

**DOKIS FIRST NATION
AND BAND OF INDIANS**

BY-LAW NO. 8

Being a By-Law Respecting Housing Development
on the Dokis Indian Reserve No. 9

WHEREAS Proctor and Redfern Ltd. completed a Bill C-31 Impact Study in June of 1992;

AND WHEREAS the Council of the Dokis First Nation and Band of Indians deems it expedient to enact a by-law respecting and controlling housing development at various locations within Dokis Indian Reserve No. 9;

AND WHEREAS Section 81 of the Indian Act R.S.C. 1985 C.I-5, empowers the Council of a Band to make by-laws for any or all of the following purposes, namely, the dividing of the reserve or a portion thereof into zones and the prohibition of the construction or maintenance of any class of buildings or the carrying on of any class of business, trade or calling in any zone, the regulation of the construction, repair and use of buildings, whether owned by the Band or by individual members of the Band, and the residence of Band members and other persons on the reserve;

AND WHEREAS the Band has identified an area within the reserve where it is proposed that water front lots will be leased with a view to providing the Band with additional revenues, and creating economic opportunities for Band members and their families;

NOW THEREFORE the Council of the Dokis First Nation and Band of Indians enacts as a by-law thereof as follows:

1. Short Title

This by-law may be cited as the "Dokis First Nation and Band of Indians Housing and Land Use By-Law".

2. Interpretation

In this by-law "leased waterfront lots" refers to those waterfront lots on the shores of the French River that have been identified and set aside by the Band for leasing purposes;

"Bill C-31 Impact Study" means the report and study prepared for the Dokis First Nation and Band of Indians by Proctor and Redfern Ltd., dated June 1992.

3. Housing Development in Band Subdivision and Existing Built-up Area

Housing lots in the new Band subdivision and in the existing built-up area will be allocated in accordance with the following guidelines:

- (a) A lot allocation request must be made to Band Council at a Band meeting and the request for allocation of a lot must be approved through a Band Council Resolution;
- (b) A lot allocation shall be restricted to a Band member, eighteen years of age or over, who has resided on the Dokis First Nation for a minimum of two years prior to the request for a lot allocation;
- (c) Lots in the new Band subdivision will be allocated consecutively;
- (d) In the residential areas, only residential uses will be permitted, not commercial or industrial uses;
- (e) Construction of a house must be completed within two years of the Band member receiving a lot allocation from the Council;
- (f) A minimum of \$26,600 in building material is required with respect to new house construction. A subsidy will only be provided for permanent year-round residences, not seasonal residences;
- (g) Construction of houses must be in accordance with the provisions of the National Building Code;
- (h) Upon the granting of a lot allocation, Council shall request the Minister to withhold his approval in accordance with Section 20(4) of the Indian Act, and to issue a Certificate of Occupation entitling the Band member to occupy the land in respect of which it is issued for a period of two years and to only approve the allotment by the Council and to issue a Certificate of Possession upon being satisfied that the conditions of the within by-law relating to use, construction and settlement have been fulfilled;
- (i) The Council of the Band shall, if the conditions as to use, construction and settlement of the said lot have not been fulfilled within two years of the allotment, refuse approval of the allotment, in accordance with Section 21.6(b) of the Indian Act, and to declare the land in respect of which the Certificate of Occupation was issued to be available for re-allotment by the Council of the Band.

4. Waterfront Lots

New housing may be permitted on waterfront lots, either of a seasonal nature or year-round use, provided that Band members shall not be permitted to occupy land or to construct houses on the waterfront lots identified for leasing on the shores of the French River. Waterfront lots will be allocated in accordance with the following guidelines:

- (a) A lot allocation request must be made to Band Council at a Band meeting and the request for allocation of a lot must be approved through a Band Council Resolution;
- (b) A lot allocation shall be restricted to a Band member, eighteen years of age or over, who has resided on the Dokis First Nation for a minimum of two years prior to the request for a lot allocation;
- (c) In the residential areas, only residential uses will be permitted, not commercial or industrial uses;
- (d) Construction of a house must be completed within two years of the Band member receiving a lot allocation from the Council;
- (e) Construction of houses must be in accordance with the provisions of the National Building Code;
- (f) The minimum lot size shall be 150 feet by 150 feet;
- (g) The applicant must provide a survey of the lot before construction commences;
- (h) The applicant must build an approved septic system;
- (i) No Band housing subsidy will be available for house construction on waterfront lots. The applicant shall be responsible for all costs associated with the construction of the home, including lot survey costs, road construction and access costs, a sewage system and water supply costs;
- (j) Upon the granting of a lot allocation, Council shall request the Minister to withhold his approval in accordance with Section 20(4) of the Indian Act, and to issue a Certificate of Occupation entitling the Band member to occupy the land in respect of which it is issued for a period of two years and to only approve the allotment by the Council and to issue a Certificate of Possession upon being satisfied that the conditions of the within by-law relating to use, construction and settlement have been fulfilled;

- (k) The Council of the Band shall, if the conditions as to use, construction and settlement of the said lot have not been fulfilled within two years of the allotment, request the Minister to refuse approval of the allotment, in accordance with Section 21.6(b) of the Indian Act, and to declare the land in respect of which the Certificate of Occupation was issued to be available for re-allotment by the Council of the Band.

5. Remote Lots

Requests for allocation of remote lots, shall be made to Band Council at a Band meeting. The request, if approved, shall be recorded in a Band Council Resolution. All requests for remote lot allocations will be considered on a case by case basis.

6. Band Housing Subsidy

A subsidy for housing construction shall only be considered for permanent year-round houses, not for houses intended to be occupied on the seasonal basis, or for houses to be constructed on the waterfront lots. The Band housing subsidy shall be based on a first come, first served system, presently utilized by Band Council.

7. Penalty

Every person who contravenes any of the provisions of this by-law is guilty of an offence and is liable on summary conviction to a fine of not more than \$1,000.00 or to imprisonment for a term not exceeding five days, or both.

This by-law is hereby made at a duly convened meeting of the Council of the Dokis First Nation and Band of Indians this 12th day of October, 1993. Voting in favour of the by-law are the following members of the Council:

KENNETH RESTOULE *Kenneth Restoule*
(Member of the Council)

PETER RESTOULE *P. Restoule*
(Member of the Council)

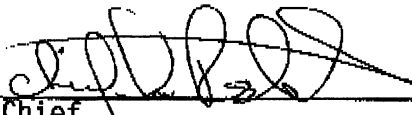
HAROLD RESTOULE *Harold Restoule*
(Member of the Council)

GEORGE DOKIS *George Dokis*
(Member of the Council)

Being the majority of those members of the Council of the Dokis First Nation and Band of Indians present at the aforesaid meeting of the Council. The quorum of the Council is four members. Number of members of the Council present at the meeting: (4)

I, Tim Restoule, Chief of the Band, do hereby certify that a true copy of the foregoing by-law was mailed to the Minister of Indian Affairs and Northern Development pursuant to Subsection 82(1) of the Indian Act, this 14th day of October, 1993.


Witness


Chief