO

APPROVED by the Minister of Community and Government Services this <sup>6th</sup> day of

<sup>August</sup>, 2010.

  
\_\_\_\_\_

Minister of Community and Government Services

Read a third time and finally passed this <sup>14th</sup> day of <sup>SEPTEMBER</sup>, 2010.

  
\_\_\_\_\_

Mayor David Aksawnee

  
\_\_\_\_\_

Dennis Zettler, SAC

