



**First Nations Tax Commission**  
**Commission de la fiscalité des premières nations**

The First Nations Tax Commission, pursuant to the *First Nations Fiscal Management Act*, hereby approves the following law made by the Tsuut'ina Nation in the Province of Alberta,

***Tsuut'ina Nation Property Taxation Law, 2018***

Dated at Kamloops, British Columbia this 20th day of December, 2018.

On behalf of the First Nations Tax Commission

C.T. (Manny) Jules - Chief Commissioner  
First Nations Tax Commission





## Tsuut'ina Nation Property Taxation Law, 2018

Under the guidance of Almighty God, Our Creator, and as a sovereign Nation; We, the peoples of Tsuut'ina Nation, in preservation and continuation of the Tsuut'ina Nation's unique culture, identity, traditions, language and institutions, and with respect to the special relationship to the land and resources, in continued relationship with all First Nations and Canada; Do ordain and establish this law in accordance with our inherent right to governance.

Nato ninist'iya dinachowi diyi nananitini k'asona diyi datl'ishi nanisaatluni niiha nihina?o-ha tlaat'a Tsuut'ina wusa dinaloku nihininisha, nihiusno, misila yino?i, nihigunaha misila nihininana?o-hi. Nisk'a uwa mits'i-hi tlaat'a dina-tii uwa Canada isla najuna adadanazini diyi datlishi dik'asilo niiha nihina?o-ha gwasaaala.

**A Document to Enact the Property Taxation Law, 2018  
Within the Tsuut'ina Nation Lands, Alberta, Canada**

**Enacted on December 10<sup>th</sup>, 2018 in Tsuut'ina Nation.  
Coming Into Force Upon Approval by  
The First Nations Tax Commission.**

## Preamble

Pursuant to section 5 of the *First Nations Fiscal Management Act*, the council of a first nation may make laws respecting taxation for local purposes of reserve lands, interests in reserve lands or rights to occupy, possess or use reserve lands;

The Council of the Tsuut'ina Nation deems it to be in the best interests of the Nation to make a law for such purposes; and

The Council of the Tsuut'ina Nation has given notice of this law and has considered any representations received by the Council, in accordance with the requirements of the *First Nations Fiscal Management Act*;

The Council of the Tsuut'ina Nation reserves the right to opt out of the *First Nations Fiscal Management Act*, and be removed from the list of communities listed in Schedule I to the act, in order to enact taxation legislation pursuant to its own inherent authority at a later date;

NOW THEREFORE the Council of the Tsuut'ina Nation duly enacts as follows:

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## Part I - Citation

### **Citation**

1. This Law may be cited as the *Tsuut'ina Nation Property Taxation Law, 2018*.

## Part II – Definitions & References

### Definitions and References

2. (1) In this Law:

“Act” means the *First Nations Fiscal Management Act*, S.C. 2005, c. 9, and the regulations enacted under that Act;

“assessed value” has the meaning given to that term in the Assessment Law;

“Assessment Law” means the *Tsuut’ina Nation Property Assessment Law, 2018*

“Assessment Review Board” means the assessment review board established under the Assessment Law;

“assessment roll” has the meaning given to that term in the Assessment Law;

“assessor” means a person appointed to that position under the Assessment Law;

“Council” has the meaning given to that term in the Act;

“debtor” means a person liable for unpaid taxes imposed under this Law;

“expenditure law” means an expenditure law enacted under paragraph 5(1)(b) of the Act;

“holder” means a person in possession of an interest in land or a person who, for the time being

(a) is entitled through a lease, licence or other legal means to possess or occupy the interest in land,

(b) is in actual occupation of the interest in land,

(c) has any right, title, estate or interest in the interest in land, or

(d) is a trustee of the interest in land;

“improvement” means

(a) a structure,

(b) any thing attached or secured to a structure that would be transferred without special mention by transfer or sale of the structure,

(c) a manufactured home, mobile home, modular home or travel trailer, and

(d) machinery and equipment;

“interest in land” or “property” means land or improvements, or both, in the reserve and, without limitation, includes any interest in land or improvements, any occupation, possession or use of land or improvements, and any right to occupy, possess or use land or improvements;

“locatee” means a person who is in lawful possession of land in the reserve under subsections 20(1) and (2) of the *Indian Act*;

“manufactured home” has the meaning given to that term in the Assessment Law;

“Nation” means the Tsuut’ina Nation, being a band named in the Schedule to the Act;

“Nation Entity” means:

(a) a corporation in which the Nation beneficially owns, directly or indirectly, shares

(i) having not less than fifty percent (50%) of the votes that could be cast at an annual meeting of the shareholders of the corporation, or

(ii) having not less than fifty percent (50%) of the fair market value of all of the issued shares of the capital stock of the corporation; or

(b) a partnership in which the Nation beneficially owns, directly or indirectly,

(i) not less than fifty percent (50%) of all voting rights of the partnership, or

(ii) interests in the partnership having not less than fifty percent (50%) of the fair market value of all of the interests in the partnership;

“Notice of Discontinuance of Services” means a notice containing the information set out in Schedule X;

“Notice of Sale of a Right to Assignment of Taxable Property” means a notice containing the information set out in Schedule IX;

“Notice of Sale of Seized Personal Property” means a notice containing the information set out in Schedule VII;

“Notice of Seizure and Assignment of Taxable Property” means a notice containing the information set out in Schedule VIII;

“Notice of Seizure and Sale” means a notice containing the information set out in Schedule VI;

“person” includes a partnership, syndicate, association, corporation and the personal or other legal representatives of a person;

“property class” has the meaning given to that term in the Assessment Law;

“Province” means the province of Alberta;

“registry” means any land registry in which interests in land are registered;

“reserve” means any land set apart for the use and benefit of the Nation within the meaning of the *Indian Act*;

“resolution” means a motion passed and approved by a majority of Council present at a duly convened meeting;

“tax administrator” means a person appointed by Council under subsection 3(1) to administer this Law;

“Tax Arrears Certificate” means a certificate containing the information set out in Schedule V;

“Tax Certificate” means a certificate containing the information set out in Schedule IV;

“tax instalment payment plan” means a monthly payment plan for the payment of taxes, as set out in section 13;

“Tax Notice” means a notice containing the information set out in Schedule II and includes an amended Tax Notice;

“tax roll” means a list prepared pursuant to this Law of persons liable to pay tax on taxable property;

“tax zone” means tax zone 1 and tax zone 2, as described in section 9, and which are established for the purposes of setting tax rates in each tax zone that may be different from the tax rates set in the other tax zone;

“taxable property” means an interest in land that is subject to taxation under this Law;

“taxation year” means the calendar year to which an assessment roll applies for the purposes of taxation;

“taxes” include

(a) all taxes imposed, levied, assessed or assessable under this Law, and all penalties, interest and costs added to taxes under this Law, and

(b) for the purposes of collection and enforcement, all taxes imposed, levied, assessed or assessable under any other local revenue law of the Nation, and all penalties, interest and costs added to taxes under such a law; and

“taxpayer” means a person liable for taxes in respect of taxable property.

(2) In this Law, references to a Part (e.g. Part I), section (e.g. section 1), subsection (e.g. subsection 2(1)), paragraph (e.g. paragraph 3(4)(a)), subparagraph (e.g. subparagraph 8(1)(h)(i)) or Schedule (e.g. Schedule I) is a reference to the specified Part, section, subsection, paragraph, subparagraph or Schedule of this Law, except where otherwise stated.

## Part III - Administration

### **Tax Administrator**

3. (1) Council must, by resolution, appoint a tax administrator to administer this Law on the terms and conditions set out in the resolution.

(2) The tax administrator must fulfill the responsibilities given to the tax administrator under this Law and the Assessment Law.

(3) The tax administrator may, with the consent of Council, assign the performance of any duties of the tax administrator to any officer, employee, contractor or agent of the Nation.

(4) The tax administrator's responsibilities include

(a) the collection of taxes and the enforcement of payment under this Law; and

(b) the day to day management of the Nation's local revenue account.



## Part IV - Liability for Taxation

### Application of Law

4. This Law applies to all interests in land.

### Tax Liability

5. (1) Except as provided in Part V, all interests in land are subject to taxation under this Law.

(2) Taxes levied under this Law are a debt owed to the Nation, recoverable by the Nation in any manner provided for in this Law or in a court of competent jurisdiction.

(3) Taxes are due and payable under this Law notwithstanding any proceeding initiated or remedy sought by a taxpayer respecting his or her liability to taxation under this Law.

(4) Any person who shares the same interest in taxable property is jointly and severally liable to the Nation for all taxes imposed on that taxable property under this Law during the taxation year and for all unpaid taxes imposed in a previous taxation year, including for clarity, penalties, interest and costs as provided in this Law.

### Tax Refunds

6. (1) Where a person is taxed in excess of the proper amount in a taxation year, the tax administrator must refund to that person any excess taxes paid by that person.

(2) Where a person is entitled to a refund of taxes, Council may direct the tax administrator to refund the amount in whole or in part by applying it as a credit on account of taxes or other unpaid amounts that are due or accruing due to the Nation in respect of taxable property held by that person.

(3) Where a person is entitled to be refunded an amount of taxes paid under this Law, the tax administrator must pay the person interest as follows:

(a) interest accrues from the date that the taxes were originally paid to the Nation;

(b) the interest rate during each successive three (3) month period beginning on January 1, April 1, July 1 and October 1 in every year, is two percent (2%) below the prime lending rate of the principal banker to the Nation on the 15th day of the month immediately preceding that three (3) month period;

(c) interest will not be compounded; and

(d) interest stops running on the day payment of the money owed is delivered or mailed to the person to whom it is owed, or is actually paid.

## Part V - Exemptions from Taxation

7. (1) The following interests in land are exempt from taxation under this Law to the extent indicated:

(a) subject to subsection (2), any interest in land located in tax zone 1 that is held or occupied by a member of the Nation;

(b) subject to subsection (2), any interest in land located in tax zone 2 that is:

(i) held or occupied by one (1) or more members of the Nation and related individuals of those members and no other persons, and

(ii) used as their primary residence;

(c) subject to subsection (2), any interest in land held or occupied by the Nation or a Nation Entity;

(d) property, other than a student dormitory, used in connection with school purposes, not operated for profit;

(e) property held by a religious body and used chiefly for divine service, public worship or religious education, and any property held by the religious body and used only as a parking area in connection with these purposes;

(f) property, other than a student dormitory, used in connection with a hospital, not operated for profit;

(g) property, other than a student dormitory, used as a university, technical institute or public college, not operated for profit;

(h) property used to provide housing accommodation for senior citizens, not operated for profit; and

(i) property consisting of the following:

(i) land, to a maximum of 10 hectares, that is used as a cemetery; and

(ii) any improvement on land described in subparagraph (i) that is used for burial purposes.

(2) Where an interest in land is held by the Nation, a Nation Entity or a member of the Nation, as the case may be, and is wholly occupied by a person who is not the Nation, a Nation Entity or a member of the Nation,

(a) the exemptions in paragraphs (1)(a), (b) and (c) do not apply to the person who is not the Nation, a Nation Entity or a member of the Nation; (b) that person is responsible for the taxes levied in respect of the interest in land; and

(c) the taxes are a liability only on that person.

(3) Where an interest in land is occupied by the Nation, a Nation Entity or a member of the Nation and is also occupied by a person who is not the Nation, a Nation Entity or a member of the Nation,

(a) the exemptions in paragraphs (1)(a), (b) and (c) do not apply to that person;

(b) taxes under this Law must be levied in respect of that person's proportionate occupation of the interest in land; and

(c) the taxes are a liability only on that person. (4) The exemptions in paragraphs (1) (d) to (i) apply only to that portion of a property that is used for the purposes for which the exemption is given.

(5) Where a property contains one or more parts that are exempt from taxation, the taxes are recoverable against the entire property.

## Part VI - Grants

### Annual Grants

8. (1) Council may provide for a grant to a holder to support non-profit activities on the reserve, where the holder is a charitable, philanthropic or other not-for-profit corporation and Council considers that the property is used for a purpose that is directly related to the purposes of the corporation.

(2) Grants provided under subsection (1)

(a) may be given only to a holder of property that is taxable in the current taxation year;

(b) must be in an amount equal to or less than the taxes payable on the property in the current taxation year, less any other grants, abatements and offsets; and

(c) must be used only for the purposes of paying the taxes owing on the property in the current taxation year.

(3) Council will in each taxation year determine all grants that will be given under this Part and will authorize those grants in an expenditure law.

## Part VII - Tax Zones and Levy of Tax

### **Tax Zones**

**9.** The following tax zones are established:

(a) tax zone 1 includes all of the reserve lands contained within Tsuut'ina Nation Reserve No. 145, except those reserve lands contained in tax zone 2; and

(b) tax zone 2 includes all those reserve lands contained in the Grey Eagle Resort and Casino Development, the 2014 Land Designation and the Buffalo Run Land Designation, legally described as follows:

- (i) PIN 703019901, Lot 37, Plan CLSR 103721,
- (ii) PIN 703019902, Lot 38, Plan CLSR 103678,
- (iii) PIN 703019903, Lot 39, Plan CLSR 103679,
- (iv) PIN 103019904, Lot 40, Plan CLSR 103718,
- (v) PIN 703019905, Lot 41, Plan CLSR 103718,
- (vi) NO PIN, Lot 57, Plan CLSR 106440;
- (vii) NO PIN, Lot 58, Plan CLSR 106440
- (viii) NO PIN, Lot 59, Plan CLSR 106440,
- (ix) PIN 703025582, Lot 65, Plan CLSR 107404,
- (x) PIN 703025567, Lot 66, Plan CLSR 107404,
- (xi) PIN 703017810, Lot 34, Plan CLSR 102294,
- (xii) PIN 703017811, Lot 36, Plan CLSR 102294,
- (xiii) PIN 703019788, Lot 50, Plan CLSR 103721,
- (xiv) PIN 703021932, Lot 53, Plan CLSR104328,
- (xv) PIN 703025578, Lot 61, Plan CLSR 107212,
- (xvi) PIN 703025579, Lot 62, Plan CLSR107212, and
- (xvii) PIN 703025577, Lot 67, Plan CLSR 107404.

### **Tax Levy**

**10.** (1) On or before May 15 in each taxation year, Council must adopt a law setting the rate of tax to be applied to each property class in each tax zone.

(2) A law setting the rate of tax may establish different tax rates for each property class in each tax zone.

(3) Taxes must be levied by applying the rate of tax against each one thousand dollars (\$1,000) of assessed value of the interest in land.

(4) Taxes levied under this Law are deemed to be imposed on January 1 of the taxation year in which the levy is first made.

(5) Notwithstanding subsection (3), Council may establish, in its annual law setting the rate of tax, a minimum tax payable in respect of a taxable interest in land.

(6) A minimum tax established under the authority of subsection (5) may be established in respect of one or more property classes and may be different in each tax zone.

### **Tax Payments**

**11.** (1) Taxes are due and payable on or before June 30 of the taxation year in which they are levied.

(2) Taxes must be paid at the office of the Nation during normal business hours, by cheque, money order or cash.

(3) Payment of taxes made by cheque or money order must be made payable to the Tsuut'ina Nation.

(4) Where a taxpayer has been approved for the tax instalment payment plan, taxes are due as set out in subsection (1), but are payable in accordance with subsection 13(4).

(5) For clarity, a taxpayer must pay taxes in accordance with subsection (1) unless the taxpayer has received approval to pay taxes under the tax instalment payment plan.

## Part VIII - Tax Roll and Tax Notice

### **Tax Roll**

12. (1) On or before May 15 in each taxation year, the tax administrator must create a tax roll for that taxation year.

(2) The tax roll must be in paper or electronic form and must contain the following information:

- (a) a description of the property as it appears on the assessment roll;
- (b) the name and address of the holder entered on the assessment roll with respect to the property;
- (c) the name and address of every person entered on the assessment roll with respect to the property;
- (d) the assessed value by classification of the land and the improvements as it appears in the assessment roll, exclusive of exemptions, if any;
- (e) the amount of taxes levied on the property in the current taxation year under this Law;
- (f) the amount of any unpaid taxes from previous taxation years; and
- (g) if the taxpayer is paying taxes under the tax instalment payment plan, the amount of taxes paid from January 1 to May 1, the June 1 instalment amount, and the new monthly instalment amount for July 1 to December 1.

(3) The tax administrator may use the certified assessment roll as the tax roll by adding the following information to the assessment roll:

- (a) the amount of taxes levied on the property in the current taxation year under this Law; and
- (b) the amount of any unpaid taxes from previous taxation years.

(4) An error, omission or misdescription on the tax roll does not invalidate any other information on the tax roll or the tax roll itself.

### **Tax Instalment Payment Plan**

13. (1) A taxpayer of a property in the residential property class may apply to the tax administrator to pay taxes in monthly instalments as set out in this section.

(2) In order to be accepted for the tax instalment payment plan, the taxpayer must

- (a) have no unpaid taxes owing to the Nation;
- (b) complete and submit to the tax administrator an application in the form prescribed by the tax administrator from time to time; and
- (c) not have their taxes paid by their mortgage company.

(3) Once approved under this section, the taxpayer remains on the tax instalment payment plan from year to year, unless the taxpayer

- (a) requests removal from the plan in writing to the tax administrator; or
- (b) fails to pay an instalment payment on or before the due date, and the tax administrator gives written notice to the taxpayer of removal from the plan.

(4) Instalment payments under the tax instalment payment plan must be made on the first day of every month of the taxation year.

(5) The instalments payable are determined as follows:

- (a) for the payments due from January 1 to June 1, by dividing the previous year's tax bill by twelve (12), rounded up to the nearest dollar; and

(b) for the payments due from July 1 to December 1, by subtracting from the current year's tax bill the amounts already paid, and dividing the remainder by six (6).

(6) Where a taxpayer joins the tax instalment payment plan partway through a taxation year, the taxpayer must make an initial payment equal to all missed instalments for that year, which payment must be made at the time of the application to join the tax instalment payment plan.

(7) Despite paragraph (5)(a), if taxes were not levied on a property in the previous taxation year, or where levied for only part of the previous taxation year, the instalments must be determined using the amount the tax administrator estimates would have been levied on the property if taxes had been levied for the entire taxation year.

(8) Where a taxpayer fails to pay any instalment by the due date for that instalment the following rules apply:

(a) where the unpaid instalment was due and payable before July 1 in the taxation year, it is subject to penalties and interest on the unpaid amount in accordance with Part X from the date the instalment was due; and

(b) where the unpaid instalment was due on or after July 1 in the taxation year, all taxes owing for the taxation year are immediately due and payable and subject to penalties and interest on those unpaid taxes in accordance with Part X from the date the unpaid instalment was due.

(9) Where a taxpayer fails to pay an instalment by the due date for that instalment, the tax administrator must, as soon as practicable, send a notice to the taxpayer

(a) advising of the default;

(b) setting out the amount due in accordance with subsection (8); and

(c) advising of the taxpayer's removal from the tax instalment payment plan, in accordance with paragraph (3) (b).

#### **Annual Tax Notices**

14. (1) On or before May 31 in each taxation year, the tax administrator must mail a Tax Notice to

(a) each holder of taxable property under this Law, and

(b) each person whose name appears on the tax roll in respect of the property, to the address of the person as shown on the tax roll.

(2) The tax administrator must enter on the tax roll the date of mailing a Tax Notice.

(3) The mailing of the Tax Notice by the tax administrator constitutes a statement of and demand for payment of the taxes.

(4) If a number of properties are assessed in the name of the same holder, any number of those properties may be included in one Tax Notice.

(5) Where the holder of a charge on taxable property gives notice to the assessor of the charge under the Assessment Law and the assessor enters the holder's name on the assessment roll, the tax administrator must mail a copy of all Tax Notices issued in respect of the property to the holder of the charge during the duration of the charge.

(6) The Tax Notice and the Assessment Notice required under the Assessment Law relating to the same property may be mailed together or may be combined into one notice.

(7) If it is discovered that there is an error, omission or misdescription in any of the information shown on a Tax Notice, the tax administrator may prepare and send an amended Tax Notice to every person to whom a Tax Notice must be sent under subsection (1).

## **Amendments to Tax Roll and Tax Notices**

15. (1) Where the assessment roll has been amended in accordance with the Assessment Law the tax administrator must amend the tax roll and mail an amended Tax Notice to every person to whom a Tax Notice must be sent under subsection 14(1).

(2) If it is discovered that there is an error, omission or misdescription in any of the information shown on the tax roll

(a) the tax administrator may correct the tax roll for the current taxation year only; and

(b) on correcting the tax roll, the tax administrator must mail an amended Tax Notice to every person to whom a Tax Notice must be sent under subsection 14(1).

(3) If it is discovered that no tax has been imposed on a taxable property, the Nation may impose the tax for the current year only and the tax administrator must prepare and send a Tax Notice to every person to whom a Tax Notice must be sent under subsection 14(1).

(4) If property that was exempt from taxation becomes taxable or taxable property becomes exempt from taxation, the tax administrator must correct the tax roll and mail an amended Tax Notice to every person to whom a Tax Notice must be sent under subsection 14(1).

(5) Where the taxable status of a property changes, the tax imposed in respect of it must be prorated so that the tax is payable only for the part of the year in which the property, or part of it, is not exempt.

(6) The tax administrator must record on the tax roll the date of every entry made under this section.

(7) Where an amended Tax Notice indicates a reduction in the amount of taxes owing, the tax administrator must forthwith refund any excess taxes that have been paid, in accordance with section 6.

(8) Where an amended Tax Notice indicates an increase in the amount of taxes owing, the taxes are due and payable on the date of mailing of the amended Tax Notice; however, the taxpayer must be given thirty (30) days to pay those taxes, and a penalty and interest must not be added in that period.

## **Supplementary Taxes**

16. (1) Where a supplementary assessment roll is prepared under the Assessment Law, the tax administrator must prepare a supplementary tax roll, which may be a continuation of the supplementary assessment roll or may be separate from that roll.

(2) A supplementary tax roll must show

(a) the same information that is required to be shown on the tax roll; and

(b) the date for determining the tax that may be imposed on the improvements.

(3) The tax administrator must, no later than December 31 in the taxation year in which a supplementary tax roll is prepared,

(a) prepare supplementary Tax Notices for all taxable property shown on the supplementary tax roll; and

(b) send the supplementary Tax Notices to every person to whom a Tax Notice must be sent under subsection 14(1).

(4) The duties imposed on the tax administrator with respect to the tax roll and the provisions of this Law relating to tax rolls, so far as they are applicable, apply to supplementary tax rolls.

## **Subdivision**

17. (1) If a property is subdivided, by lease or other legal instrument, before a Tax Notice is mailed in respect of that property, the tax administrator may

(a) apportion the taxes payable in that year among the properties created by the subdivision in the same proportions as taxes would have been payable in respect of the properties had the subdivision occurred on or before the assessment roll was certified under the Assessment Law; and



(b) on making an apportionment under paragraph (a), record the apportionment on the tax roll in the manner that the tax administrator considers necessary.

(2) Taxes apportioned to a property under subsection (1) are the taxes payable in respect of the property in the year for which they are apportioned.

(3) The assessor must provide the tax administrator with the assessed values necessary to calculate the proportions of taxes referred to in subsection (1).

**Requests for Information**

**18.** (1) The tax administrator may, for any purpose related to the administration of this Law, deliver a Request for Information containing the information set out in Schedule I, to a holder or a person who has disposed of property, and that person must provide the requested information to the tax administrator within fourteen (14) days or a longer period as specified in the notice.

(2) The tax administrator is not bound by the information provided under subsection (1).

## Part IX - Payment Receipts and Tax Certificates

### **Receipts for Payments**

**19.** On receipt of a payment of taxes, the tax administrator must issue a receipt to the taxpayer and must enter the receipt number on the tax roll opposite the interest in land for which the taxes are paid.

### **Tax Certificate**

**20.(1)** On receipt of a written request and payment of the fee set out in subsection (2), the tax administrator must issue a Tax Certificate showing whether taxes have been paid in respect of an interest in land and if not, the amount of taxes outstanding.

(2) The fee for a Tax Certificate is twenty-five dollars (\$25.00) for each tax roll folio searched.

## Part X - Penalties and Interest

### **Penalties**

21. If all or any portion of taxes remains unpaid after June 30 of the year in which they are levied, a penalty of ten percent (10%) of the portion of the current year's taxes that remains unpaid will be added to the amount of the unpaid taxes and the amount so added is, for all purposes, deemed to be part of the current year's taxes.

### **Interest**

22. If all or any portion of taxes remains unpaid after June 30 of the year in which they are levied, the unpaid portion accrues interest at one percent (1%) per month or portion of month, compounded monthly, until paid or recovered, and the accrued interest added is, for all purposes, deemed to be part of the taxes.

### **Application of Payments**

23. Payments for taxes must be credited by the tax administrator first, to taxes, including penalties and interest, from previous taxation years, second, to unpaid taxes, including penalties and interest, for the current taxation year.

## Part XI - Revenues and Expenditures

### Revenues and Expenditures

24. (1) All revenues raised under this Law must be placed in a special account or accounts, separate from other moneys of the Nation.

(2) Revenues raised include:

- (a) taxes, including for clarity, penalties, interest and costs, as set out in this Law; and
- (b) payments-in-lieu of taxes.

(3) An expenditure of revenue raised under this Law must be made under the authority of an expenditure law or in accordance with section 13.1 of the Act.

### Reserve Funds

25. (1) Reserve funds established by Council must

- (a) be established in an expenditure law; and
- (b) comply with this section.

(2) Except as provided in this section, money in a reserve fund must be deposited in a separate account and the money and interest earned on it must be used only for the purpose for which the reserve fund was established.

(3) Council may, by expenditure law,

- (a) transfer moneys in a capital purpose reserve fund to another reserve fund or account, provided that all projects for which the reserve fund was established have been completed;
- (b) transfer moneys in a non-capital purpose reserve fund to another reserve fund or account; and
- (c) borrow moneys from a reserve fund where not immediately required, on condition that the Nation repay the amount borrowed plus interest on that amount at a rate that is at or above the prime lending rate set from time to time by the principal banker to the Nation, no later than the time when the moneys are needed for the purposes of that reserve fund.

(4) As an exception to paragraph (3)(c), where the First Nations Financial Management Board has

- (a) assumed third-party management of the Nation's local revenue account, and
- (b) determined that moneys must be borrowed from a reserve fund to meet the financial obligations of the Nation,

the First Nations Financial Management Board may, acting in the place of Council, borrow moneys from a reserve fund by expenditure law.

(5) Council must authorize all payments into a reserve fund and all expenditures from a reserve fund in an expenditure law.

(6) Where moneys in a reserve fund are not immediately required, the tax administrator must invest those moneys in one or more of the following:

- (a) securities of Canada or of a province;
- (b) securities guaranteed for principal and interest by Canada or by a province;
- (c) securities of a municipal finance authority or the First Nations Finance Authority;
- (d) investments guaranteed by a bank, trust company or credit union; or
- (e) deposits in a bank or trust company in Canada or non-equity or membership shares in a credit union.

## Part XII - Collection and Enforcement

### Recovery of Unpaid Taxes

26.(1) The liability referred to in subsection 5(2) is a debt recoverable by the Nation in a court of competent jurisdiction and may be recovered by any other method authorized in this Law and, unless otherwise provided, the use of one method does not prevent seeking recovery by one or more other methods.

(2) A copy of the Tax Notice that refers to the taxes payable by a person, certified as a true copy by the tax administrator, is evidence of that person's debt for the taxes.

(3) Costs incurred by the Nation in the collection and enforcement of unpaid taxes

(a) are determined in accordance with Schedule III; and

(b) are payable by the debtor as unpaid taxes.

(4) Where the tax administrator has reasonable grounds to believe that a debtor intends to remove his or her personal property from the reserve, or intends to dismantle or remove his or her improvements on the reserve, or take any other actions that may prevent or impede the collection of unpaid taxes owing under this Law, the tax administrator may apply to a court of competent jurisdiction for a remedy, notwithstanding that the time for payment of taxes has not yet expired.

(5) Before commencing enforcement proceedings under Parts XIII, XIV and XV, the tax administrator must request authorization from Council by resolution.

### Tax Arrears Certificate

27. (1) Before taking any enforcement measures or commencing any enforcement proceedings under Parts XIII, XIV or XV and subject to subsection (2), the tax administrator must issue a Tax Arrears Certificate and deliver it to every person named on the tax roll in respect of that property.

(2) A Tax Arrears Certificate must not be issued for at least six (6) months after the day on which the taxes became due.

### Creation of Lien

28. (1) Unpaid taxes are a lien on the interest in land to which they pertain that attaches to the interest in land and binds subsequent holders of the interest in land.

(2) The tax administrator must maintain a list of all liens created under this Law.

(3) A lien listed under subsection (2) has priority over any unregistered or registered charge, claim, privilege, lien or security interest in respect of the interest in land.

(4) The tax administrator may apply to a court of competent jurisdiction to protect or enforce a lien under subsection (1) where the tax administrator determines such action is necessary or advisable.

(5) On receiving payment in full of the taxes owing in respect of which a lien was created, the tax administrator must register a discharge of the lien without delay.

(6) Discharge of a lien by the tax administrator is evidence of payment of the taxes with respect to the interest in land.

(7) A lien is not lost or impaired by reason of any technical error or omission in its creation or recording in the list of liens.

### Delivery of Documents in Enforcement Proceedings

29. (1) This section applies to this Part and Parts XIII, XIV and XV.

(2) Delivery of a document may be made personally or by sending it by registered mail.

(3) Personal delivery of a document is made

- (a) in the case of an individual, by leaving the document with that individual or with an individual at least eighteen (18) years of age residing at that individual's place of residence;
  - (b) in the case of a first nation, by leaving the document with the individual apparently in charge, at the time of delivery, of the main administrative office of the first nation, or with the first nation's legal counsel; and
  - (c) in the case of a corporation, by leaving the document with the individual apparently in charge, at the time of delivery, of the head office or one of its branch offices, or with an officer or director of the corporation or the corporation's legal counsel.
- (4) A document is considered to have been delivered
- (a) if delivered personally, on the day that personal delivery is made; and
  - (b) if sent by registered mail, on the fifth day after it is mailed.
- (5) Copies of notices must be delivered
- (a) where the notice is in respect of taxable property, to all persons named on the tax roll in respect of that taxable property; and
  - (b) where the notice is in respect of personal property, to all holders of security interests in the personal property registered under the laws of the Province.

## Part XIII - Seizure and Sale of Personal Property

### Seizure and Sale of Personal Property

**30.(1)** Where taxes remain unpaid more than thirty (30) days after a Tax Arrears Certificate is issued to a debtor, the tax administrator may recover the amount of unpaid taxes, with costs, by seizure and sale of personal property of the debtor that is located on the reserve.

(2) As a limitation on subsection (1), personal property of a debtor that would be exempt from seizure under a writ of execution issued by a superior court in the Province is exempt from seizure under this Law.

### Notice of Seizure and Sale

**31. (1)** Before proceeding under subsection 30(1), the tax administrator must deliver to the debtor a Notice of Seizure and Sale.

(2) If the taxes remain unpaid more than seven (7) days after delivery of a Notice of Seizure and Sale, the tax administrator may request a sheriff, bailiff or by-law enforcement officer to seize any personal property described in the Notice of Seizure and Sale that is in the possession of the debtor and is located on the reserve.

(3) The person who seizes personal property must deliver to the debtor a receipt for the personal property seized.

### Notice of Sale of Seized Personal Property

**32.(1)** The tax administrator must publish a Notice of Sale of Seized Personal Property in two (2) consecutive issues of the local newspaper with the largest circulation.

**(2) The first publication of the Notice of Sale of Seized Personal Property must not occur until at least sixty (60) days after the personal property was seized.** Conduct of Sale

**33. (1)** A sale of personal property must be conducted by public auction.

(2) Subject to subsection (4), at any time after the second publication of the Notice of Sale of Seized Personal Property, the seized property may be sold by auction.

(3) The tax administrator must conduct the public auction at the time and place set out in the Notice of Sale of Seized Personal Property, unless it is necessary to adjourn the public auction, in which case a further notice must be published in the manner set out in subsection 32(1).

(4) If at any time before the seized property is sold a challenge to the seizure is made to a court of competent jurisdiction, the sale must be postponed until after the court rules on the challenge.

### Registered Security Interests

**34.** The application of this Part to the seizure and sale of personal property subject to a registered security interest is subject to any laws of the Province regarding the seizure and sale of such property.

### Proceeds of Sale

**35.(1)** The proceeds from the sale of seized personal property must be paid to any holders of registered security interests in the property and to the Nation in order of their priority under the laws applicable in the Province, and any remaining proceeds must be paid to the debtor.

(2) If claim to the surplus is made by another person and such claim is contested, or if the tax administrator is uncertain who is entitled to such surplus, the tax administrator must retain such money until the rights of the parties have been determined.

## Part XIV - Seizure and Assignment of Taxable Property

### Seizure and Assignment of Taxable Property

36. (1) Where taxes remain unpaid more than nine (9) months after a Tax Arrears Certificate is issued, the tax administrator may levy the amount of unpaid taxes by way of the seizure and assignment of the taxable property.

(2) Before proceeding under subsection (1), the tax administrator must serve a Notice of Seizure and Assignment of Taxable Property on the debtor and deliver a copy to any locatee with an interest in the taxable property.

(3) Not less than six (6) months after a Notice of Seizure and Assignment of Taxable Property is delivered to the debtor, the tax administrator may sell the right to an assignment of the taxable property by public tender or auction.

(4) Council must, by resolution, prescribe the method of public tender or auction, including the conditions that are attached to the acceptance of an offer.

### Upset Price

37.(1) The tax administrator must set an upset price for the sale of the right to an assignment of the taxable property that is not less than the total amount of the taxes payable on the taxable property, calculated to the end of the redemption period set out in subsection 41(1), plus five percent (5%) of that total.

(2) The upset price is the lowest price for which the taxable property may be sold.

### Notice of Sale of a Right to Assignment of Taxable Property

38. (1) A Notice of Sale of a Right to Assignment of Taxable Property must be

(a) published in the local newspaper with the largest circulation at least once in each of the four (4) weeks preceding the date of the public tender or auction; and

(b) posted in a prominent place on the reserve not less than ten (10) days before the date of the public tender or auction.

(2) The tax administrator must conduct a public auction or tender at the time and place set out in the Notice of Sale of a Right to Assignment of Taxable Property, unless it is necessary to adjourn the public tender or auction, in which case a further notice must be published in the manner set out in subsection (1).

(3) If no bid is equal to or greater than the upset price, the Nation is deemed to have purchased the right to an assignment of the taxable property for the amount of the upset price.

### Notice to Minister

39. The tax administrator must, without delay, notify the Minister of Indian Affairs and Northern Development in writing of the sale of a right to an assignment of taxable property made under this Law.

### Subsisting Rights

40. When taxable property is sold by public tender or auction, all rights in it held by the holder of the taxable property or a holder of a charge immediately cease to exist, except as follows:

(a) the taxable property is subject to redemption as provided in subsection 41(1);

(b) the right to possession of the taxable property is not affected during the time allowed for redemption, subject, however, to

(i) impeachment for waste, and

(ii) the right of the highest bidder to enter on the taxable property to maintain it in a proper condition and to prevent waste;



(c) an easement, restrictive covenant, building scheme or right-of-way registered against the interest in land subsists; and

(d) during the period allowed for redemption, an action may be brought in a court of competent jurisdiction to have the sale of the right to an assignment of the taxable property set aside and declared invalid.

### **Redemption Period**

41.(1) At any time within three (3) months after the holding of a public tender or auction in respect of taxable property, the debtor may redeem the taxable property by paying to the Nation the amount of the upset price plus three percent (3%).

(2) On redemption of the taxable property under subsection (1),

(a) if the right to an assignment was sold to a bidder, the Nation must, without delay, repay to that bidder the amount of the bid; and

(b) the tax administrator must notify the Minister of Indian Affairs and Northern Development in writing of the redemption.

(3) No assignment of taxable property must be made until the end of the redemption period provided for in subsection (1).

(4) Subject to a redemption under subsection (1), at the end of the redemption period, the Nation must assign the taxable property to the highest bidder in the public tender or auction, or to itself as the deemed purchaser in accordance with subsection 38(3).

### **Assignment of Taxable Property**

42.(1) Taxable property must not be assigned to any person or entity who would not have been entitled under the *Indian Act* or the *First Nations Land Management Act*, as the case may be, to obtain the interest or right constituting the taxable property.

(2) The tax administrator must register an assignment of any taxable property assigned in accordance with this Law in every registry in which the taxable property is registered at the time of the assignment.

(3) An assignment under subsection 41(4) operates

(a) as a transfer of the taxable property to the bidder from the debtor, without an attestation or proof of execution; and

(b) to extinguish all the right, title and interest of every previous holder of the taxable property, or those claiming under a previous holder, and all claims, demands, payments, charges, liens, judgments, mortgages and encumbrances of every type, and whether or not registered, subsisting at the time the assignment is registered under subsection (2), except an easement, restrictive covenant, building scheme or right-of-way registered against the interest in land.

(4) Upon assignment under subsection 41(4), any remaining debt of the debtor with respect to the taxable property is extinguished.

### **Proceeds of Sale**

43. (1) At the end of the redemption period, the proceeds from the sale of a right to assignment of taxable property must be paid

(a) first, to the Nation, and

(b) second, to any other holders of registered interests in the property in order of their priority at law,

and any remaining proceeds must be paid to the debtor.

(2) If claim to the surplus is made by another person and such claim is contested, or if the tax administrator is uncertain who is entitled to such surplus, the tax administrator must retain such money until the rights of the parties have been determined.

**Resale by Nation**

**44.(1)** If the right to assignment of taxable property is purchased by the Nation under subsection 38(3), the tax administrator may, during the redemption period, sell the assignment of the taxable property to any person for not less than the upset price and the purchaser is thereafter considered the bidder under this Part.

**(2)** A sale under subsection (1) does not affect the period for or the right of redemption by the debtor as provided in this Law.

## Part XV - Discontinuance of Services

### **Discontinuance of Services**

**45. (1)** Subject to this section, the Nation may discontinue any service it provides to the taxable property of a debtor if

(a) revenues from this Law or any property taxation law enacted by the Nation are used to provide that service to taxpayers; and

(b) taxes remain unpaid by a debtor more than thirty (30) days after a Tax Arrears Certificate was delivered to the debtor.

(2) At least thirty (30) days before discontinuing any service, the tax administrator must deliver to the debtor and to any locatee with an interest in the taxable property a Notice of Discontinuance of Services.

(3) The Nation must not discontinue

(a) fire protection or police services to the taxable property of a debtor;

(b) water or garbage collection services to taxable property that is a residential dwelling; or

(c) electrical or natural gas services to taxable property that is a residential dwelling during the period from November 1 in any year to March 31 in the following year.

## Part XVI - General Provisions

### Disclosure of Information

46. (1) The tax administrator or any other person who has custody or control of information or records obtained or created under this Law must not disclose the information or records except

- (a) in the course of administering this Law or performing functions under it;
- (b) in proceedings before the Assessment Review Board, a court of law or pursuant to a court order; or
- (c) in accordance with subsection (2).

(2) The tax administrator may disclose to the agent of a holder confidential information relating to the property if the disclosure has been authorized in writing by the holder.

(3) An agent must not use information disclosed under subsection (2) except for the purposes authorized by the holder in writing referred to in that section.

### Disclosure for Research Purposes

47. Notwithstanding section 46,

(a) the tax administrator may disclose information and records to a third party for research purposes, including statistical research, provided the information and records do not contain information in an individually identifiable form or business information in an identifiable form;

(b) Council may disclose information and records to a third party for research purposes, including statistical research, in an identifiable form where

- (i) the research cannot reasonably be accomplished unless the information is provided in an identifiable form, and
- (ii) the third party has signed an agreement with Council to comply with Council's requirements respecting the use, confidentiality and security of the information.

### Validity

48. Nothing under this Law must be rendered void or invalid, nor must the liability of any person to pay tax or any other amount under this Law be affected by

- (a) an error or omission in a valuation or a valuation based solely on information in the hands of an assessor or the tax administrator;
- (b) an error or omission in a tax roll, Tax Notice, or any notice given under this Law; or
- (c) a failure of the Nation, tax administrator or the assessor to do something within the required time.

### Limitation on Proceedings

49.(1) No person may commence an action or proceeding for the return of money paid to the Nation, whether under protest or otherwise, on account of a demand, whether valid or invalid, for taxes or any other amount paid under this Law, after the expiration of six (6) months from the date the cause of action first arose.

(2) If a person fails to start an action or proceeding within the time limit prescribed in this section, then money paid to the Nation must be deemed to have been voluntarily paid.

### Notices

50. (1) Where in this Law a notice is required to be given by mail or where the method of giving the notice is not otherwise specified, it must be given

- (a) by mail to the recipient's ordinary mailing address or the address for the recipient shown on the tax roll;

- (b) where the recipient's address is unknown, by posting a copy of the notice in a conspicuous place on the recipient's property; or
  - (c) by personal delivery or courier to the recipient or to the recipient's ordinary mailing address or the address for the recipient shown on the tax roll.
- (2) Except where otherwise provided in this Law
- (a) a notice given by mail is deemed received on the fifth day after it is posted;
  - (b) a notice posted on property is deemed received on the second day after it is posted; and
  - (c) a notice given by personal delivery is deemed received upon delivery.

### **Interpretation**

51. (1) The provisions of this Law are severable, and where any provision of this Law is for any reason held to be invalid by a decision of a court of competent jurisdiction, the invalid portion must be severed from the remainder of this Law and the decision that it is invalid must not affect the validity of the remaining portions of this Law.

(2) Where a provision in this Law is expressed in the present tense, the provision applies to the circumstances as they arise.

(3) Words in this Law that are in the singular include the plural, and words in the plural include the singular.

(4) This Law must be construed as being remedial and must be given such fair, large and liberal construction and interpretation as best ensures the attainment of its objectives.

(5) Reference in this Law to an enactment is a reference to the enactment as it exists from time to time and includes any regulations made under the enactment.

(6) Headings form no part of the enactment and must be construed as being inserted for convenience of reference only.

### **Repeal**

52. The *Sarcee Indian Reserve Property Tax By-law No. 2*, as amended, is hereby repealed in its entirety.

### **Force and Effect**

53. This Law comes into force and effect on the day after it is approved by the First Nations Tax Commission.

## Chief and Council Signatory Page

THIS LAW IS HEREBY DULY ENACTED by Council on the 10<sup>th</sup> day of December 2018, at the Tsuut'ina Nation, in the Province of Alberta.

A quorum of Council consists of seven (7) members of Council.

\_\_\_\_\_  
Chief Lee Crowchild



\_\_\_\_\_  
Councilor Stanley Big Plume



\_\_\_\_\_  
Councilor Kelsey Big Plume



\_\_\_\_\_  
Councilor Darrel Crowchild

\_\_\_\_\_  
Councilor Regena Crowchild



\_\_\_\_\_  
Councilor Vincent Crowchild



\_\_\_\_\_  
Councilor Brent Dodginghorse

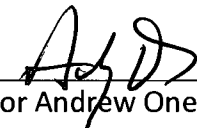


\_\_\_\_\_  
Councilor Lyle Dodginghorse

\_\_\_\_\_  
Councilor Leon Littlelight




\_\_\_\_\_  
Councilor LeeRoy Weguinis



\_\_\_\_\_  
Councilor Andrew Onespote, Sr.

\_\_\_\_\_  
Councilor Ellery Starlight



\_\_\_\_\_  
Councilor Darryl Whitney

## Schedule I

### REQUEST FOR INFORMATION BY TAX ADMINISTRATOR FOR THE TSUUT'INA NATION

TO: \_\_\_\_\_

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

DESCRIPTION OF INTEREST IN LAND: \_\_\_\_\_

\_\_\_\_\_

DATE OF REQUEST: \_\_\_\_\_

PURSUANT to section \_\_ of the *Tsuut'ina Nation Property Taxation Law, 2018*, I request that you provide to me, in writing, no later than fourteen (14) days from the date of request, the following information relating to the above-noted interest in land:

- (1)
- (2)
- (3)

\_\_\_\_\_  
Tax Administrator for the Tsuut'ina Nation

Dated: \_\_\_\_\_, 20\_\_.

Schedule II

TAX NOTICE

TO: \_\_\_\_\_

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

DESCRIPTION OF INTEREST IN LAND: \_\_\_\_\_

PURSUANT to the provisions of the *Tsuut'ina Nation Property Taxation Law, 2018*, taxes in the amount of \_\_\_\_\_ dollars (\$\_\_\_\_\_) are hereby levied with respect to the above-noted interest in land.

All taxes are due and payable on or before June 30, 20\_\_\_. Payments for unpaid taxes, penalties and interest are past due and must be paid immediately.

Payments must be made at the offices of the Tsuut'ina Nation, located at 9911 Chiila Blvd., Tsuut'ina, AB, T2W 6H6, during normal business hours. Payment must be by cheque, money order or cash.

Taxes that are not paid by June 30, 20\_\_ shall incur penalties and interest in accordance with the *Tsuut'ina Nation Property Taxation Law, 2018*.

Instalment payments under the tax instalment payment plan must be made on the first day of every month of the taxation year.

Instalment payments due from January 1 to June 1, are determined by dividing the previous year's tax bill by twelve (12), rounded up to the nearest dollar.

Instalment payments due from July 1 to December 1, are determined by subtracting from the current year's tax bill the amounts already paid, and dividing the remainder by six (6).

The name(s) and address (es) of the person(s) liable to pay the taxes is (are) as follows:

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

Assessed value:	\$ _____
Taxes (current year):	\$ _____
Unpaid taxes (previous years)	\$ _____
Interest:	\$ _____
Penalties:	\$ _____
Costs: [insert details]	\$ _____
Total Payable	\$ _____

\_\_\_\_\_  
Tax Administrator for the Tsuut'ina Nation

Dated: \_\_\_\_\_, 20\_\_.



## Schedule III

### COSTS PAYABLE BY DEBTOR ARISING FROM THE COLLECTION AND ENFORCEMENT OF UNPAID TAXES

For costs arising from the collection and enforcement of unpaid taxes:

1. For preparation of a notice \$ 250.00
2. For service of notice on each person or place  
by the Nation \$125.00
3. For service of notice on each person or place by  
a process server, bailiff or delivery service actual cost
4. For advertising in newspaper actual cost
5. For staff time spent:
  - (a) in conducting a seizure and sale of  
personal property under Part XIII,  
not including costs otherwise recovered  
under this Schedule;
  - (b) in conducting an auction or tender under  
Part XIV, not including costs otherwise  
recovered under this Schedule \$ 100.00 per person  
per hour
6. Actual costs incurred by the Nation for carrying out the enforcement measures under Parts XIII, XIV and XV  
will be charged based on receipts.

Schedule IV

TAX CERTIFICATE

In respect of the interest in land described as: \_\_\_\_\_ and pursuant to the *Tsuut'ina Nation Property Taxation Law, 2018*, I hereby certify as follows:

That all taxes due and payable in respect of the above-referenced interest in land have been paid as of the date of this certificate.

OR

That unpaid taxes, including penalties, interest and costs, in the amount of \_\_\_\_\_ dollars (\$\_\_\_\_\_) are due and owing on the above-referenced interest in land as of the date of this certificate.

The following persons are jointly and severally liable for all unpaid taxes:

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

\_\_\_\_\_  
Tax Administrator for the Tsuut'ina Nation

Dated: \_\_\_\_\_, 20\_\_.

Schedule V

TAX ARREARS CERTIFICATE

In respect of the interest in land described as: \_\_\_\_\_ and pursuant to the *Tsuut'ina Nation Property Taxation Law, 2018*, I hereby certify as follows:

As of the date set out below, that taxes, penalties and interest are unpaid in respect of the above-referenced interest in land, as follows:

Taxes: \$ \_\_\_\_\_

Penalties: \$ \_\_\_\_\_

Interest: \$ \_\_\_\_\_

Total unpaid tax debt: \$ \_\_\_\_\_

The total unpaid tax debt is due and payable immediately.

The unpaid tax debt accrues interest each day that it remains unpaid, at a rate of one (1) percent (1%) per month, compounded monthly.

Payments must be made at the offices of the Tsuut'ina Nation, located at 9911 Chiila Blvd., Tsuut'ina, AB, T2W 6H6, during normal business hours. Payment must be by cheque, money order or cash.

The following persons are jointly and severally liable for the total unpaid tax debt:

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

\_\_\_\_\_  
Tax Administrator for the Tsuut'ina Nation

Dated: \_\_\_\_\_, 20\_\_.

## Schedule VI

### NOTICE OF SEIZURE AND SALE OF PERSONAL PROPERTY

TO: \_\_\_\_\_

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

DESCRIPTION OF INTEREST IN LAND: \_\_\_\_\_

TAKE NOTICE that taxes, penalties and interest in the amount of \_\_\_\_\_ dollars (\$\_\_\_\_\_) remain unpaid and are due and owing in respect of the above-referenced interest in land.

AND TAKE NOTICE that a Tax Arrears Certificate dated \_\_\_\_\_ was delivered to you in respect of these unpaid taxes.

AND TAKE NOTICE that:

1. Failure to pay the full amount of the unpaid tax debt within SEVEN (7) days after delivery of this notice may result in the tax administrator, pursuant to section \_\_\_ of the *Tsuut'ina Nation Property Taxation Law, 2018*, seizing the personal property described as follows:

[general description of the personal property to be seized].

2. The tax administrator may retain a sheriff, bailiff or bylaw enforcement officer to seize the property and the seized property will be held in the possession of the tax administrator, at your cost, such cost being added to the amount of the unpaid taxes.

3. If the unpaid taxes, penalties, interest and costs of seizure are not paid in full within sixty (60) days following the seizure of the property, the tax administrator may

(a) publish a Notice of Sale of Seized Personal Property in two (2) consecutive issues of the \_\_\_\_\_ newspaper; and

(b) at any time after the second publication of the notice, sell the seized property by public auction.

AND TAKE NOTICE that the tax administrator will conduct the public auction at the time and place set out in the Notice of Sale of Seized Personal Property, unless it is necessary to adjourn the public auction, in which case a further notice will be published.

\_\_\_\_\_  
Tax Administrator for the Tsuut'ina Nation

Dated: \_\_\_\_\_, 20\_\_.

## Schedule VII

### NOTICE OF SALE OF SEIZED PERSONAL PROPERTY

TAKE NOTICE that a sale by public auction for unpaid taxes, penalties, interest and costs owed to the Tsuut'ina Nation will take place on \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ o'clock at \_\_\_\_\_  
\_\_\_\_ [location].

The following personal property, seized pursuant to section \_\_\_\_ of the *Tsuut'ina Nation Property Taxation Law, 2018*, will be sold at the public auction:

[general description of the goods]

The proceeds of sale of the seized property shall be paid to any holders of registered security interests in the property and to the Nation in order of their priority under the laws applicable in the Province of Alberta and any remaining proceeds shall be paid to the debtor.

\_\_\_\_\_  
Tax Administrator for the Tsuut'ina Nation

Dated: \_\_\_\_\_, 20\_\_.

## Schedule VIII

### NOTICE OF SEIZURE AND ASSIGNMENT OF TAXABLE PROPERTY

TO: \_\_\_\_\_  
(the "debtor")

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

DESCRIPTION OF INTEREST IN LAND: \_\_\_\_\_  
(the "taxable property")

TAKE NOTICE that taxes, penalties and interest in the amount of \_\_\_\_\_ dollars (\$\_\_\_\_\_) remain unpaid and are due and owing in respect of the taxable property.

AND TAKE NOTICE that a Tax Arrears Certificate dated \_\_\_\_\_ was delivered to you in respect of these unpaid taxes.

AND TAKE NOTICE that failure to pay the full amount of the unpaid tax debt within six (6) months after service of this Notice may result in the tax administrator, pursuant to section \_\_\_ of the *Tsuut'ina Nation Property Taxation Law, 2018*, seizing and selling a right to an assignment of the taxable property by public tender [auction] as follows:

1. The public tender [auction], including the conditions that are attached to the acceptance of an offer, shall be conducted in accordance with the procedures prescribed by the Council of the Tsuut'ina Nation, a copy of which may be obtained from the tax administrator.
2. The tax administrator will
  - (a) publish a Notice of Sale of a Right to Assignment of Taxable Property in the \_\_\_\_\_ newspaper at least once in each of the four (4) weeks preceding the date of the sale; and
  - (b) post the Notice of Sale of a Right to Assignment of Taxable Property in a prominent place on the reserve not less than ten (10) days preceding the date of the sale.
3. The Notice of Sale of a Right to Assignment of Taxable Property will set out the upset price for the right to assignment of the taxable property and any conditions attached to the acceptance of a bid.
4. The upset price will be not less than the total amount of the taxes, penalties and interest payable, calculated to the end of the redemption period, plus five percent (5%) of that total. The upset price is the lowest price for which the right to assignment of the taxable property will be sold.
5. The tax administrator will conduct the public tender [auction] at the time and place set out in the Notice of Sale of a Right to Assignment of Taxable Property, unless it is necessary to adjourn in which case a further notice will be published.
6. If at the public tender [auction] there is no bid that is equal to or greater than the upset price, the Nation will be deemed to have purchased the right to an assignment of the taxable property for the amount of the upset price.
7. The debtor may redeem the right to an assignment of the taxable property after the sale by paying to the Nation the amount of the upset price plus three percent (3%), any time within three (3) months after the holding of the public tender [auction] in respect of the taxable property (hereinafter referred to as the "redemption period"). Where the right to an assignment is redeemed, the Nation will, without delay, repay to the bidder the amount of the bid.
8. A sale of a right to an assignment of taxable property by public tender [auction] is not complete, and no assignment of the taxable property will be made, until the expiration of the redemption period. If the right to an assignment of the taxable property is not redeemed within the redemption period, then on the expiration of the redemption period, the Nation will assign the taxable property to the highest bidder or to itself as the deemed purchaser, as applicable. The taxable property will not be assigned to any person or entity who would not have been

capable under the *Indian Act* or the *First Nations Land Management Act* of obtaining the interest or right constituting the taxable property.

9. Council of the Tsuut'ina Nation will, without delay, notify the Minister of Indian Affairs and Northern Development in writing of the sale of a right to an assignment of the taxable property and of any redemption of the right to an assignment of the taxable property.

10. The tax administrator will register the assignment of the taxable property in every registry in which the taxable property is registered at the time of the assignment.

11. An assignment of the taxable property operates

(a) as a transfer to the bidder or the Nation, as the case may be, from the debtor of the taxable property, without an attestation or proof of execution, and

(b) to extinguish all the right, title and interest of every previous holder of the taxable property, or those claiming under a previous holder, and all claims, demands, payments, charges, liens, judgments, mortgages and encumbrances of every type, and whether or not registered, subsisting at the time the assignment is registered, except an easement, restrictive covenant, building scheme or right-of-way registered against the interest in land.

12. Upon assignment of the taxable property, the debtor will be required to immediately vacate the taxable property, and any rights or interests held by the debtor in the taxable property, including the improvements, will be transferred in full to the purchaser.

13. The proceeds of sale of the taxable property will be paid first to the Nation, then to any other holders of registered interests in the taxable property in order of their priority at law. Any moneys in excess of these amounts will be paid to the debtor in accordance with the *Tsuut'ina Nation Property Taxation Law, 2018*.

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Tax Administrator for the Tsuut'ina Nation

Dated: \_\_\_\_\_, 20\_\_.

## Schedule IX

### NOTICE OF SALE OF A RIGHT TO ASSIGNMENT OF TAXABLE PROPERTY

TO: \_\_\_\_\_  
(the "debtor")

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

DESCRIPTION OF INTEREST IN LAND: \_\_\_\_\_  
(the "taxable property")

TAKE NOTICE that a Notice of Seizure and Assignment of Taxable Property was given in respect of the taxable property on \_\_\_\_\_, 20\_\_.

AND TAKE NOTICE that unpaid taxes, including penalties and interest, in the amount of \_\_\_\_\_ dollars (\$\_\_\_\_\_), remain unpaid and are due and owing in respect of the taxable property.

AND TAKE NOTICE that a sale of the right to assignment of the taxable property will be conducted by public tender [auction] for unpaid taxes, penalties and interest owed to the Tsuut'ina Nation.

The public tender [auction] will take place on:

\_\_\_\_\_, 20\_\_ at \_\_\_\_\_ o'clock at \_\_\_\_\_ [location].

The tax administrator will conduct the public tender [auction] at the above time and place unless it is necessary to adjourn in which case a further notice will be published.

AND TAKE NOTICE that:

1. The upset price for the taxable property is: \_\_\_\_\_ dollars (\$\_\_\_\_\_). The upset price is the lowest price for which the taxable property will be sold.
2. The public tender [auction], including the conditions that are attached to the acceptance of an offer, shall be conducted in accordance with the procedures prescribed by the Council of the Tsuut'ina Nation as set out in this notice.
3. If at the public tender [auction] there is no bid that is equal to or greater than the upset price, the Nation will be deemed to have purchased the right to an assignment of the taxable property for the amount of the upset price.
4. The debtor may redeem the right to an assignment of the taxable property by paying to the Nation the amount of the upset price plus three percent (3%), any time within three (3) months after the holding of the public tender [auction] in respect of the taxable property (referred to as the "redemption period"). Where the right to an assignment is redeemed, the Nation will, without delay, repay to the bidder the amount of the bid.
5. A sale of a right to an assignment of taxable property by public tender [auction] is not complete, and no assignment of the taxable property will be made, until the expiration of the redemption period. If the right to an assignment of the taxable property is not redeemed within the redemption period, then on the expiration of the redemption period, the Nation will assign the taxable property to the highest bidder or to itself as the deemed purchaser, as applicable. The taxable property will not be assigned to any person or entity who would not have been capable under the *Indian Act* or the *First Nations Land Management Act*, as the case may be, of obtaining the interest or right constituting the taxable property.
6. Council of the Tsuut'ina Nation will, without delay, notify the Minister of Indian Affairs and Northern Development in writing of the sale of a right to an assignment of the taxable property and of any redemption of the



right to assignment of the taxable property.

7. The tax administrator will register an assignment of the taxable property in every registry in which the taxable property is registered at the time of the assignment.

8. An assignment of the taxable property operates

(a) as a transfer to the bidder from the debtor of the taxable property, without an attestation or proof of execution, and

(b) to extinguish all the right, title and interest of every previous holder of the taxable property, or those claiming under a previous holder, and all claims, demands, payments, charges, liens, judgments, mortgages and encumbrances of every type, and whether or not registered, subsisting at the time the assignment is registered, except an easement, restrictive covenant, building scheme or right-of-way registered against the interest in land.

9. Upon assignment of the taxable property, the debtor will be required to immediately vacate the taxable property, and any rights or interests held by the debtor in the taxable property, including the improvements, will be transferred in full to the purchaser.

10. The proceeds of sale of the taxable property will be paid first to the Nation, then to any other holders of registered interests in the taxable property in order of their priority at law. Any moneys in excess of these amounts will be paid to the debtor in accordance with the *Tsuut'ina Nation Property Taxation Law, 2018*.

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Tax Administrator for the Tsuut'ina Nation

Dated: \_\_\_\_\_, 20\_\_.

Schedule X

NOTICE OF DISCONTINUANCE OF SERVICES

TO: \_\_\_\_\_

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

DESCRIPTION OF INTEREST IN LAND: \_\_\_\_\_

TAKE NOTICE that taxes, penalties and interest in the amount of \_\_\_\_\_ dollars (\$\_\_\_\_\_) remain unpaid and are due and owing in respect of the taxable property.

AND TAKE NOTICE that a Tax Arrears Certificate dated \_\_\_\_\_ was delivered to you in respect of these unpaid taxes.

AND TAKE NOTICE that where a debtor fails to pay all unpaid taxes within thirty (30) days of the issuance of a Tax Arrears Certificate, the tax administrator may discontinue services that it provides to the taxable property of a debtor, pursuant to the *Tsuut'ina Nation Property Taxation Law, 2018*.

AND TAKE NOTICE that if the taxes are not paid in full on or before \_\_\_\_\_, being thirty (30) days from the date of issuance of this notice, the following services will be discontinued:

[list services to be discontinued]

\_\_\_\_\_  
Tax Administrator for the Tsuut'ina Nation

Dated: \_\_\_\_\_, 20\_\_.