

Bylaw No. BT18

Being a bylaw to Regulate Rental Payments of Blood Tribe Owned Houses

WHEREAS the Council of the Blood Tribe desires to make a bylaw for the regulation of Rental Payments for houses on the Blood Tribe Reserve that are owned by the Blood Tribe;

AND WHEREAS the occupation of land on the Blood Tribe Reserve is at the pleasure of the Council of the Blood Tribe;

AND WHEREAS nothing in this Bylaw shall be construed so as to abrogate or derogate from any Aboriginal or Treaty Rights of the Blood Tribe and its members, including any Aboriginal or Treaty right to housing;

AND WHEREAS the Council of the Blood Tribe deems it to be in the best interests of the members of the Blood Tribe to provide for housing for Blood Tribe members, through available Federally funded programs;

AND WHEREAS it has become a matter of critical concern to the Council of the Blood Tribe that Rental Payments are not being made on a timely basis and funding allocations for future housing may be at risk;

AND WHEREAS Rental Payments must be made in order to maintain the current band owned homes, as well as secure future homes;

AND WHEREAS paragraphs 81(1)(c), (h), (p.1), (q), and (r) of the *Indian Act* empower the Council of the Blood Tribe to make bylaws for the enforcement and collection of Rental Payments that are payable to the Blood Tribe;

NOW THEREFORE the Council of the Blood Tribe hereby enacts the following Bylaw:

1 SHORT TITLE

1.1 This Bylaw may be cited as the "Blood Tribe Rental Bylaw".

2 INTERPRETATION

2.1 In this Bylaw:

- (a) "Appeal Tribunal" shall be a Blood Tribe Appeal or Justice Tribunal as appointed by Council from time to time, or as otherwise established pursuant to the bylaws or customs of the Blood Tribe or by Band Council Resolution;
- (b) "Blood Tribe Administration or entities" shall include any departments or entities that are controlled, owned or operated on behalf of or for the Blood Tribe, and shall include contractors and consultants;
- (c) "Council" means the Chief and Councillors of the Blood Tribe;
- (d) "House" means the residence owned by the Blood Tribe that is the subject of a Housing Agreement or a residence for which the loan has been guaranteed by the Blood Tribe;
- (e) "Housing Administrator" means that person or persons appointed to oversee housing matters on the Blood Tribe Reserve;
- (f) "Housing Agreement" means a Section 10 or Section 95 Agreement pursuant to the *National Housing Act* or other rental agreement entered into between the Housing Authority or Council and the Occupant;
- (g) "Housing Authority" means the Blood Tribe Housing Authority or Blood Tribe Housing Society that has entered into Housing Agreements with the Occupant or acts as the representative of Council with respect to such Agreements;
- (h) "Housing Committee" means the committee from Council delegated the Housing portfolio;
- (i) "Occupant" means the person or persons occupying a House, including the persons occupying a House, pursuant to a Housing Agreement or other Agreement with the Housing Authority or with Council;
- (j) "Peace Officer" includes a member of the Blood Tribe Police Service delegated to provide policing services on the Blood Tribe Reserve No. 148 and 148A;
- (k) "Rental Payments" means amounts payable under a Housing Agreement, including those amounts that are classified as mortgage payments;

- (l) "Wage and Proceed Assignment Form" means those forms which irrevocably assign and transfer to the Blood Tribe Housing Authority such wages and proceeds due and owing from Blood Tribe Administration and entities as may be specifically set out in the assignment forms.

3 APPLICATION

- 3.1 This Bylaw applies to the collection of Rental Payments for the use of Blood Tribe owned houses and for those Houses that have been built with loans guaranteed by the Blood Tribe.

4 HOUSING COMMITTEE

- 4.1 Council delegates the responsibility for implementing this Bylaw to the Housing Committee.
- 4.2 For purposes of this Bylaw, the Housing Committee shall:
 - (a) receive and hear complaints from the Housing Administrator with respect to Rental Payments;
 - (b) issue orders with respect to the collection of Rental Payment arrears; and
 - (c) report to Council.
- 4.3 The Housing Committee shall give reasons for any order it issues and cause the order to be served upon the Housing Administrator and affected Occupant.

5 HOUSING ADMINISTRATION

- 5.1 The Council may, by resolution, appoint one or more Housing Administrators, who shall be responsible for the administration and enforcement of this Bylaw.

6 RENTAL PAYMENTS

- 6.1 Rental Payments shall be:
 - (a) as set through Housing Agreements signed between the Housing Authority and the Occupant; or

(b) as determined from time to time by the Housing Committee.

7 HOUSING AGREEMENTS

- 7.1 Prior to moving into a House, prospective Occupants shall fully execute a Housing Agreement with the Housing Authority, including a Wage and Proceeds Assignment Form.
- 7.2 Those Occupants who have not entered into Housing Agreements and Wage or Proceed Assignment Form shall do so upon written notice from the Housing Authority and if a Housing Agreement and Wage or Proceed Assignment Form is not fully executed within thirty (30) days of such notice, and Rental Payments are in arrears the Housing Authority shall make a complaint to the Housing Committee pursuant to subsection 9.1.

8 WAGE AND PROCEED ASSIGNMENTS

- 8.1 Where the Blood Tribe Administration or entities has been served with a Wage Assignment or Proceed Form from the Housing Authority in respect of an individual to which wages or other proceeds are due and owing the Blood Tribe Administration or entity shall pay such amounts to the Housing Authority in such amounts as specified by the Wage Assignment or Proceed Form.
- 8.2 Failure by the Blood Tribe Administration or entities to pay the amount as set out in section 8.1 shall be an offence.

9 NOTICE

- 9.1 Where the Housing Administrator, or delegate of the Housing Administrator, determines that the Occupant is at least seven (7) days in arrears in Rental Payments, the Housing Administrator shall make a complaint, in the prescribed form, to the Housing Committee and shall give a notice of the complaint to the Occupant.
- 9.2 Service of notice of the complaint shall be served at least seven (7) days prior to any hearing of the matter by the Housing Committee.
- 9.3 Hearing of the complaint shall be heard by the Housing Committee within twenty-one (21) days of the complaint.
- 9.4 Such service on the Occupant shall be by personal service or single registered mail.

10 ORDER

- 10.1 Where, on complaint of the Housing Administrator, the Housing Committee determines that a resident has failed to pay the Rental Payments as set out in section 6, the Housing Committee may make an order in the prescribed form:
- (a) That the Occupant pay the overdue Rental Payment by a date specified in the Order;
 - (b) That the Occupant vacate the House on a specified date; or
 - (c) That legal action be taken against the Occupant for:
 - (i) payment of arrears;
 - (ii) termination of occupation; or
 - (iii) both.
- 10.2 Where the Housing Committee makes an Order pursuant to subsection 10.1, notice of the Order shall be served upon the Occupant within seven (7) days of such Order, along with appeal information in the prescribed form.

11 SERVICE OF NOTICES

- 11.1 Subject to subsections 9.4 and 11.3, any notice, order or other document to be served by or on the Housing Committee, Housing Administrator or Occupant shall be served by personal delivery on the parties.
- 11.2 A notice sent by single registered mail shall be deemed to have been served on the seventh (7th) day after the date of mailing.
- 11.3 Where a notice, order or other document requiring personal service cannot be served personally on an Occupant who is absent or evading service, the Housing Committee may make an order:
- (a) that the notice, order or other document may be served on the Occupant by serving it on any adult person at the House;
 - (b) by posting the notice, order or other document for seven (7) days in the Blood Tribe administration offices; or

- (c) by posting the notice, order or other document on the door of the House.

12 APPEAL TO APPEAL TRIBUNAL

12.1 An Occupant or the Housing Administrator may appeal a decision of the Housing Committee to the Appeal Tribunal in the prescribed form within ten (10) days after the date that a notice of the order has been served on the Occupant. An appeal may only be made on the following grounds:

- (a) the Housing Committee failed to follow the proper procedures as set out in the Bylaw and Regulations, or it failed to exercise its discretionary powers in a fair and equitable manner, or
- (b) new evidence is now available and is being produced or the appeal is based on some meritorious ground.

12.2 Service of the Notice of Appeal on the Appeal Tribunal shall be made by serving the Housing Administrator.

12.3 An Occupant may make application to the Appeal Tribunal that the operation or effect of the order in respect of which the appeal is made shall be stayed until after the appeal is heard and determined.

12.4 As soon as is practical, but not later than thirty (30) days after the filing of an appeal, the Appeal Tribunal shall convene and shall conduct a hearing with respect to the appeal but shall only have jurisdiction to review the following:

- (a) whether or not the Housing Committee followed the proper procedures pursuant to this Bylaw and Regulations thereto, or it failed to exercise its discretionary powers in a fair and equitable manner, or
- (b) whether or not new evidence is being produced or is now available or, the appeal is based on some meritorious ground.

12.5 At least seven (7) days prior to the date of the hearing, the Appeal Tribunal shall give written notice to the Occupant of the date, time and place of the hearing and shall inform

the Occupant that he or she has the right to make oral or written submissions at the hearing in support of the appeal.

- 12.6 As soon as is practicable, but not later than ten (10) days after hearing the appeal, the Appeal Tribunal shall dispose of the appeal by:
- (a) allowing the appeal; or
 - (b) dismissing the appeal

and the decision of the Appeal Tribunal shall incorporate written reasons for the decision.

12.7 The Appeal Tribunal shall provide written notice of the decision to the Occupant and the Housing Committee immediately after making such decision.

12.8 All decisions and orders of the Appeal Tribunal shall be final and binding.

13 PENALTIES

- 13.1 Where an Occupant who has been ordered to make Rental Payments or to vacate a House fails or refuses to do so within thirty (30) days after the Order is made then the Occupant commits an offence.
- 13.2 Any person who assists an Occupant to continue to occupy a House after being ordered to vacate commits an offence.
- 13.3 Any person who commits an offence pursuant to this Bylaw is liable to a fine not exceeding one thousand dollars (\$1,000.00) or to imprisonment for a term not exceeding thirty (30) days, or both.

14 OTHER REMEDIES

- 14.1 This Bylaw does not prohibit Council, on behalf of the Blood Tribe, or the Housing Authority, from taking such other legal remedies available to the Blood Tribe or the Housing Authority for Rental Payments in arrears other than those remedies set out in this Bylaw.
- 14.2 Other legal remedies may be commenced prior to, at the same time, or subsequent to the remedies available under this Bylaw.

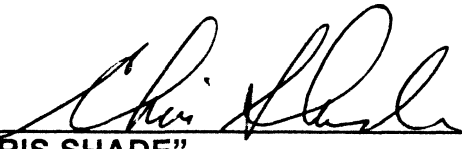
15 AMENDMENTS

15.1 This Bylaw may be amended or altered from time to time by Council resolution and all such amendments or alterations shall be adhered to and have the same force and effect as if they had been originally embodied in and formed part of this Bylaw.

16 IN FORCE

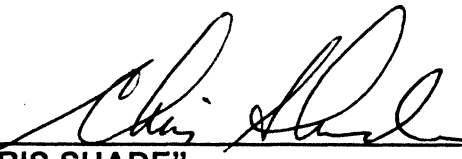
16.1 This Bylaw shall be in force after it has been passed by a quorum at a duly convened meeting of the Blood Tribe Council and upon the expiration of 40 days after it has been forwarded to the Minister pursuant to section 82(2) of the *Indian Act*.

READ A FIRST TIME November 22, 1999;



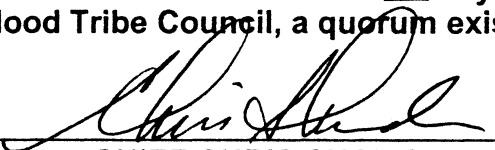
"CHRIS SHADE"
CHIEF

READ A SECOND TIME November 22, 1999;



"CHRIS SHADE"
CHIEF

DONE AND PASSED by the Blood Tribe Council this 22 day of November, 1999 at a duly convened meeting of the Blood Tribe Council, a quorum existing.



CHIEF CHRIS SHADE



COUNCILLOR MARTIN HEAVY HEAD



COUNCILLOR NARCISSE BLOOD



COUNCILLOR RANDY BOTTLE

COUNCILLOR KIRBY MANY FINGERS

COUNCILLOR LEVI BLACK WATER



COUNCILLOR LEWIS LITTLE BEAR



COUNCILLOR TOM LITTLE BEAR



COUNCILLOR ALEX GOODSTRIKER



COUNCILLOR DOROTHY FIRST RIDER



COUNCILLOR JIM RUSSELL



COUNCILLOR LES HEALY



COUNCILLOR ROD FIRST RIDER