

**SONGHEES
BAND
By-Law No 1**

AFFIDAVIT

SOR/77-1114

CANADA)	IN THE MATTER OF
PROVINCE OF)	Songhees Band
BRITISH COLUMBIA)	By-Law No. 1

I, Dennis NOVAK, of the City of Vancouver, in the Province of British Columbia, employee of the Department of Indian Affairs and Northern Development, make oath and say that:

1. I have read the original By-law No. 1 passed October 6, 1977 by the Band Council of the Songhees Band of Indians regulating the provision of mobile home parks subdivisions and certify that the annexed and marked Exhibit "A" is a true copy thereof.



Sworn before me at the
City of Vancouver,
Province of British Columbia,
this 21st day of Nov
November, 1977.



Isabel Crowe,

Commissioner for taking
Affidavits for British Columbia

Being a by-law to provide for the provision of mobile home parks or mobile home subdivisions on the Songhees Indian Reserve.

- WHEREAS the financing of economic development projects on individually held parcels of land on reserve is usually dependent upon acquisition of a leasehold interest from the Crown;
- and WHEREAS for an individual holder of lands under a certificate of possession or notice of entitlement to develop his own lands it appears to be mandatory to incorporate in order to acquire this aforementioned leasehold;
- and WHEREAS the policy of the Department of Indian Affairs is that before a lease can be granted under Section 58(3) of the Indian Act which permits development of a substantial nature or which would imply residence on reserve of non-Band members, evidence of concurrence to such a lease, by the majority of Band members eligible to vote, by way of referendum, is required;
- and WHEREAS this Band is of the opinion that such course of action unduly infringes upon the rights of the individual;
- and WHEREAS this Band is of the opinion that its interests will be adequately protected by its duly elected Chief and Council;
- and WHEREAS this Band wishes to avoid the necessity of a Band meeting or referendum every time a development is proposed.
- and WHEREAS this Band is prepared to allow non-members of the Songhees Band of Indians to enter upon, pass over and reside upon lands leased pursuant to Section 58(3) of the Indian Act by any Locatte or Company controlled by a Locatee;
- NOW THEREFORE we the Songhees Band, duly assembled, fully realising our actions may imply the residence on this reserve of a substantial non-Songhees Band population, hereby move that development of all legally individually, held parcels of land situated within the area outlined in RED on plan attached hereto, be approved for development, provided such development satisfies the following terms and conditions:-
- 1) Development shall be only for mobile home parks or mobile home subdivisions, as defined by C.M.H.C. guidelines.
 - 2) Lease term shall not exceed 25 years.
 - 3) The lessee shall be a member of the Songhees Indian Band or a duly incorporated company, controlled 100% by the affected locatee.
 - 4) Council to retain existing control over development.
 - 5) Gross density of development not to exceed 10 dwelling units per acre (units of or over .5 may be rounded up to the next whole number).

- 6) No dwelling unit shall be sited:-
 - a) Closer than 5' to any lot line (Council may require provision of a suitable screening material where deemed necessary or where requested by the holder of an immediately abutting parcel).
 - b) Closer than 20' to any other dwelling unit.
- 7) Council may determine that a percentage of rental received by the affected locatee by virtue of the lease, and specify such a percentage for payment to Band funds.
- 8) Council may determine "use" fees, both capital contribution and operating, for use of the Band Sewer System.
- 9) The Council take such action to enact under its powers pursuant to Section 81(c) (g) (h) (l) (q) and (r), together with its powers under Section 83 of the Indian Act, subsection (a) subsection (ii) (c) (e) (f) and (g).
- 10) The Council will not take action for trespass upon the Songhees Indian Reserve against any tenant, invitee, licensee, or any other person lawfully entering upon the Reserve resulting from a lease granted to an individual by the Minister pursuant to Section 58(3).

Approved and passed at a duly convened meeting of the Council of the Songhees Band of Indians held at Songhees, on the 6th day of October, 1977.

John P. Albany
Chief

Linda George
Councillor

Normon George
Councillor

Councillor

Councillor

I, John P. Albany, Chief of the Songhees Band do hereby certify that a true copy of the foregoing By-law No. _____ was forwarded to the Minister of Indian Affairs & Northern Development pursuant to Section 82(55.1) of the Indian Act this 6th day of October, 1977.

John P. Albany
Chief